

BOSTON BOROUGH COUNCIL

Planning Committee - 13 Jan 2026

Reference No: B/25/0269

Expiry Date: 03-Oct-2025

Extension of Time: 16-Jan-2026

Application Type: S73 - Major

Proposal: Application under s73 for the Variation of Conditions 1 (Approved Drawings) of permission B/22/0393 (works already started)

Site: Land North of Tytton Lane East, Wyberton Boston PE21 7TD

Applicant: Mr Steven Ibbotson, Cyden Homes Ltd

Agent:

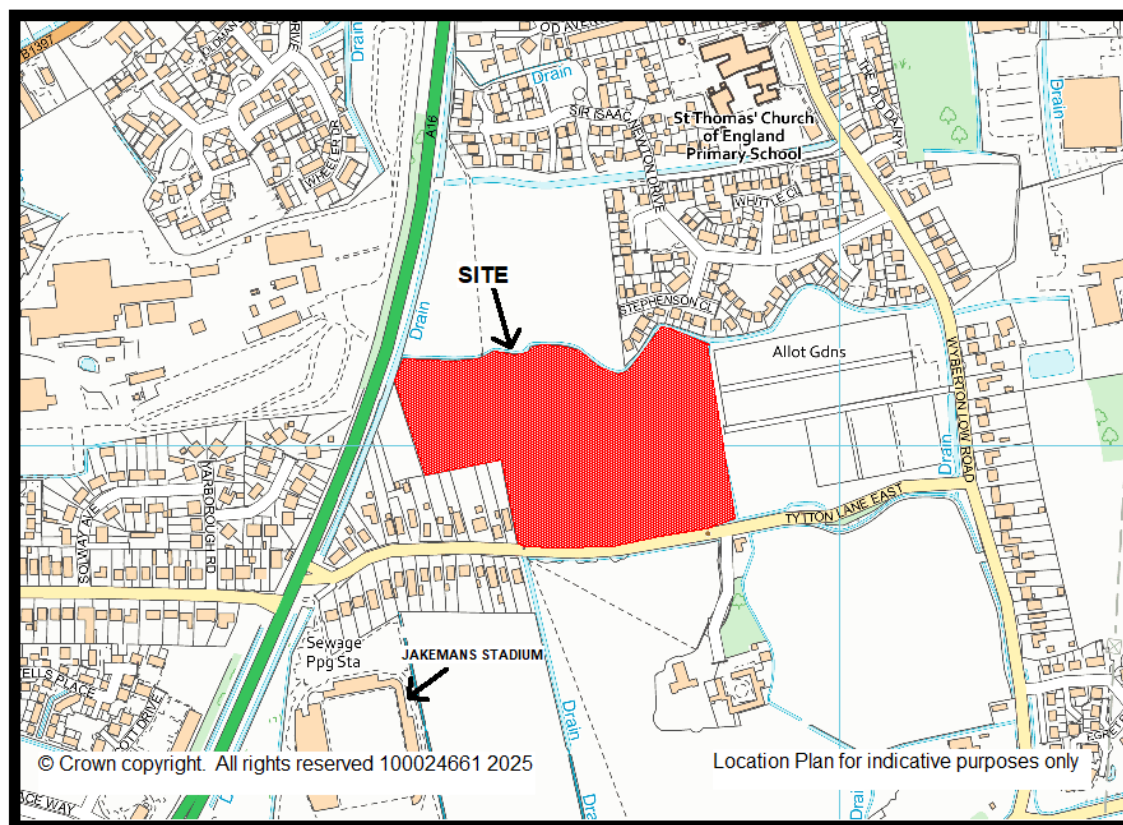
Ward: Wyberton

Parish: Boston Town Area Committee,
Wyberton Parish Council

Case Officer: Lewis Humphreys

Third Party Reps: 0

Recommendation: Approve with conditions and subject to a Deed of Variation



1.0 Reason for Report

- 1.1 The application has been called to committee by Councillor R. Austin for the following reasons:
- 1.2 To consider the objections raised by consultees in connection with the request to remove contributions

