

# **BOSTON BOROUGH COUNCIL**

Planning Committee – 01 July 2025

Reference No: B/23/0379

Expiry Date: 05-Feb-2024

Extension of Time: 07-May-2025

Application Type: Major - Full Planning Permission

Proposal: 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

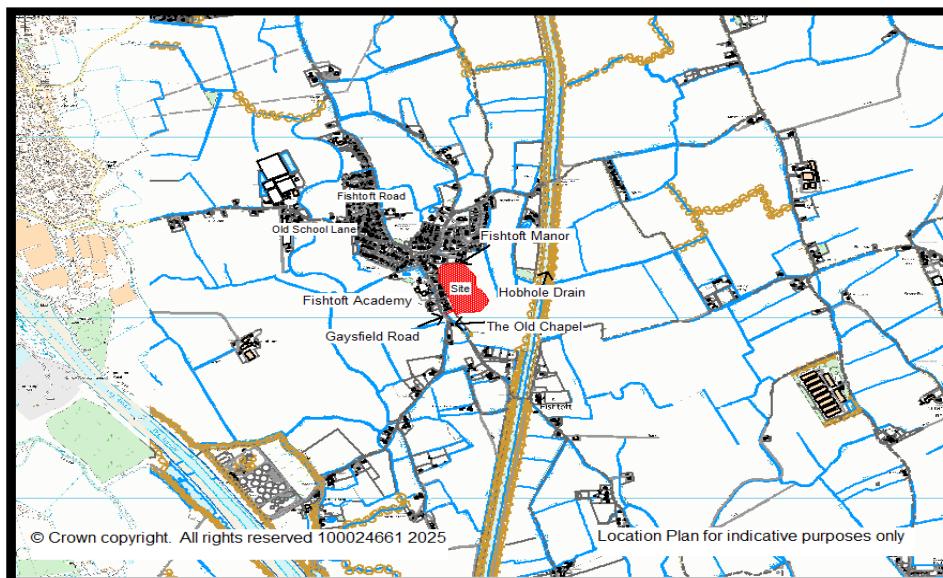
Site: Land to the East of Gaysfield Road, Fishtoft, Boston PE21 0SF

Applicant: Fiona Beddoes, Gleeson Regeneration Ltd

Ward: Fishtoft Parish: Fishtoft Parish Council

Case Officer: Ian Carrington Third Party Reps: 90

Recommendation: **Approve subject to conditions and signing of a Section 106 agreement**



## **1.0 Reason for Report**

1.1 The application was called in for Committee determination by Cllr Mrs. Staples to allow full and public discussion of key planning matters including:

- The impact of the new development on existing neighbours;
- The number of dwellings and the density of the proposal and its relationship to the character of the village;
- Access and egress, and the impact on the local highway network;
- Access to the development for emergency vehicles;
- Design of the dwellings including room sizes and storage space, and their suitability as family homes;
- Flood risk and drainage, and the drainage impacts of the proposal on existing residential neighbours and other buildings.

1.2 In addition the application has generated significant local interest and a substantial volume of comments.

1.3 The application was initially put before the Planning Committee at the meeting on the 06 May 2025, which received a resolution to approve. Following the committee resolution, officers have sought external legal advice. That advice has resulted in an on-balance decision being taken to return the planning application to the committee for it to be considered afresh. In addition, this ensures that the most up to date consultation responses may be considered for completeness.

1.4 A supplementary report is attached at Appendix 1, which contains further information and updates after the drafting of this report.

## **2.0 Application Site and Proposal**

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

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

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

- 2.4 The proposal is for residential development of 89 dwellings and associated infrastructure, drainage and open space. The submission includes 20% affordable housing.
- 2.5 The application has been amended and supplemented since original submission, including in particular revised layouts, amended house types and materials specifications and augmented drainage strategy. These matters are discussed in more detail below.

### **3.0 Relevant History**

- 3.1 B/20/0488 was an outline application which approved the erection of 46 market dwellings on the northern part of the site largely in the area of the allocation.
- 3.2 B/20/0489 was a full application which approved the erection of 20 affordable homes immediately south of the of the B/20/0488 site, the two schemes effectively forming a single larger development.

### **4.0 Relevant Policy**

South East Lincolnshire Local Plan 2019 (SELLP)

Policy 1: Spatial Strategy  
Policy 2: Development Management  
Policy 3: Design of New Development  
Policy 4: Flood Risk  
Policy 5: Meeting Physical Infrastructure and Service Needs  
Policy 6: Developer Contributions  
Policy 10: Meeting Assessed Housing Requirements  
Policy 11: Distribution of New Housing  
Policy 17: Providing a Mix of Housing  
Policy 18: Affordable Housing  
Policy 28: Natural Environment  
Policy 29: Historic Environment  
Policy 31: Climate Change and Renewable and Low Carbon Energy  
Policy 32: Community, health and Wellbeing  
Policy 33: Delivering a More Sustainable Transport Network  
Policy 36: Vehicle & Cycle Parking

National Planning Policy Framework 2024 (NPPF)

National Design Guide (NDG)

Planning Practice Guidance (PPG)

## 5.0 Representations

5.1 The application was initially advertised by means of a Site Notice erected on the 11 November 2023 and by a Press Notice published on the 15 November 2023. Following the receipt of amended details from the applicant, a re-consultation process took place with a further Site Notice being erected on the 02 January 2025 and by a further Press Notice being published on the 15 January 2025.

5.2 As a result of publicity 90 representations have been received at the time of writing with some addresses providing multiple items of correspondence. Of these 90, 7 letters have been received since the application was last before members. These letters cover issues raised and assessed previously including:

- The impacts on Fishtoft Manor, its basement, and the significance of that feature. Also the adverse impact on its setting, fabric and to trees at the Manor.
- Infrastructure for the scouts within the remaining outdoor space.
- Flood risk and drainage, including the sequential and exceptions tests and design of SuDS features and concerns regarding the interceptor drain.
- Concerns about Highway Safety.
- Part of the site is not allocated for housing under the Local Plan and, therefore, is contrary to the SELLP.

5.3 The full text of all representations is available on the Council's website and the planning file. A number of correspondents have also supplied photographs including those showing drainage conditions at the site, boundary conditions and trees. All comments have been carefully considered.

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

Highway safety: Gaysfield Road and the wider village highway network cannot cope with additional traffic; this is exacerbated by parking and traffic using the primary school;

- Village facilities do not have the capacity to cope with the pressures which the additional residents would generate; there are no significant employment opportunities in Fishtoft so residents would have to commute to work;
- Loss of amenity for existing residents through overlooking and loss of privacy;
- Adverse impacts on wildlife and ecology and lack of provision for wildlife and nature;
- Adverse impacts on trees at Fishtoft Manor;
- Flood risk and drainage: the site itself is subject to poor drainage and run-off from the site causes flooding in residents garden on Gaysfield Road and at the Manor;

- Concerns about long term maintenance of proposed drainage systems;
- Fishtoft has already exceeded its Local Plan housing allocation;
- The site is the wrong location for new housing in general and for social housing in particular due to isolation and poor public transport links;
- The construction phase will cause major disturbance to local residents and the village as a whole;
- The site has archaeological remains which could be damaged by the scheme;
- The development would not be in keeping with the distinctive character of the village;
- The recreation area and the attenuation pond should not be close together on safety grounds;
- There is a lack of footpath infrastructure;
- The development would have an adverse impact on Fishtoft Manor and its basement;
- There would be a potential adverse impact upon the nearby heritage asset Fishtoft Manor as a result of flood risk.
- Insufficient information has been supplied to enable an assessment of the impact of the development upon Fishtoft Manor.

5.5 The Scouts: the 3rd Boston (Fishtoft) Scout Group based at the Scout Hut adjacent the proposed entrance commented that it has no objections in principle but expressed a concern that the entrance road would divide the scout hut from the land to the south which it historically uses as part of its activities. It requests a crossing, perhaps a raised crossing/speed hump, in the interests of safety. The Group also expresses concern about parking facilities for non-residents using the recreation area adjacent the attenuation pond.

5.6 The Executive Head Teacher of Fishtoft Academy (the primary school on Gaysfield Road) writes: *'I would like to inform the Planning Case Officer that the school has no concerns regarding the planned development'.*

## **6.0 Consultations**

6.1 The full text of all consultee comments is available on the website and in the planning file. The summaries below may aggregate comments from more than one communication.

