

BOSTON BOROUGH COUNCIL

Planning Committee - 13 January 2026

Reference No: B/25/0386

Expiry Date: 19 November 2025

Extension of Time: 16 January 2026

Application Type: S73 - Non-Major

Proposal: Application under s73 to vary Conditions 2 (Plans), C4 (Design of the "Wave"), C5 (30 year Management & Maintenance Plan) and C6 (Hard & Soft Landscaping) of planning permission B/24/0377

Site: Public Open Space, Rosegarth Street, Boston PE21 8QU

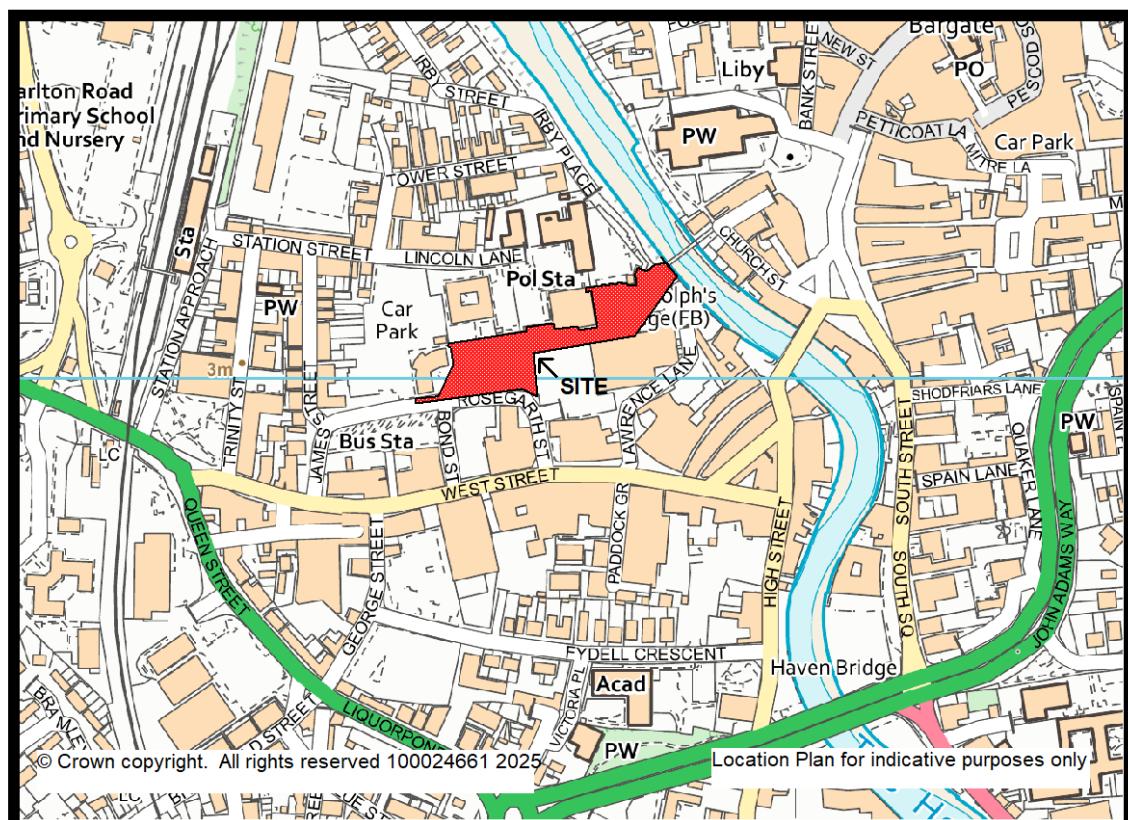
Applicant: Boston Borough Council, Public Open Space

Agent: Mr Louis Ashford, Ares Landscape Architects

Ward: Station Parish: Boston Town Area Committee

Case Officer: Lewis Humphreys Third Party Reps: 0

Recommendation: **Approve subject to conditions**



1.0 Reason for Report

1.1 The application has been referred to committee by the Assistant Director (Planning) for transparency as the proposal has been submitted by Boston Borough Council.