2.0 Application Site and Proposal

- 2.1 The application site a previously consented scheme for 132 houses that is currently under construction.
- 2.2 The site is located within the settlement boundary of Boston as defined on Inset Map 1 of the South East Lincolnshire Local Plan and lies to the east of the A16 and north of Tytton Lane East. There are residential properties along Tytton Lane East and allotments to the west off Wyberton Low Road. To the north is an agricultural field which is currently the subject of an outline planning application for 85 dwellings and a private hospital under reference (B/230355) and beyond that further built residential development.
- 2.3 The site is a housing allocation (WYB033) within the South East Lincolnshire Local Plan 2019.
- 2.4 The proposal seeks to make a number of changes to 4 of the approved house types, covering 23 plots in total. These are external design changes that do not increase the size of the approved dwellings.
- 2.5 Further to this the application has been accompanied by a viability appraisal that seeks to demonstrate the scheme is currently unviable due to the S.106 contributions and seeks a deed of variation.
- 2.6 The S.106 currently includes the following contributions:
- 20% on-site affordable housing (20 affordable rent and 6 intermediate tenure)
 - Education Contributions of £540,083 and indexation of £70,210
 - Health Contributions of £87,120 and indexation of £11,325
 - Monitoring Fees of £2500
- 2.7 The application is for the removal of all the contributions.

3.0 Relevant History

- 3.1 B/22/0393 - Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following approval B/20/0235 (Outline planning permission for 132 dwellings with all matters reserved): Approved 24/02/2023

- 3.2 B/20/0235 - Outline planning permission for 132 dwellings with all matters reserved (Access, Appearance, Landscaping, Layout and Scale): Approved June 2022.
- 3.3 B/23/0328 - Application under s257 for the diversion of Public Right Of Way Wybe1. to facilitate the reserved matters application B/22/0393 for 132 dwellings – Under consideration
- 3.4 B/25/0011 – Application for confirmation of compliance with condition 3 (commencement) of outline permission B/20/0235 - Agreed

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 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

National Planning Policy Framework

- 4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:
- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 5. Delivering a sufficient supply of homes
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (PPG)

National Design Guide 2021

5.0 Representations

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

6.0 Consultations

- 6.1 Parish Council – Object - The councillors cannot find any plans for a road upgrade for Tytton Lane East. We have previously discussed this issue in a council meeting, as Tytton Lane East appears to be the only exit road; it will need relaying, widening, new footpaths, cycle lanes and bus stops. We can see plans for a short piece of cycle lane in front of the housing estate. The road is in poor condition as it is. It will struggle to cope with the extra traffic.
- 6.2 BBC Housing Strategy – We have reviewed the attached documents and we accept the findings of the review by CP Viability Ltd that no affordable housing contribution is currently viable. This is subject to a clawback clause being included in the Deed of Variation requiring a re-appraisal when the scheme is completed in case the proposal generates greater values than currently expected.
- 6.3 BBC Conservation Officer – None received
- 6.4 BBC Environmental Health – No objections
- 6.5 BBC Waste - None received
- 6.6 LCC Highways and SuDS – No objection
- 6.7 LCC Education – Object - the development proposal will not provide any of the necessary mitigation that has been requested to increase primary, secondary and sixth form capacity to accommodate the children generated by the development. We have looked at the data that would be used if consulted today on the same development and the position is that demand has increased as now the local primary school is also predicted to be over the 95% FULL marker now. We have also looked at the secondary and sixth form and that position of the planning area being FULL is very much still the case. Objection is in line with NPPF para 100, Department for Education guidance, Local Plan policy 6, and National Planning Practice Guidance.

With the number of developments in the area already no longer providing education mitigation there is a serious risk to education provision within the planning area for these developments and risks creating communities which are not sustainable.

- 6.8 LCC Infrastructure – Object – Following the changes the proposal would not be policy compliant, it would be contrary to para 100 and 101 of the NPPF and Policy 5 of the Local Plan. As an allocated site there is an expectation that the proposed development will be policy compliant and support the objectives of the plan.
- 6.9 LCC Planning Obligations – Object - the development will not provide any of the necessary mitigation that has been previously agreed. This includes the contribution that supports the monitoring of the site travel plan, to be provided in accordance with condition 11 of the outline permission reference B/20/0235. Without effective monitoring the development does not meet the requirements of paragraph 118 of the NPPF (December 2024). There is a clear expectation that travel plans should be

assessed and monitored, in order to ensure the delivery of developments that promote sustainable transport.

6.10 LCC Public Rights of Way – None received

6.11 NHS – Object - It is our opinion that this removal of the section 106 contributions for healthcare prevents the fulfilment of the obligations under the Section 106 of the Town and Country Planning Act 1990 (amended 2019). Furthermore, we consider it fails all three tests under the Act.