6.2 Fishtoft parish Council – objects – grounds include

- Village does not have the infrastructure capacity to absorb 89 dwellings
- ‘Probable future sink estate’ not in keeping with local character
- Excessive housing density
- Inadequate vehicular and pedestrian access
- Inadequate travel plan

- Inadequate hard and soft infrastructure to service new residents who 'will not be particularly affluent, and therefore reliant on local services to a greater degree than the majority of the current population'
- The site will be at high risk of flooding and 'water has to go somewhere'
- Existing Gaysfield Road residents' drainage needs upgrading
- Concern that Gleeson Homes propose that the contractor 'will have the final decision on drainage matters'
- Lack of a submitted archaeological plan
- Lack of construction phase management plan
- Lack of post-construction site management plan

6.3 Lincolnshire County Council Highways/SUDS – no objection - 'Recommendation: Approval subject to the following conditions' – regarding highways LCC states: '*Visibility has been demonstrated in accordance with Manual for Streets. There have been no personal injury accidents reported in the vicinity of the site. There are existing footways along Gaysfield Road that would facilitate safe pedestrian access to and from the proposed development without pedestrians having to share the carriageway with motor vehicles*' and continues: '*The current proposals would be expected to generate approximately 47 trips and the AM peak hour and approximately 47 trips in the PM peak hour that would be diluted onto the highway network – the impact at any given junction will be minimal*'. Regarding drainage LCC supports conditioning further detailed drainage plan based on submitted drainage strategy including that the interceptor drain discharges to the attenuation system; requests groundwater monitoring. Requests conditions relating to highways improvements, highways and drainage. Requests £133,500 for a bus pass scheme and £5,000 for travel plan monitoring.

Final comments received on the 5<sup>th</sup> June confirm that they have reviewed information provided by third parties and confirm that their previous comments stand without amendment.

6.4 Witham Fourth District Internal Drainage Board – no objection – in final comments and correspondence notes a) requirement for 9m easement for Board maintained assets; b) requirement for Board consent for works affecting a number of specified local assets; c) Board consent required to discharge into a watercourse whether Board or riparian maintained and that such discharge will trigger a fee; e) Board does not support the use of 'sub-base reservoirs'; f) notes it is necessary to ensure that raised finished floor levels on site do not adversely impact neighbours; g) requests that the proposed interceptor drain does not terminate in local watercourse but is fed into the on-site attenuation and discharge system; h) requests that details of surface water drainage and long term maintenance schedule of drainage assets are secured by condition; i) accepts discharge rate to Board maintained watercourse of up to 2.5 litres per second from the site attenuation system.

6.5 Anglian Water – no objection – comments a) that there are Anglian Water assets in the vicinity which must be respected; b) that the local system has capacity to accept foul water flows; c) that further processing will be necessary to arrange adoption of drainage assets; d) that surface water drainage does not relate to Anglian Water assets.

6.6 Historic Conservation Advisor (archaeology) – no objection - notes that the area is one of high archaeological potential and notes the findings of a heritage Assessment including geophysical survey. Recommends an archaeological scheme of works including trial trenching is secured by condition.

6.7 Historic Conservation Advisor (non-archaeology heritage) – no objection - notes concerns regarding the precise boundary between the site and the curtilage of Fishtoft Manor and the need for boundary treatments, layout, materials and structures to respect the setting of the listed building.

6.8 Lincolnshire Wildlife Trust – ‘holding objection’ – states that the application is not supported by assessments of nearby sites of scientific or nature conservation interest and wishes to have further information on ecology and compliance with national Biodiversity Net Gain regulations.

6.9 Lincolnshire Fire & Rescue – objects but states objection can be overcome if a) the roadways meet building regulations and LRF’s own carrying capacity requirements for pumping appliances and b) 3 fire hydrants are installed in the development.

6.10 Lincolnshire Police – *‘do not have any objections to this development’*

6.11 BBC Environmental Operations – no objection – comments: *‘Environmental Operations would request confirmation from the applicant if the proposed ‘shared surface’ road serving plots #s 69 - 80 will be constructed to adoptable standards, as our refuse vehicles would be unable to service the street if it were not’*.

6.12 BBC Environmental Health – no objection – comments: a) an update on the ground gas monitoring which has taken place as part of the groundwater monitoring programme is required; b) a comprehensive Construction Management Plan is required which should ensure that wherever possible site deliveries avoid drop-off and pick-up times at the nearby school.

6.13 Active Travel England – no comment as development does not meet its statutory requirements.

6.14 NHS Lincolnshire Integrated Care Board – requests contribution of £58,740 toward primary care.

6.15 LCC (education) – no objection – requests contributions of £517,775.46 towards secondary education and £190,534.84 towards sixth form education.

6.16 LCC (highways) requests up to £133,500 towards bus passes for future residents (total sum dependent on take-up) and £5,000 for travel plan monitoring.

6.17 Sport England – comments include '*consideration should also be given to how any development for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities*'.

6.18 Environment Agency – no objection subject to conditions including finished floor levels and flood resilience measures on certain plots. The Agency confirms it accepts single storey dwellings in this development.

6.19 BBC Forward Plans (Planning Policy) – no objection – notes a) that the site was allocated 'because it has a good flood hazard category. A lot of the allocation has 'No Hazard', some is 'Low Hazard' and a small area is 'Danger for Some' and b) that the proposal meets the Local Plan requirement for affordable housing.

6.20 Historic England – have informally confirmed that the application does not meet the criteria requiring for consulting with them. It has also been confirmed that the Council's Conservation Officer is the appropriate consultee for assessing the impact upon heritage impacts. A formal consultation response to this effect has not yet been received at the time of the drafting of this report. However, details of this response will be included in a published update report prior to the application being considered and determined by the Planning Committee.

## **7.0 Planning Issues and Discussions**

7.1 The key planning issues in the determination of this application are:

- Principle of the development
- Design and impact on local character
- Impact on neighbour amenity
- Flood risk and drainage
- Heritage matters
- Highway safety
- Affordable housing and developer contributions
- Ecology and biodiversity

## **7.2 Principle of the development**

7.3 Policy 1 (Spatial Strategy), Policy 10 (Meeting Assessed Housing Requirements) and Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan (SELLP) set out

the framework for housing provision and make allocations proportionate to current and anticipated need and proportionate to available infrastructure. At Text 3.5.2 the Plan notes: '*the allocated sites identified in the Inset maps are those considered to best meet the requirement for each settlement*'. Members will note the aim of the plan is to deliver 310 units per annum over the plan period, this being through a combination of existing commitments, allocations and windfall development. These numbers are not an upper limit. Members will also note that the Plan was adopted in 2019, and the Council can currently demonstrate a 5-Year supply of housing land. This supply includes site allocations and thus the plan may be given full weight in decision taking.

- 7.4 Policy 11 of the SELLP includes allocated sites. The northern part of the proposal site for this application is shown as allocation 'Fis046 Land East of Gaysfield Road' in Inset Map 15 of the Plan, with an estimated capacity of at least 45 dwellings. (A further reserve site, Fis 041 with an estimated capacity of at least 39 dwellings was allocated elsewhere in the village under Policy 12). The South East Lincolnshire Local Plan 2011-2036 was adopted on 8th March 2019 after widespread public consultation and an Examination in Public. The adopted Plan has been approved by the Planning Inspectorate, is not subject to legal challenge and has full weight in any planning decision. Therefore, the development of this part of the site has been agreed in principle as a result of the allocation.
- 7.5 In relation to land that is allocated within the Development Plan, Paragraph 23 of the National Planning Policy Framework (NPPF) confirms that:

*'Broad locations for development should be identified on a key diagram, and land use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.'*

- 7.6 In this regard the application site's partial allocation with the SELLP is important to deliver the identified needs of the area, in this case, through the provision of housing for the Borough. Therefore, significant weight should be afforded to proposals that subsequently come forward for appropriate development on allocated sites, to ensure that the aims and objectives of the SELLP and needs of the area are met. Furthermore, it is acknowledged that part of the site is not allocated and as such is considered to be 'countryside' pursuant to Policy 1. However, this may not preclude compliance with the development plan as a whole, for the reasons explained within this report, and where material considerations would outweigh any such conflict. Where no significant or demonstrable harm has been identified, and in all other respects a proposal is deemed to be acceptable, there should be a presumption in favour of any such schemes as the primary focus for development within the Borough.

7.7 In addition, development within Fishtoft through windfall sites and existing commitments is also agreed in principle, and thus the area can accommodate growth. Objectors to the proposal have expressed concerns about the sustainability of Fishtoft and its ability to accommodate growth. However, within Policy 1 of the SELLP the settlement of Fishtoft is designated as 'Minor Service Centre'. The sub-text to Policy 1 confirms that such settlements are intended to accommodate services and economic opportunities for the benefit of the service centre itself or meet the service needs of other local communities. This includes the provision of housing as sustainable locations for development within the Borough. As such, this managed approach to growth has already been tested through the plan-making process, and thus, an objection to the development on sustainability grounds would be unreasonable and be unlikely to succeed at Appeal.

7.8 The sites allocated in the Plan resulted from an intensive process of analysis and selection subject to public scrutiny and formal examination. No circumstances have arisen since the adoption of the Plan which would undermine the validity of allocated site 'FIS046' and the present application is in part for housing development on that allocated site.