2.0 Application Site and Proposal

2.1 The site is an area of public realm within Boston Town Centre. It runs from the St Botolph's footbridge in the east to the Len Medlock centre to the west. The site comprises footways, landscaping, art installations with a bus/coach parking area towards the west of the site.

2.2 Works to redevelop the site have commenced and wider development works, including the demolition of Crown House and the former B&M store, and subsequent erection of a new building on the site of Crown House, are underway.

2.3 The Len Medlock Centre to the west, Boston Health Clinic to the northwest and Crown House and Boston Police Station to the north. Access to the existing bus and coach parking bays is via Rosegarth Street with the Bus Station further along this road to the west.

2.4 The site is within the designated Town Centre on Inset Map 1 of the Local Plan and adjoins the Boston Conservation Area which includes the River Witham and the St Botolph's Bridge. Notably the site is within the setting of the Grade I Listed St Botolph's Church.

2.5 The proposal seeks to approve a modified design to the previously approved 'Wave' installation and to agree details and minor modifications in relation to the landscaping proposals and management and maintenance plan for the landscaping.

2.6 The proposals also include the siting of the '5 Lamps' Listed Building towards the eastern end of the site, north of the proposed NHS Integrated Health Care Building. This is subject to a separate application for Listed Building Consent (ref: B/25/0312) which is also before the Planning Committee for determination.

3.0 Relevant History

3.1 B/25/0312 - Listed Building Consent for relocation and renovation of the 5 lamps listed monument to the new public realm scheme – Not yet determined

3.2 B/25/0132 - Proposed three storey building for integrated health and care centre to provide a range of essential services - Approved

3.3 B/24/0476 - Construction of new mixed use building consisting of 4no Class E retail units at ground floor level and 18no class C3 apartment dwellings on first and second floor and new landscaping and external works including parking, refuse stores, cycle storage and public toilet block – Approved

- 3.4 B/24/0475 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2016 for the demolition of former government office building – Approved
- 3.5 B/24/0474 - Prior Notification under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of former retail building – Approved
- 3.6 B/24/0377 - Redevelopment to provide a new public realm space, including: existing artwork relocation and new artwork installation, external social spaces and new entrance/drop off for Len Medlock – Approved

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 9 – Promoting a Stronger Visitor Economy
- Policy 25 – Supporting the Vitality and Viability of Boston and Spalding Town Centres
- Policy 28 – The Natural Environment
- Policy 29 – The Historic Environment
- Policy 32 – Climate Change and Renewable and Low Carbon Energy
- Policy 34 – Delivering a More Sustainable Transport Network

National Planning Policy Framework

- 4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development.

National Planning Practice Guidance

Town and Country Planning (Listed Building and Conservation Areas) Act 1990

National Design Guide

5.0 Representations

- 5.1 No representations have been received from third parties as a result of publicity.

6.0 Consultations

- 6.1 BBC Conservation Officer – None received at the time of writing

- 6.2 BBC Ecology – None received at the time of writing
- 6.3 BBC Environmental Health – No objections
- 6.4 LCC Highways and SuDS – No objections
- 6.5 Black Sluice Internal Drainage Board - None received at the time of writing

7.0 Planning Issues and Discussions

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that the determination of a planning application shall be made in accordance with the Development Plan. As an application under S.73 the only matters that can be considered are those which directly relate to the conditions and the principle of development cannot be revisited. The key issues in the determination of this application are:

- Impact on the Historic Environment
- Biodiversity

Impact on the Historic Environment

- 7.2 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.
- 7.3 Policy 29 of the South East Lincolnshire Local Plan (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.
- 7.4 The site is adjacent the Boston Conservation Area and sits within its setting. There are a number of Listed Buildings within the wider vicinity of the site, these are primarily across the River Witham but there are a number on High Street, West Street and Bridge Street south east of the site and Irby House and 1 Tower Street north of the site beyond the Boston Police Station. Of these, Heritage Lincolnshire have identified the Grade I Listed St Botolph's Church and the Grade II Listed Buildings along Church Street that the site sits within the setting of.
- 7.5 The previous scheme approved under planning permission ref: B/24/0377, was considered to be an enhancement to the significance of the above Listed Buildings and the Boston Conservation Area.
- 7.6 This current proposal involves a revised design for 'The Wave' installation, minor amendments to the landscape proposals, and the relocation of the '5 Lamps' Listed Building from its current location off Liquorpond Street to the eastern end of this site.