6.12 Environment Agency – No comments

6.13 Anglian Water – No comments

6.14 Lincolnshire Wildlife Trust - None received

6.15 Black Sluice IDB - None received

7.0 Planning Issues and Discussions

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

- The impacts of the proposed design changes
- Viability and developer contributions

The impacts of the proposed design changes

7.2 Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include 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 as well as the quality of its design and its orientation. Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area. Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance, or visual intrusion.

7.3 Paragraph 136 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area planning permission should be refused.

7.4 The proposal makes a number of minor design changes to a number of plots. These changes are relatively minor, and include the loss of chimneys and changes in window design and placement. In and of themselves, these changes do not significantly impact the quality of design of the development as a whole or the impacts of the development on the wider character of the area or wider neighbour amenity.

- 7.5 Within the development itself, the loss of chimneys on plots 11, 29 and 130 may be seen as minor reduction in the quality of design but not to such an extent as to cause harm or to be contrary to policy. The revised windows would not alter the impacts on amenity of dwellings within the development and again are very minor revisions.
- 7.6 Overall, the proposal would be compliant with Policies 2 and 3 of the Local Plan and would not impact the considerations of the scheme against other Local Plan policies.

Viability and developer contributions

- 7.7 The notable difference in this scheme to the previously approved scheme and the key consideration in the determination of this application is that this proposal seeks permission without some of the mitigations secured by the agreed S.106 legal agreement accompanying B/20/0235.
- 7.8 That legal agreement secured:
- 20% on-site affordable housing (20 affordable rent and 6 intermediate tenure)
 - Education Contributions of £540,083 and indexation of £70,210
 - Health Contributions of £87,120 and indexation of £11,325
 - Monitoring Fees of £2500
 - Ongoing management of open space
- 7.9 Policy 6 of the Local Plan sets out that developers should either make direct provision or contribute towards the provision of local and strategic infrastructure and services. It goes on to state that contributions will be determined having regard to:
- the identified needs generated by the proposed development;
 - the viability of the proposed development; and
 - the priorities attached to meeting individual local and strategic infrastructure and service requirements
- 7.10 Paragraph 59 of the National Planning Policy Framework sets out that it is up to a developer to justify the need for a viability assessment at the application stage and the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.
- 7.11 Appendix 5 of the Local Plan sets out the infrastructure requirements and constraints and mitigation for allocations. For all sites within Boston it sets out:
- Primary education – the town’s primary schools are effectively at capacity, and 3.5 additional Forms of Entry (FE) will be required to accommodate additional needs to 2036. These needs are intended to be met by: the expansion of Boston St Nicholas CE Primary by 0.5 FE; the expansion of Boston West Academy by 1.0 FE; and the provision of a new 2FE primary school within the South West Quadrant Sustainable Urban Extension (Sou006).
 - Secondary and sixth form education – there is no capacity in the town’s secondary schools, and 700 school places (including 165 sixth form places) will be required to accommodate additional needs to 2036. These needs will be met

by the provision of a new secondary school on a site yet to be identified close to the South of North Forty Foot (Wes002) Sustainable Urban Extension.

- Health – there is capacity in the short to medium term at the town’s GP surgeries to accommodate additional patients but, in the long term, a new GP surgery may be required to accommodate additional patients.

- 7.12 It goes on to make specific comments for the allocation Wyb033 relating to access, highways and foul and surface water drainage but makes no specific comments in terms of health, education or affordable housing provisions.
- 7.13 This application has been accompanied by a viability appraisal that concludes that the scheme would not be viable to be delivered and that the removal of the financial obligations would reduce the gap funding needed to deliver the scheme. That appraisal has been the subject of an independent assessment. That assessment found that, with no S.106 contributions, the residual land value would be £1,089,375 and below the benchmark land value of £1,590,000 and concludes that there would be a justification for removing the S.106 contributions.
- 7.14 The independent assessment identified two key factors for the poor viability on the site, first poor sales values in the local area combined with rising construction costs but this is identified as a factor impacting schemes across the country.
- 7.15 The second factor is a significant level of abnormal costs associated with this proposal. The independent assessment includes an assessment of these abnormal costs carried out by a cost consultant, this reduced the value of the abnormal costs from £5,172,316 to £3,026,137, a significant portion of which is required due the foundations required for the proposed dwellings.
- 7.16 Overall, the findings within the independent assessment are accepted and it is considered that the scheme is not viable with any level of developer contributions
- 7.17 The independent assessment included within it sensitivity testing on changes to expected sales rates and construction costs. Achieving a value above the benchmark land value would require costs to be 5% lower than expected, sales values 5% higher than predicted or some combinations of these.
- 7.18 There is a clearly identified impact from the proposal to health and education infrastructure, as evidenced by the comments from LCC and from the NHS. This is not disputed, and the development proceeding without these contributions would have a clearly identified harm in failing to mitigate these impacts.
- 7.19 In terms of affordable housing, we have not received an objection from the housing strategy team on this matter. There is an identified need within Boston, although weight is given the acceptance of the independent assessment by the housing strategy team.
- 7.20 It is noted the S.106 includes fairly minimal requests in terms of monitoring of the S.106 itself and the Travel Plan. The agreement also includes provisions relating to the ongoing management of the open space. A request has been put to the developer to