7.9 The application also includes a slight enlargement of the allocated site to the east and a significant addition of further land to the south. Both of these areas were approved for housing under B/20/0488 and B/20/0489. The eastern extension is a small strip of land and was not regarded as consequential. The southern addition was approved for affordable housing under B/20/0489, effectively as a rural exception site. Whilst the present application blends the affordable units into the overall scheme rather than siting them exclusively in one area, the principle of the use of the land for residential which was established under the two previous applications is not considered to be undermined. Whilst the overall numbers have increased, the total of 89 dwellings is almost the same as the 84 total of the site allocation (ref: FIS046) combined with the reserve site allocation (ref: FIS041) elsewhere in Fishtoft within the SELLP. The scale of this development, therefore, is in line with the overall scale and quantum of development, future growth and new housing for Fishtoft which the Local Plan has already evidenced and assessed as being both appropriate and capable of being serviced by local facilities.

7.10 The principle of residential development is therefore considered to be sound and to accord with policies 1 and 11 of the Local Plan. Taking the market and affordable/low cost housing elements together the housing mix proposed is considered to accord with the requirements of Policy 17 Providing a Mix of Housing. The revised layout plans submitted by the applicant shows that the majority of the dwellings proposed would be on, two- or three-bedroom properties. This represents a significantly more suitable scheme than previously approved through the grant of planning permission (ref: B/20/0488), which was solely orientated towards large detached and executive homes. As such, the current proposal would deliver a more suitable and appropriate housing mix, with a better spread of affordable houses throughout the site, to cater for local needs.

7.11 Overall, the proposals would release development on an allocated site, plus additional land already consented for residential development, to deliver much needed housing for the Borough. This would contribute to the overall housing need for the Borough, as well as contributing to the managed level of growth for Fishtoft as identified through the Local Plan.

7.12 The National Planning Policy Framework (NPPF), (in the versions applying to the 2020 planning permissions as well as today) is clear that proposals should be plan led, and that Authorities should approve development proposals that accord with an up-to-date development plan without delay. This applies in this instance and is given significant material weight. Officers therefore consider that in principle the proposals are in general accordance with the plan when taken as a whole. Therefore, despite concerns raised to the contrary by objectors to the application, there is no sustainable reason why the scheme should not be supported in principle, despite part of the site not being formally allocated within the SELLP, when the application is assessed against the plan as a whole, and due to the material considerations that exist and outweigh any such conflict, as is the case in this instance.

7.13 Therefore, for the reasons detailed above it is considered that the principle of the proposed development is considered to be acceptable and in the main established through the site's allocation in the Local Plan, and by the site's previous planning history which is a material consideration. As such, the proposal is considered to accord with the requirements of Policies 1 and 11 of the SELLP and also with the requirements of the NPPF. This is subject to the further assessment of all other material considerations and policies relevant to the proposed development. Whilst it is acknowledged that whilst the density may not strictly accord with Policy 11, this does not preclude compliance with the development plan as a whole. Furthermore, the material considerations relevant to this specific application, do outweigh such conflict.

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

7.15 Policy 2 (criterion 1 and 2) of the Local Plan deals with development management and requires proposals to meet a range of criteria for sustainable development including matters of size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses and also quality of design and orientation. Policy 3 (criterion 1 and 3) of the Plan sets out parallel criteria dealing with the design of new development which seek to ensure that '*development will create distinctive places through the use of high quality and inclusive design and layout*'. In addition to these local policies Section 12 of the National Planning Policy Framework provides overarching guidance on 'achieving well-designed places'.

7.16 In the case of the current proposal, the application site is not located within a landscape of any special designation, protection or sensitivity either locally or nationally.

Furthermore, the application site is not designated as a local amenity or green public open space, and as such cannot be considered as an area of public realm. Due to the largely back land position and nature of the application site, it is not located in an overtly or visually prominent location within the overall context and setting of Fishtoft, being largely discreet in the main, with the exception of brief views from the access point. The site has limited interconnectivity with the surrounding countryside and landscape due to the partial backland nature of the site and wider surrounding mature trees and vegetation.

- 7.17 The application site makes a limited contribution to the character and value of the surrounding landscape by virtue of the limited inter-visibility between it and the surrounding countryside. In a similar manner, it is considered that the proposed development would not restrict or adversely affect any important or significant views from Fishtoft to the surrounding countryside.
- 7.18 The design of the scheme to be determined reflects a number of changes made in response to discussions with officers. In particular the main roadway is now more sinuous, and amendments have been made to the siting and orientation of dwellings and to the materials to be used. The area of public open space and the attenuation pond has also been subject to changes.
- 7.19 The application site is located immediately adjacent to the village of Fishtoft. In this regard, the application site can reasonably be considered to be well-related to the settlement sequentially. As such, the site would not be viewed as a poorly-related spur, nor would it appear as an incongruous development visually. This weighs neutrally in the planning balance, as a lack of harm is a pre-requisite for development proposals and not a benefit that should be afforded substantial weight.
- 7.20 The planning application was supported by an indicative Landscape Strategy Plan. This document demonstrates how further enhanced landscaping could be achieved for the proposed development and the extent of the visual impact that would arise as a result of the proposal. The plan shows that the development would be capable of being designed and built so as not to result in any significant or harmful visual impacts to either the setting and pattern of Fishtoft, or to the character of the wider surrounding landscape, in accordance with Policy 2 (criterion 1 and 2) and Policy 3 (criterion 1 and 3) of the SELLP.
- 7.21 The layout is similar to that approved under B/20/0488 and B/20/0489. A spine road runs up the west side of the development, but whereas the earlier version continued around the site to form an oval, the present proposal has spur roads on an east-west axis. This accommodates increased dwelling numbers, and also breaks the development into smaller sub-neighbourhoods. The attenuation area remains in the south east, with public open space and recreation area around it.
- 7.22 The spine road has been amended from the straight road originally proposed to a more sinuous design and the orientation, house-type and materials of the dwellings has been

made less uniform. On the spur roads the front elevations have been stepped alternatively forward and back, again with increased variety of house-type and materials. Overall, this will create a more interesting and varied street scene which is considered to contribute to a better living experience for residents.

- 7.23 The application is supported by a landscaping plan which indicates proposed planting including grassed areas and public open space, planting of trees and shrubs, new stretches of hedgerow and other soft landscaping elements. In general terms this is considered appropriate and will contribute positively to the quality of life enjoyed by future residents. A condition is recommended to secure the fine details of the landscaping in accordance with the general principles of the landscape plan.
- 7.24 The elements of the landscape plan are also relevant in the delivery of biodiversity net gain, and this is discussed in more detail later in this report.
- 7.25 In relation to concerns that have been raised by objectors relating to density, it is noted that such concerns primarily relate to the sites allocation within Policy 11 the SELLP for 45 dwellings, which covers the northern part of the site. However, these concerns do not fully take into account the sites planning history and the extant planning approvals that have been granted for the majority of the southern part of the application site (ref: B/20/0488 for 46 market dwellings and ref: B/20/0489 for 20 affordable dwellings), which are a material consideration that must be taken into account in the determination of this planning application, as enshrined in planning law.
- 7.26 Furthermore, it is important to note that in any event a site allocation number is not prescriptive. Whilst this should represent the starting point for any development, higher or lower numbers can be proposed, and approved, so long as the overall development accords with the policy requirements of the Local Plan as a whole in relation to matters such as design, density and highways implications etc. It is only in instances where demonstrable harm can be identified, that an increase in housing numbers represents a reasonable ground for refusal.
- 7.27 The current proposal is for 89 dwellings on a 3.89 hectare site, a density of 23 dwellings per hectare. Looking elsewhere in the village, the housing on St Guthlac's Way is at a density of just over 20 dwellings per hectare, and the area bounded by Church Green Road, Fishtoft Road and Gilder Way is also at a density of just over 20 dwellings per hectare. The area inset from Church Green Road served by Royal Way and Scotia Road is a little denser at 24 dwellings per hectare. Whilst the density proposed may not mirror the older core/areas of the settlement, it is reflective of these more modern developments. As such, the proposed density of 23 dwellings per hectare can reasonably be said to be both in-keeping with and appropriate for the settlement. Therefore, the development cannot reasonably be said to be at odds with the existing built environment or the settlement pattern of Fishtoft.

7.28 Both the Local Plan and the NPPF have relevant guidance in this regard. The SELLP (at paragraph 3.3.2) and the NPPF (at paragraph 129) make clear that development should make 'efficient use of land', the Framework stating that: 'planning policies and decisions should support development that makes efficient use of land'. Both documents emphasise that this should be in the context of local character, and the proposed density is demonstrably in keeping with the range of densities found in Fishtoft. For the reasons set out above, it is considered that the proposal accords with the requirements of Policy 2 (1) and Policy 3 (1) of the SELLP regarding density and the impact of the development upon the character or appearance of the settlement.