7.7 The proposed design changes to 'The Wave' would reduce the proposal in height; change the design from two arches to a single arch; and change the materials and permeability of the structure. The proposals may be seen to reduce the quality of the approved design, however, within the context of the wider regeneration scheme it is considered the proposals still enhance the significance of the heritage assets and the adjacent built heritage environment.

7.8 The minor revisions to the landscape are to accommodate the proposed siting of '5 Lamps' within the site, which has necessitated amendments to the proposed tree planting. These changes would not impact upon the significance of the heritage assets, nor adversely affect their appearance, setting or character.

7.9 The proposal to site the '5 Lamps' Listed Building within the site is technically considered to be the demolition of a listed building. A separate application for listed building consent (ref: B/25/0312) covers the proposed removal, however, the proposed siting should be assessed and considered as part of this application.

7.10 The current siting of the Lamp is not its original location, and it was initially sited within the Market Place. The proposed siting does not restore the Lamp to its original location but does bring it closer to that location and along a main pedestrian throughfare to Market Place. As such, it cannot be reasonably said that principally, the proposed relocation of the lamp would result in substantial harm to this heritage asset or to the wider historic environment.

7.11 The application is not accompanied by an assessment of the impact upon the significance of the nearby assets and, furthermore, the wider character of the redevelopment area is quite modern. The Conservation Officer has highlighted the potential for the Lamp to be out of place in this location and lacking in context or interpretation. As a result of this, an indicative interpretation board has been submitted, while the exact detail is not presently before the Local Planning Authority for consideration, this could provide a context to not only the current siting but also the significant history within the town centre preceding that move. As such, it is considered appropriate to secure the final details and specification of the interpretation board through the imposition of a condition should consent be granted.

7.12 It is noted that the siting is currently under a tree, this is proposed to be removed as part of the wider redevelopment. A replacement is to be planted nearby that has the potential to grow to disrupt views of the Lamp from the west, however, through careful management and maintenance this could be mitigated against. This matter would be within the gift of Boston Borough Council to control and manage as the applicant/landowners

7.13 The previous scheme was subject to Archaeological investigations, the details of which has been agreed via condition and partially implemented. The proposals would not materially alter the impacts on the features of archaeological significance.

7.14 For the reasons detailed above, it is considered that the proposed development would result in no significant or substantial harm being caused to this local heritage asset or to the wider historic built environment. As such, the proposal would accord with the

requirements of Policy 29 of the SELLP and with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Biodiversity

- 7.15 Schedule 7A of the Town and Country Planning Act has introduced a requirement for developments to provide a mandatory 10% uplift in biodiversity on sites. Planning Permission was granted under B/24/0377 subject to a requirement to submit a biodiversity gain plan, in accordance with this requirement.
- 7.16 A gain plan was subsequently submitted and agreed under application B/24/0377/CD1. The gain plan approved at that stage had a total of 3.10 habitat units. The revised proposal shows 2.69 habitat units. As the proposals affect the post-development biodiversity value of the site then the PPG indicates that a new gain plan should be submitted and approved prior to the commencement of this permission, as such the condition should be reimposed.
- 7.17 It is noted that that approval had a baseline of 2.59 habitat units, and the baseline on the current proposal has a baseline of 2.44 units. It is understood that this reduction is due to the inclusion of trees which had died and should not have been counted in the original baseline. This rationale is accepted and the revised baseline agreed. The proposals show a 10% gain can be achieved on site through the proposals subject to a gain plan.
- 7.18 A condition on the previous permission secured the submission of a 30 year habitat management and monitoring plan. This document has not yet been received and therefore the condition is reimposed.
- 7.19 Therefore, for the reasons detailed above, despite the changes proposed, the scheme would still deliver the appropriate uplift in BNG and would not result in adverse harm being caused to the natural environment. As such, the development continues to accord with the requirements of 7.147.15 Schedule 7A of the Town and Country Planning Act.