7.29 In terms of the visual impact of the development, the external impact of the proposal beyond its own boundaries would be very limited. The site is screened from the north and west by existing development and viewed from the nearest public footpath some 300m east on the bank of the Hobhole Drain it would effectively merge into the backdrop of the built form of the village. It would in many ways appear as a natural evolution of the village. Being largely concealed from the highway by existing housing and landscaping, the proposal would not have a significant urbanising impact in the street scene. Overall, the development would be in keeping with the character of the village and would accord with Local Plan and NPPF requirements on design. In this regard, it is considered that the development of this site, with a high-quality landscaping scheme proposed and secured through condition cannot reasonably be said to be demonstrably harmful to the landscape setting or character of Fishtoft and would be in accordance with Policy 3 of the SELLP 2019.

7.30 Although it is considered reasonable to conclude that some degree of landscape harm would arise through the loss of an agricultural field, the extent is considered to be minor and not significantly adverse. The proposed development would not have a significantly adverse impact upon the character of the local landscape due to the nature of the proposed development and due to the relatively limited significance or importance that the site makes to the wider landscape or its setting. These matters have already been accepted and supported by the Council's previous assessments undertaken at the time of the sites part allocation within the SELLP and through the previous grants of planning permission.

7.31 Furthermore, it is considered that the minor level of harm that would be caused in this regard would be outweighed by the benefits that the scheme would deliver in terms of the achievable supply of housing and through biodiversity net gain when considered in the planning balance.

7.32 Overall, whilst it is acknowledged that considerations on design are a largely subjective matter, in the opinion of officers the design approach proposed by the applicant is considered to be acceptable and of a suitably high quality that would result in no adverse or demonstrable harm being caused to the character of the area. As such, it is considered

that the proposal accords with the requirements of Policies 2 (criterion 1 & 2) and 3 (criterion 1 & 3) of the SELLP and with Chapter 12 of the NPPF.

### **7.33 Amenity impacts**

7.34 Within the SELLP, Policy 2 (6) and Policy 3 (11) seek to ensure that development proposals do not result in adverse impacts upon the amenity or quality of life of neighbouring dwellings and properties or to local residents more widely.

7.35 As with the predecessor applications, concerns have been raised by neighbours to the west and north of the site about loss of amenity through overlooking, massing and disturbance through domestic use of the land. These concerns have been carefully assessed, and the amended plans seek to address issues raised.

7.36 There is no doubt that the development will have an impact on residents bordering the site. In particular where they currently enjoy an open countryside view there will in future be a prospect of domestic housing. However, loss of view is not a material consideration: the planning issue is whether residential amenity would be unacceptably harmed by the development through such factors as overlooking, loss of light, massing, noise or odour. Furthermore, this must be considered in the context of the residential allocation of the site as set out earlier in this report, as the context of these relationships was anticipated to change.

7.37 The development has been designed to maintain a separation of at least 20 metres dwelling-to-dwelling between the new homes and the existing Gaysfield Road neighbours, and in most cases that distance would be closer to 25 metres. In urban and suburban situations, a separation distance of over 16 metres is generally considered acceptable as far as overlooking is concerned, and whilst some of the new dwellings will be two storey units it is not considered that any of them will have an unacceptably harmful impact through overlooking or loss of privacy. Being set due east of Gaysfield Road, and given the separation distances, the proposal will have no significant impacts in terms of overshadowing or loss of light. Overall, this separation distance and the design of the proposed dwellings would ensure that the proposal would not result in any unacceptably harmful over-looking, loss of privacy nor appear overbearing to any neighbouring properties or their private amenity garden areas.

7.38 Notwithstanding the above, it is acknowledged that during any building out of a development, neighbouring amenity can be affected. Such construction works can result in noise and other environmental emissions which can impact upon residents. However, it is acknowledged that this is to be expected for a temporary period. The inclusion of appropriate controls and mitigation secured through the imposition of conditions deal with such matters satisfactorily and will ensure this impact is not severe or unacceptably harmful.

7.39 To summarise, by reason of separation distance, orientation, scale and fenestration the new dwellings would not cause unacceptable harm to the residential amenities of neighbours to the west or north. Gaysfield Road is an urbanised location and the relationship between the existing and the new dwellings would be typical of that found elsewhere in the village. Therefore, for the reasons set out above it is considered that there would be no demonstrably adverse or unacceptable harm likely to arise for existing or future residents and as such the development is considered to accord with the requirements of Policies 2 (6) and 3 (11) of the SELLP.

#### **7.40 Flood risk and drainage**

7.41 An important consideration in the determination of this current application is the impact of potential flood risk arising from the development and ensuring that appropriate drainage can be achieved. It is noted that several objectors, including the Parish Council, have raised concerns regarding the flood risk vulnerability of the site and the resultant impact that may arise to existing neighbouring properties

7.42 Within the SELLP, Policy 3 (12) seeks to ensure that all new development proposals demonstrate that they can be serviced by appropriate drainage systems and infrastructure to ensure that flood risk is not increased either in/at site or to any surrounding land.

7.43 Furthermore, Policy 4 acknowledges that much of the Borough is located in areas of significant risk of flooding. As such, Policy 4 sets out the Council's approach to flood risk and sequential tests that must be applied to all development proposals to ensure that a robust approach is demonstrated to ensure that there will be no resultant adverse consequences associated with flood risk.

7.44 This local policy position is in accordance with National Policy as set out within the NPPF. In particular, Paragraph 170 of the NPPF states "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*". Furthermore, Paragraph 173 states "*A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.*"

7.45 In the case of the current application, it is acknowledged that the application site is located within a Flood Zone 3a, being that with the highest risk of flooding and increased flood risk. However, it is noted that the majority of the Borough is similarly an area of increased flood risk vulnerability. Whilst this does not automatically preclude development proposals being approved, it does require a Local Planning Authority to undertake the necessary sequential test as part of the determination of any such planning application.

7.46 In this instance, the sequential test must be considered differently for the northern area of the site that is currently allocated within the SELLP for residential development and the southern area of the site that is not allocated within the SELLP, but which benefits from an extant planning approval for residential development.

#### Northern Area/Allocated Land

7.47 Within Paragraph 180 of the NPPF, it is confirmed that development proposals which come forward on sites allocated within the Local Plan, do not require a sequential test to again be applied or re-applied to the site. In such circumstances any applicable site is considered to be sequentially acceptable.

7.48 Notwithstanding the above, the current application is supported by a site-specific flood risk assessment (FRA) which meets the requirements of Policy 4(3) of the SELLP and also the NPPF. As a residential development in a location of elevated flood risk any development must mitigate flood risk. The allocated part of the site is in Flood Risk Zone 3a. The hazard mapping varies across the site ranging from Danger to Some to Low or No Hazard. Similarly predicted depths vary across the site from 0-1m. Compared to other sites in Fishtoft, this site is favourable in flood risk terms based on hazard and depth. At the plan-making stage this part of the site was fully assessed and no more recent information has come to light which would undermine the residential allocation set out in the Local Plan. Therefore, in line with paragraph 180 of the Framework the sequential and exception tests do not need to be applied again.

7.49 In light of this part of the site being an allocated housing site within the SELLP, no further sequential test is required to be undertaken, and the site can be considered to be sequentially acceptable in line with Paragraph 180 of the NPPF.

#### Southern Area/Non-allocated Land

7.50 The remainder of the site has not been assessed as part of the Local Plan allocation and therefore should be assessed at this stage. As noted above, a significant proportion of the land within the Borough is 'At Risk Land' within the guidance set out within the National Planning Practice Guidance (NPPG). However, this area of the site has been assessed against the Council's Strategic Flood Risk Assessment (SFRA), which is based upon the most up-to-date information and data supplied by the Environment Agency mapping system. This is shown on the below mapping extract:

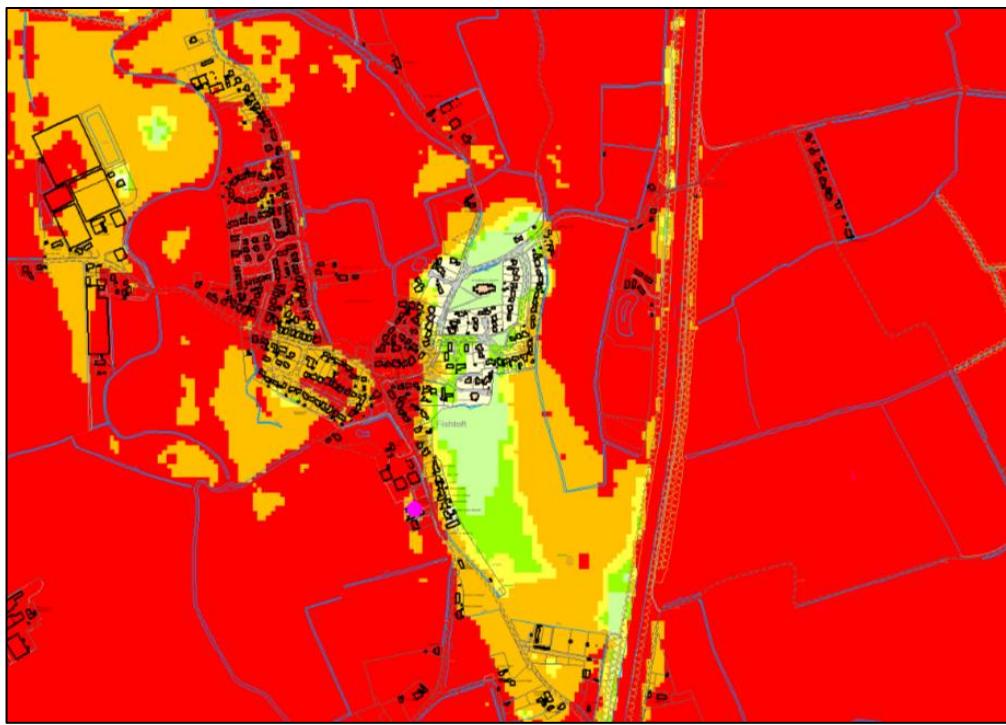


Figure 1: Flood Hazard Zones in and around Fishtoft

(Key: Red – Danger for All; Orange – Danger for Most; Yellow – Danger for Some; Green – Low Hazard; Light Green - No Hazard)

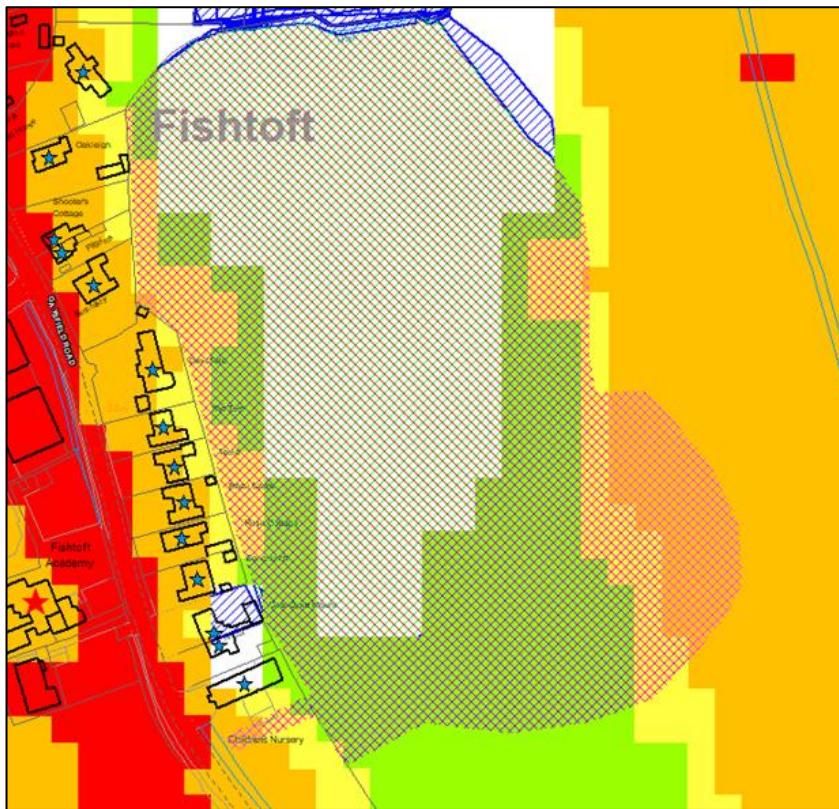


Figure 2: Approximate location of the site within the flood hazard zones

7.51 Within the SELLP, Policy 4 sets out that the search area for the sequential test should be land within the settlement boundaries across the Borough. However, this development is considered to be an appropriate location for the housing and as assessed above, an appropriate density of housing within the settlement. It is therefore considered reasonable to limit the search area for the sequential test to the Fishtoft settlement boundary in order to facilitate the wider delivery of housing and the adjacent allocation within a highly sustainable settlement.

7.52 The majority of the housing is proposed on land within either a no hazard or low hazard (green) area. Within the part of the site falling within the Danger for Some and Danger for Most (yellow and orange respectively) is the proposed drainage basin area and would not have any dwellings.

7.53 Within that search area, there are no sites at lower risk of flooding than the proposal. It is noted that an area north of Clampgate is also at no hazard, however, this site is not within the settlement boundary or allocated and cannot be considered to be reasonably available. Furthermore, the area of the site not at risk is not capable of accommodating the scale of this development at this density. It is therefore considered that there are no sequentially preferable sites within that search area that could genuinely provide a deliverable supply of housing. This matter is reinforced through the Council's previous approval of housing in this part of the site under planning approval ref: B/20/0489.

7.54 The above considerations are also balanced in the context of the Council's need/requirements to provide a deliverable supply of housing (including affordable housing provision) to meet the needs of the Borough and its residents, which is also afforded significant weight in the planning balance. In this regard, the application site can be considered to be 'reasonably available' as defined in National Policy as being in a sustainable location and with a reasonable prospect of being developed.

7.55 Due to the material considerations and wider public benefits that the scheme would deliver through housing provision and the lack of other reasonably available alternative sites at a similar or lower risk of flooding the proposal is considered to satisfy the sequential test. Even were this not the case, whilst significant weight would be attached to any conflict, general housing delivery and the need for the supply of deliverable housing sites is a material consideration that would outweigh such conflict and nonetheless justify approval in this instance.

7.56 In this regard the proposal can be considered to comply with the requirements of Policy 4 (criterion 1, 2 & 3) of the SELLP.

Exceptions Test

7.57 Following a successful sequential test it is then necessary to apply the exceptions test. This has been carried out as part of the allocation but given the increase in housing

provision it is considered reasonable and appropriate to reapply this across the whole site. The exceptions test, as set out in paragraph 178 of the NPPF which sets out:

*To pass the exception test it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.58 In this case the flood risk is limited, with housing directed to the lowest areas of flooding within the site and the predicted flood depths only 0-0.25m for the majority of dwellings, with only Plot 14 along the western boundary at a slightly higher risk of 0.25-0.5m in a 1 in 200 scenario and 1 in 1000 scenario for single storey dwellings. The proposal's wider benefits, in terms of contributing to the housing supply and affordable housing provision, are considered to outweigh this flood risk and satisfy the first part of the exceptions test.

7.59 Turning to the second part of the test, the submitted flood risk assessment includes proposed flood mitigation measures, and these have been considered by the Environment Agency. The Agency has considered these measures acceptable subject to a condition to secure them. Surface water flooding is considered in detail below but otherwise the proposal is considered to pass the exceptions test.

#### Surface Water Drainage

7.60 Infiltration drainage is not a viable option in this location. The proposed Sustainable Urban Drainage Scheme (SUDS) therefore employs roadside swales and a network of underground drains to capture and channel surface water south to an attenuation pond. From there excess surface water will be carried by a pipe to a watercourse which is maintained by the Witham Fourth District Internal Drainage Board (IDB) to the east of the site, and thence from the IDB network to the Environment Agency watercourse network for final discharge to the sea. The rate of flow into the IDB drain would be limited by a hydrobrake to no more than 2.5 litres per second. Taken together with the attenuation pond, this will ensure that the on-site system can store surplus surface water awaiting discharge, and that the IDB system has the capacity to cope with flows discharged.

7.61 Residents of Gaysfield Road have provided photographic evidence that surface water from the field forming the application site sometimes flows into their back gardens during heavy rainfall events causing localized flooding and considerable distress. At the insistence of this Authority the drainage scheme as originally submitted has been modified to include an interceptor drain running along the boundary with neighbouring properties. Whilst the main SUDS scheme will intercept almost all the water from the developed area of the field, a small portion of the western part of the site which falls slightly toward the Gaysfield Road properties will drain into the interceptor drain. This will

not be a passive sump, but a graded drain which will capture and actively remove any surface water which would otherwise have flowed off the site and affected the neighbours. Run-off from the existing field has also been reported as causing problems at the northern site boundary, and the interceptor drain will therefore run adjacent to this boundary as well as the western. In this regard the scheme therefore represents significant betterment and is designed to remove a problem which has been affecting neighbouring residents for many years, in accordance with the requirements of Policy 4 (criterion 2 and 3e) of the SELLP and the exceptions test.