8.0 Summary and Conclusion

- 8.1 The proposed revisions to the wave, changes to the approved landscape scheme and siting of the '5 Lamps' Listed Building would still enhance the significance of the heritage assets and wider character of the area and would accord with Policy 29 of the Local Plan. Furthermore, the proposals would still be compliant with the requirements in terms of BNG but a further gain plan is required due to the reduction in post-development biodiversity value.
- 8.2 Overall, the proposals are considered to accord with Local Plan as a whole, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990 and the application is recommended for approval subject to conditions.

9.0 Recommendation

9.1 It is recommended that Committee approve the application subject to the following conditions:

CONDITIONS / REASONS			
Pre-commencement conditions?	n/a	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted must be begun not later than the expiration of three years from the 5th November 2024 and the grant of planning permission B/24/0377</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> ▪ Drawing No. 831-ALA-XX-XX-DR-L-9005 Rev PL01 - Site Location Plan ▪ Drawing No. 831-ALA-XX-XX-DR-L-9021 Rev C06 - Landscape General Arrangement ▪ Drawing No. 831-ALA-XX-XX-DR-L-9022 Rev C06 - Detailed Landscape General Arrangement 1 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9023 Rev C06 - Detailed Landscape General Arrangement 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9024 Rev C08 – Kerbs and Edges 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9025 Rev C08 – Kerbs and Edges 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9029 Rev C05 – Tree Planting Plan 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9030 Rev C05 – Tree Planting Plan 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9038 Rev C05 – Planting Plan 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9039 Rev C06 – Planting Plan 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9040 Rev C04 – Tree Retention and Removal Plan ▪ Drawing No. 831-ALA-XX-XX-DR-L-9041 Rev C02 – Site Section 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9042 Rev C02 – Site Section 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9053 Rev P01 – 5 Lamps Interpretation Board ▪ Drawing No. 831-ALA-XX-XX-DR-L-9504 Rev P03 – The Wave Sculpture Detail ▪ Drawing No. 831-ALA-XX-XX-DR-L-9524 Rev C03 – 5 Lamps Plinth Details 1 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9525 Rev C04 – 5 Lamps Plinth Details 2 of 2 ▪ Drawing No. 831-ALA-XX-XX-DR-L-9526 Rev P01 – 5 Lamps Elevations ▪ Drawing No. RGS-DCE-XX-XX-DR-C-5000 Rev P01 - Drainage Strategy ▪ Drawing No. RGS-DCE-XX-XX-DR-C-8000 Rev P01 - Drainage Proposal <p>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.</p>		
Pre-commencement conditions:			

3	<p>Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved plan.</p> <p>Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).</p>
Conditions which apply during the course of and following completion of the development:	
4	<p>The development shall be completed in accordance with the 30 year management and maintenance plan dated 19th December 2024 and the management plan shall be adhered to for its duration.</p> <p>Reason: In the interests on improving biodiversity and delivering the Mandatory Biodiversity Net Gain. This condition is imposed in accordance with policy 28 and 31 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>The scheme of hard and soft landscaping and tree planting shown on drawing No 831-ALA-XX-XX-DR-L-9022 Rev C06 and 831-ALA-XX-XX-DR-L-9023 Rev C06 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.</p> <p>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.</p>
6	<p>The development hereby permitted shall proceed in accordance with the drainage proposals detailed on Drawing No. RGS-DCE-XX-XX-DR-C-8000.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2024.</p>
7	<p>The archaeological site work shall only be undertaken in accordance with the approved written scheme, agreed as part of B/24/0377/CD2</p> <p>Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2024 and in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
8	<p>Prior to the installation of the '5 Lamps' pole, the final details of the proposed information board shall be submitted to an approved in writing by the Local Planning Authority. The Board shall be installed in accordance with the approved details prior to the development hereby permitted first being brought into use and retained thereafter.</p> <p>Reason: In the interests of preserving and enhancing the significance of the Listed Building in its new location, this condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>

BNG Applies	
BNG1	<p>BIODIVERSITY NET GAIN CONDITION</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.</p> <p>Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <ul style="list-style-type: none"> (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and (b) the conditions subject to which the planning permission is granted: <ul style="list-style-type: none"> (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan. <p>- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.</p>

INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.