- 7.62 The highways will be adopted by the Highways Authority which has confirmed that the roadside swales would be part of that adoption. The drainage network will be offered for adoption to Anglian Water, with any assets not adopted by Anglian Water or the County Council being maintained by the site management company. The Drainage Strategy also verifies that foul water flows to the Anglian Water sewer are acceptable, and this has been confirmed by Anglian Water in its comments on the case.
- 7.63 The application is supported by a detailed site-specific flood risk assessment (FRA) which meets the requirements of the Policy 4(3) of the SELLP and Paragraph 178 of the NPPF. The surface water drainage scheme has been modelled to cope with 1 in 100-year rainfall events plus a 40% margin. The application has been subject to detailed review by Lincolnshire County Council as the Lead Local Flood Authority, Anglian Water, the Environment Agency and the Witham Fourth District Internal Drainage Board (IDB). The Environment Agency consultation included a specific check that single storey dwellings are acceptable on the site, to which the response was positive although additional raising of finished floor levels will be necessary on plot 14. The drainage board has stated there must be mitigation to ensure that raising part of the site will not displace surface water onto neighbouring land. The overall drainage plan and the interceptor drain will achieve this.
- 7.64 The submitted drainage plan is considered satisfactory to establish that the principle of the strategy will drain the site. However, given the level of flood risk and the poor natural permeability of the site, it is considered necessary to impose comprehensive conditions to ensure that engineering- and construction-level drawings and calculations are submitted to and approved by the Authority prior to the commencement of any works. This will give the Local Planning Authority (advised by the Lead Local Flood Authority, the Environment Agency and the internal drainage board) the opportunity to verify and approve all final details and ensure that the system will function as intended. In this regard it is noted that the outfall of the interceptor drain as initially proposed is not considered satisfactory. This would have discharged into a riparian watercourse beyond the site boundary, and such a watercourse could not be subject to the on-site maintenance schedule secured by condition. The state of repair and capacity of the watercourse was also not calculated. Instead, a drainage condition is proposed which will ensure that the interceptor discharges via the on-site attenuation pond to the IDB maintained watercourse and thence to the Environment Agency system.

7.65 It is noted that objectors to the application do not agree with this view and have raised serious concerns regarding inadequate drainage and the likely increased risk of flooding that would arise were the development to be approved. This includes the submission of detailed documentation setting out the basis upon which such concerns are based. In order to ascertain the validity of such concerns, this documentation has been supplied to the LLFA to consider and assess in their capacity as the primary consultee relating to surface water flooding. The LLFA has assessed this documentation and considers that the concerns raised have been fully addressed through the applicant's submission documents, and would be appropriately mitigated against through the condition recommended to be imposed relating to surface water drainage details. As such, the information supplied by objectors, does not change or alter the LLFA's position in relation to this application.

7.66 Therefore, whilst the comments and concerns of objectors relating to flooding are duly noted, due to the detailed Flood Risk Assessment supplied by the applicant, the lower risk classification of the site, the satisfactory responses provided by the expert consultees and with the imposition of further conditions as mitigation, it is considered that the proposal will satisfactorily mitigate flood risk and will not cause increased risk of flooding at the site or to any surrounding land. The proposal is therefore considered to comply with the requirements of Local Plan Policy 4 and with the provisions of Section 14 of the NPPF.

#### **7.67 Heritage matters**

7.68 The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm.

7.69 Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building or Conservation Area should preserve or better reveal the significance of the building and the setting. Section 16 of the NPPF re-iterates these aims and further requires the significance of non-designated heritage assets to be considered and a sets out that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.

7.70 Furthermore, Paragraph 215 of the NPPF confirms that, '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

7.71 Grade II Listed Fishtoft Manor and Grade I Listed St Guthlac's Church are the only designated heritage assets close to the development, with Fishtoft Manor being located approximately 20 metres from the northern site boundary, the owners of which have

registered an objection to the proposal. New housing (the Manor Grange development) has recently been allowed near the manor house, which was previously assessed as being acceptable and which would result in no harm being caused to the Listed Building. In a similar manner, the current proposal will by reason of distance, dwelling types and boundary treatments also have no harm on its setting, either when assessed individually or cumulatively with this previously approved development. The church is some 240m north east of the proposal and separated from it by modern housing and the scheme will have no material impact on its setting or significance. Due regard was also given to heritage issues at the time the allocation was made. As such, it is considered that no harm would arise to St Guthlac's Church.

7.72 Whilst it cannot be stated that the proposed development would result in no harm being caused to the nearby Fishtoft Manor, the extent of that harm is considered to be less than substantial and largely minor. Despite the 20 metre separation distance, there are no direct lines of sight between the Manor and the proposed housing due to the presence of mature trees. Furthermore, the residential development of the site is already established as being principally acceptable via the allocation in the Local Plan and would not introduce a new or incongruous use type to the locality which would impact upon the appearance, character or the historical significance of this important local heritage asset to any discernible degree.

7.73 In addition, the application site forms part of a wider expanse of agricultural land that that neither historically or presently forms part of the setting of this Listed Building and has no discernible interconnectivity with Fishtoft Manor. Therefore, it is reasonable to conclude that the proposed development would not adversely or negatively alter or affect any specific features that add to the character, appearance or the historical significance of this important heritage asset, reinforcing that less than substantial harm would be caused to the heritage asset, with only minor harm being caused to its setting.

7.74 In order to make this assessment, the application is supported by a Heritage Environment Desk-Based Assessment which comprehensively set out the impacts of the proposed development upon the heritage environment. The report concludes that the development would result in only a minor impact upon any heritage asset in the locality or wider area. In addition, at the time of the grant of planning approval ref: B/20/0488 (which related to the same northern area of the current application site), that application was supported by a Heritage Statement which outlined that only minor harm would be caused to any nearby Listed Buildings, including Fishtoft Manor, primarily as a result of a change to its setting. The approval of that application by the Council's Planning Committee has established that whilst some change will occur to the setting or this heritage asset, the extent of that impact is minor and principally acceptable. This assessment and its acceptance by the Council, is a relevant and material consideration in the determination of this application. No concerns or views to the contrary have by the Council's Conservation Officer to this current application, subject to conditions securing protection for the boundary trees and also to ensure sensitive boundary treatments are

secured to avoid any adverse visual impact to the Manor. Furthermore, Historic England has also confirmed that the Council's Conservation Officer is the appropriate consultee to make this assessment.

7.75 Whilst it is noted that objectors to the application have raised concerns regarding the impact of the proposal upon Fishtoft Manor and its basement associated with flood risk, at the present time such concerns can only be considered to be anecdotal, with no tangible evidence or technical assessments provided to demonstrate this to be the case, or which cast doubt on the information and assessments provided by the applicant, or the responses returned by any consultee. In contrast, the applicant has submitted a drainage strategy for the site, which subject to final details being secured by means of a planning condition, would deal with drainage effectively and ensure no flooding issues arise to any surrounding land or properties. This includes the interceptor drain, referred to previously, which would run along the northern and western boundaries of the site, and would ensure that no surface water flooding occurs to Fishtoft Manor which lies to the north of the site.

7.76 The high archaeological potential of the site has been emphasised by the Council's heritage advisors. The applicant accepts that there are a number of points of archaeological potential and interest within the site boundary, which could be off set by the implementation of a conditional programme of archaeological works which would be secured through the imposition of a pre-commencement condition. Therefore, subject to the successful discharge and implementation of this condition, it is considered that no adverse or demonstrable harm would arise to the historic environment in terms of archaeology. As such, the development would accord with the requirements of Policy 29 of the SELLP and paragraph 215 of the NPPF.

7.77 For the reasons detailed above, it is considered that the proposal would result in less than substantial harm being caused to Fishtoft Manor. Where any harm would be caused, the extent of that harm is minor and would be outweighed by the wider public benefits of the scheme being the provision of deliverable housing (including affordable housing provision) to meet the needs of the Borough. Therefore, it is considered that the proposal accords with the requirements of Policy 29 of the SELLP, Chapter 12 of the NPPF and with Sections 62 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **7.78 Highways and Access**

7.79 Within the SELLP, Policy 2 (4), Policy 3 (4) and Policy 36 (criterion 1 and 2) seeks to ensure that all proposals can achieve appropriate means of access, that the likely traffic levels generated can be accommodated by the existing highway network and that the development provide sufficient levels of off-street parking provision so as to ensure that there would be no adverse impacts upon the existing highway network from either a safety or capacity perspective.

7.80 This local policy position is supported further by Paragraph 116 of the NPPF which confirms that, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

7.81 In the case of the current proposal, the application is supported by a suitably detailed Transport Assessment (including estimated vehicle generation information) and supporting suite of plans which considers and assesses the likely number of vehicle movements that the scheme would generate, and the impact that this would have on existing highway conditions. This is in addition to information demonstrating how safe access and appropriate access could be achieved for the site onto and from Gaysfield Road, and also throughout the site itself to serve each property. The estate roads would join the highway network on Gaysfield Road just south of the Scout Hut. Internal roadways would be built to adoptable standards and would when complete be adopted by the County Council.

7.82 It is noted that Lincolnshire Fire & Rescue has lodged an objection, but it is also noted that this objection can be overcome by a) ensuring that the roads are constructed to building regulations specification to take the weight of a fire engine and b) by the provision of three fire hydrants. Both of these measures can be secured by condition.

7.83 In its role as Highway Authority the County Council has assessed the proposal. As with the predecessor applications it considers that the entrance is safe and that the impact on the local highway network will be acceptable. Some improvement to the local footway/cycleway network is requested via a Grampian condition. This request is considered reasonable and necessary, and an appropriate condition is recommended.

7.84 The applicant has demonstrated to the satisfaction of the Highway Authority, that the proposed access would be appropriate and would not result in harm or undermine the safety of users of the surrounding highway network. Furthermore, the Transport Assessment undertaken has also demonstrated that the likely number of vehicle movements that would be generated by the development could be accommodated and absorbed by the existing/surrounding highway network from a capacity perspective with no adverse harm arising.

7.85 Whilst this view is not shared by objectors to the application, such concerns are noted to be anecdotal, whereas the application submission is supported by a detailed and appropriate Transport Assessment – the detail, scope, and findings of which are supported and agreed by the Highway Authority as the relevant Statutory Consultee.

7.86 Whilst the conclusions of the Transport Assessment differ from the views of objectors, no contradictory tangible evidence or assessment has been presented beyond anecdotal views to the contrary which would cast doubt on this document. Furthermore, it is important to note that an increase in vehicle movements itself does not equate to harm

being caused, nor warrant the refusal of a planning application. The key consideration and planning test that must be made, is the extent and impact of any such increase, and whether this would result in demonstrable and severe harm to the highway network from either a safety or capacity perspective as confirmed within Paragraph 116 of the NPPF. There is no evidence to suggest that demonstrable or severe harm would arise as a result of the development.

7.87 Therefore, considering the assessment contained within the Travel Assessment submitted, and the lack of concern or objection from the Highway Authority, it would be unreasonable to conclude that the proposal would result in demonstrably severe or adverse highway impacts or harm either from a safety or capacity perspective. As such, officers are of the opinion that there is no justifiable reason for the application to be refused on the grounds of highway safety.

7.88 Accordingly, the applicant has demonstrated that safe and appropriate access could be achieved to the application site. Furthermore, the applicant has demonstrated that capacity exists within the surrounding highway network to absorb and accommodate the likely number of vehicle movements that would be generated. As such, the development is considered to accord with the requirements of Policies 2 (4), Policy 3 (4) and 36 (criterion 1 and 2) of the SELLP and with Paragraph 116 of the NPPF.

#### Sustainable Transport

7.89 Within Policy 33 of the SELLP, in general, seeks to promote development proposals which provide genuine sustainable modes of transport instead of a sole reliance on the use of cars.

7.90 In the case of the current application, the Transport Assessment details the sustainable modes of transport that are available for the site as alternatives to the use of car. This includes walking and cycling options that are available to future residents to access local services within Fishtoft. In addition, this document details the proximity of the site to a bus stops which regular services available to larger towns and settlements such as Boston.

7.91 In light of the above, it is reasonable to consider that the development can benefit from higher levels of sustainable access. Therefore, if the application is approved, future residents would not have to rely solely on the use of car to go about their day to day living. This view is supported by the Highway Authority which has requested a financial contribution be made by the developer towards bus passes for future residents, which would be secured through a S106 agreement. Therefore, the development can be said to have broad compliance with Policy 33 of the SELLP regarding sustainable transport options. This matter is afforded positive weight in the planning balance.

## 7.92 Developer Contributions and affordable housing

7.93 Policy 6 of the Local Plan deals with developer contributions. It states:

*'Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms'.*

7.94 The policy goes on to detail the linked relevant policies for different aspects of planning gain which will apply. These include Policy 18 dealing with affordable housing which requires market housing developments of this scale to deliver a 20% contribution of on-site affordable housing provision. Policy 18 was modified to match by central Government guidance issued after the CLLP was adopted to read that affordable housing contributions would be sought for developments of 10 or more (rather than 11 or more) dwellings.

7.95 The supporting text to the policy states (at 3.7.11):

*'The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted. Preferably this should form part of the pre-application negotiations but must be submitted with a planning application. Each Local Planning Authority's independent valuer will consider the assessment. All costs associated with the assessments will be met by the developer'.*

7.96 This is consistent with higher level guidance set out in the NPPF and Planning Practice Guidance. At paragraph 58 the Framework sets out the criteria which apply to all planning obligations and at paragraph 59 it details the circumstances under which an applicant may submit viability arguments and how Local Planning Authority should respond using nationally established guidelines. More detailed guidance on the technicalities of viability assessments is set out in Planning Practice Guidance.

7.97 In this case the planning obligations sought against the proposal are:

- 20% affordable on-site housing contribution;
- £58,740 towards local NHS primary healthcare;
- £708,534.84 requested by the County Council for education, £517,775.46 being for secondary education and £190,534.84 being for sixth form provision (the local primary school adjacent to the site has spare capacity and no primary contribution is requested)

- Up to an additional £133,500 requested by the County Council to fund bus passes for future residents (this request was received in April 2025, after the viability assessment had been prepared) plus £5,000 for travel plan monitoring.

7.98 The applicant asserted that the scheme could not bear the obligations sought and submitted a detailed viability case. In line with Policy 6 this was assessed by the Council's expert independent advisor, CPV Viability Ltd., using nationally agreed methodology and with the costs borne by the applicant. The analysis is detailed and lengthy, but can be summed up in CPV's own words:

*'we find that the scheme can provide either 12 (13.48%) onsite affordable rented units plus the full S106 payment of £767,275 or a 20% onsite affordable housing provision and a reduced S106 payment of £400,000'.*

7.99 In considering the relative weight to be given to the different forms of planning gain sought, the site history is of particular relevance. As was set out in detail earlier in this report, only the northern part of the site is allocated. The principle of residential development over the whole site including the non-allocated land was established through approvals B/20/0488 and B/20/0489. These applications included market and affordable housing with the affordable units located together at the southern end of the site. The present application distributes the affordable units throughout the development (which is regarded as preferable) and that sustains the principle of residential development. That included consent for 20 affordable dwellings, 20% of this scheme proposes 18 such dwellings (a mixture of rental and shared ownership). However, if the affordable housing contribution were to be removed or significantly reduced, the principle of the development would be undermined because it was established on the basis of a full contribution meeting the requirements of the Local Plan.

7.100 It therefore follows that in establishing a hierarchy of planning obligations (which is necessary as the site has the capacity to meet only some of the contributions which are sought) affordable housing should have primacy, since without a full contribution as required by the Local Plan the basic principle of the scheme would become unsound. The second option proposed by CPV is therefore the one recommended to be followed: 'a 20% onsite affordable housing provision and a reduced S106 payment of £400,000'. This has been accepted in writing by the applicant.

7.101 The above requests comply with Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition, the above planning obligations comply with the provisions of regulation 123 relating to the pooling of planning contributions.

7.102 Turning to the remaining contributions which have been requested it is noted that local NHS primary care will serve all future residents, whereas secondary and sixth form education will serve only part of the population, and some of those will be at a relatively distant point in the future. Whilst health and education are both deeply valuable to the community, it is therefore recommended that the NHS contribution of £58,740 is made in full with the remaining £341,260 being allocated to LCC to be distributed to education with £5,000 of that being reserved for travel plan monitoring. All planning obligations would be secured by a Section 106 legal agreement. This solution is considered to be in keeping with the provisions of the Local Plan, the National Planning Policy Framework and Planning Practice Guidance relating to planning obligations.

7.103 No allocation is recommended for the bus pass scheme proposed by the County Council. In part this is because such a scheme, whilst desirable, is not seen to carry greater weight or to be likely to provide greater public benefit than the elements identified above – it is considered to be lower in the hierarchy. In addition, the bus pass scheme faces two further hurdles. Firstly, the uptake of such a scheme by future residents cannot be predicted. Therefore, whilst the upper limit of the funds required can be set, creating a reserve which would be drawn down would inevitably mean that those funds would not be available for competing, better defined requests for planning gain funds. Secondly, whether secured by legal agreement as planning obligations or through a condition, planning gain proposals must meet the requirements set out in paragraphs 56 to 58 of the Framework. Planning conditions are to be used to make acceptable what would otherwise be unacceptable developments and must be '*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*'. Planning obligations may not be imposed unless they meet all the following tests: they must be 'a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development'. It is not considered that LCC has demonstrated that its bus pass proposal is in accordance with the requirements for planning conditions or planning obligations.

7.104 The house-types put forward as affordable, their locations, their internal layouts and room sizes have all been the subject of discussion between the applicant and the Council's Housing Strategy team. At the time of writing this report discussions were ongoing regarding one of the house types, but the principle was considered satisfactory and this has been confirmed by the Housing Strategy Manager. It is intended that final detail of house types, and the affordable housing location plan will be issued as a supplement to the agenda before the Committee meets.

7.105 Overall, whilst the applicant has submitted a viability appraisal which demonstrates that a lower financial contribution to services and infrastructure or a lower provision of affordable housing is proposed, both Policies 6 and 18 include flexibility to allow for such circumstances. Whilst any lower provision would result in harm and impact on local services, in the opinion of officers this is outweighed by the benefits of the scheme and

provision of affordable housing, which is afforded greater weight in the planning balance. Therefore, the development can be said to accord with Policies 6 and 18 of the SELLP in providing acceptable developer contributions and affordable housing provision.

#### **7.106 Ecology and biodiversity**

7.107 As of the 12 February 2024, it is a mandatory requirement that Development proposals for major applications demonstrate that a scheme is able to achieve and deliver Biodiversity Net Gain of 10%. This is in accordance with the requirements of the Environment Act 2021. This is to ensure that a development will be better in quality of natural habitat than there was before.

7.108 However, this legislation change includes transitional provisions which means that this requirement only applies to major applications submitted from 12 February 2024. The current application was submitted before this date; therefore, this is not a mandatory requirement for the current application as those provisions do not apply in this instance.

7.109 It is noted that the Lincolnshire Wildlife Trust has objected, and that the Trust has repeatedly asserted that even if applicants are not obliged to meet the 10% BNG improvement 'it is expected' that they should nevertheless comply voluntarily. Whatever the merits of this argument, as Local Planning Authority the Council has no powers to enforce national BNG requirements on non-qualifying applications.

7.110 Policy 28 of the SELLP deals with the natural environment. At 28.3 it requires development to provide 'biodiversity net gain' but does not specify a figure. The policy also requires at 28.1(b) that major housing applications within 10km of The Wash should be supported by a Habitats Regulations Assessment regarding their impact on sites of ecological value.

7.111 The application is supported by a landscape plan and by a comprehensive Ecological Impact Assessment (EIA). This details legislative and policy requirements (including those referenced above) and provides in-depth assessments of the site, of the presence or absence of a number of species and the relationship of the site and the proposal to the wider local ecosystem. It also assesses the impact of the proposal on the site, on nearby statutory and non-statutory nature sites and on The Wash itself.

7.112 The report concludes that 'it is unlikely that there is any 'linked functionality' between the Site and The Wash/SSI/SPA/Ramsar site and no impact is predicted on the integrity of these receptors. It is considered that the proposal would not have a significant environmental impact on The Wash/SSSI/SPA or Ramsar site and this satisfies the Habitat Regulations Assessment requirement.

7.113 The EIA also lists a range of improvements planned for the site which aim to increase biodiversity and provide specific supports to various flora and fauna, and it is recommended that these are secured by condition. Regarding BNG, the Wildlife Trust

cites as one reason for its objection the absence of a BNG baseline. However just such a baseline assessment is made in the EIA, along with detailed calculations as to the level of biodiversity gain which the scheme will deliver. The overall impact can be summarised in the EIA's note (at Section 5.5 of that document) that the total of the measures planned will deliver a 15.55% net increase. Therefore, whilst national BNG does not apply, the proposal comfortably exceeds the 10% gain standard, and also accords with the requirements of Local Plan Policy 28.

## **8.0 Summary and conclusions**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well defined in case law that the Development Plan (in this case the South East Lincolnshire Local Plan 2019) should be taken as a whole. It is for the decision-maker to weigh up the extent to which proposals are in accordance with or may conflict with policies of the development plan and their objectives, along with all relevant material considerations. The weight attributed to each of these factors is known as the 'planning balance'.
- 8.2 The proposal is partly on a site allocated in the Local Plan and entirely on land on which the principle of residential development has already been established through previous planning consents. No changes on the ground or in the planning framework have taken place since the Local Plan was approved in 2019 which would undermine the allocation. It is a material planning consideration that extant planning permissions B/20/0488 and B/20/0489 form a viable fallback position.
- 8.3 The principle of the development is considered sound. The proposal would deliver 89 units of additional residential accommodation, including a policy compliant level of affordable housing. The proposals would therefore be compliant with policies 11 and 18 of the Plan, as well as contributing to the housing stock within the Borough and the overall growth ambitions set out in the Plan.
- 8.4 As set out within this report, the proposed development would result in a degree of harm being caused, and as such there is some conflict with the SELLP. This is due to the southern part of the site not being allocated for housing development within the Local Plan and, therefore, not fully compliant with Policy 1. In addition, the proposal would result in minor harm to nearby heritage assets, specifically Fishtoft Manor and, therefore, not fully compliant with Policy 29. Furthermore, the proposal has demonstrated an inability to provide a contribution towards funding certain infrastructure. However, this harm does not preclude the approval of this planning application.
- 8.5 In the case of the density, this is considered to be acceptable due to the sites previous planning history, and when considered against past developments within the settlement – meaning that the extent of the harm to the character of the settlement is limited and

not considered to be unacceptable or contrary to Policies 1, 2, 3, or 11. In relation to the heritage environment, the impact of the development has been assessed and being minor and less than substantial and not unacceptable. This aligns with the previous planning approval granted for the site, in addition to the site's allocation within the SELLP – both of which represent material considerations in the determination of this application.

- 8.6 The plans have demonstrated to the satisfaction of the Highways Authority that the scheme is capable of implementation without compromising the safety of road users and pedestrians. A comprehensive drainage strategy has demonstrated that the scheme is capable of implementation without causing additional risks of flooding on or off the site, and in a manner likely to result in betterment for existing neighbouring residents. Whilst certain additional details of the drainage plan and its future maintenance will be required, these can safely be secured by condition.
- 8.7 In other regards, it has been demonstrated the amount of development proposed can be accommodated on site without causing significant or unacceptable harm to the residential amenities of neighbours to the site and in a manner in keeping with the character of the locality, and with the inclusion of measures to deliver environmental benefit and biodiversity net gain.
- 8.8 In regard to developer contributions, the applicant has demonstrated an accepted level of affordable housing provision and a financial contribution towards NHS and Education provision, through the submission of a viability appraisal, which has been independently verified. As such, whilst some harm has been identified in this regard, it is considered that the benefits of the scheme, being the provision of deliverable housing on an allocated site to meet the needs of the Borough, outweighs the harm that would arise in the planning balance. The proposal would provide an affordable housing contribution in keeping with the Local Plan requirement and in accordance with Policy 18. In addition, there would be a cash contribution of £400,000 which would meet the requested NHS contribution in its entirety and the requests for secondary and sixth form education in part. All these contributions would be secured through a Section 106 legal agreement.
- 8.9 Therefore, it is considered that the proposal is in accordance with the policies of the South East Lincolnshire Local Plan 2019 and NPPF 2024 when taken as a whole and represent sustainable development. It is therefore recommended planning permission is granted subject to the conditions as set out below. Where any lack of compliance with the development plan has been identified, it is considered that the overall benefits of the scheme significantly outweigh such harm in the planning balance.

## **9. Recommendation**

- 9.1 For the reasons set out above the recommendation is for approval subject to conditions and the signing of a Section 106 legal agreement.

## RECOMMENDED CONDITIONS

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

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

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

- 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 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 prior to the first occupation of any dwellings hereby approved. 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. Prior to the first occupation of any of the dwellings hereby approved, details for a scheme of improvement measures for swifts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved measures which shall be maintained at all times.

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

15. 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).

16. 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).

17. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

- A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.
- B) Details of the phasing and implementation of the habitats
- C) Details of the management operations necessary to achieving aims and objectives.
- D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.
- E) 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.
- F) Details of the persons responsible for the implementation and monitoring.

**Reason:** To achieve a net gain in biodiversity on site in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

18. 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)

19. If piling is necessary during construction, a full method statement including details of noise and vibration outputs shall be submitted to and approved in writing by the Local Planning Authority prior to any piling works taking place. Thereafter, piling operations shall be carried out in strict accordance with the details so approved and shall only be carried out between the hours of 08:00hrs and 17:00hrs Mondays to Fridays and at no other time.

**Reason:** In the interests of the amenity of local residents and of the protection of nearby heritage assets and to accord with policies 2, 3 and 29 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 applications submitted before the commencement date of 12<sup>th</sup> 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.**

### **Statutory exemptions and transitional arrangements**

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>.

#### **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.

#### **Effect of Section 73(2D) of the 1990 Act**

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- - (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
  - (b) the conditions subject to which the planning permission is granted:
    - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
    - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.
  - 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.