retain these provisions and members will be updated should a response be received. The open space management can be secured by condition, if necessary.

7.21 Policy 6 sets out that consideration should be given to the viability of the proposed development and as such, there is a policy position that supports agreeing a deed of variation to the S.106 agreement to remove these obligations.

7.22 Since the grant of the previous consent, Boston Borough can no longer demonstrate a 5 year housing land supply as of 31st March 2025 and has a 4.6 year supply, with a shortfall of 194 units. Paragraph 11 of the NPPF and its associated footnotes sets out where a 5 year land supply cannot be demonstrated, restrictive housing policies with the Local Plan are to be considered out of date. It goes on to state that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹

7.23 As this application is made under S.73, it is not for this application to revisit the principle of development, i.e. whether the principle of housing on this site is acceptable. It is, however, material to consider whether the impacts of granting this consent without contributions would 'significantly and demonstrably outweigh the benefits' of the proposal. Weight should also be given to the above viability position, and the contribution this site makes to the 5 year land supply (in which it has already been counted) and the possibility that should the viability position not be accepted then the site may not be delivered.

7.24 It is the view of officer's that the benefits to housing delivery do outweigh the harms arising to health and education infrastructure from the proposal and therefore the proposal would be compliant with Policy 6 and the wider Local Plan. Given the above sensitivity testing and the loss of all contributions, it is recommended that any deed of variation include within it a clause to clawback some contributions as a percentage of the added value should the scheme prove more viable than expected.

8.0 Summary and Conclusion

8.1 The physical changes to the proposal, arising from the changes in house type, are considered to comply with Policies 2 and 3 of the Local Plan and the wider Local Plan as a whole. As a S.73 to a reserved matters application the grant of consent results in the creation of a new planning permission, therefore relevant conditions from both the outline and the reserved matters are included below.

- 8.2 Additionally, it is recommended that a deed of variation be entered into that does not include the contributions in connection with health, education, and affordable housing previously included within the agreement associated with B/20/0235 on the basis of the agreed viability position and in accordance with Policy 6 of the Local Plan and that the benefits of the delivery of housing on this site outweigh the harms arising from the impact on health and education infrastructure subject to a provision within the Deed of Variation to secure a clawback on any additional revenue.

9.0 Recommendation

- 9.1 Approve with conditions subject to the signing of a revised S.106 agreement

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 24th February 2025.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004 and to accord with Planning Permissions B/20/0235 and B/22/0393.</p>		
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> ▪ Drwg no 184/002 Rev H Proposed Layout - Reserved Matters ▪ Drawing No. 184/011 PROW and Cycle path provision ▪ Drwg no 184/120 Garages Sheet 1 of 2 Home Office Studios ▪ Drwg no 184/121 Garages Sheet 2 of 2 Garages & Pump Station ▪ Drwg no 184/101 House Type dH402 Plots 1, 3, 14, 15, 73, 74, 76, 77, 78, 80, 81, 91, 92, 118 & 119 ▪ Drwg no 184/102 House Type dH401 Plots 30, 31, 38, 39, 66, 67, 68, 70, 71, 75, 79, 99, 100, 101, 107, 108 & 109 ▪ Drwg no 184/103 House Type dH403 Plots 69, 83, 97 & 128 ▪ Drwg no 184/104 House Type dH404 Plots 5, 6, 12, 13, 72, 82, 98 & 102 ▪ Drwg no 184/105 House Type dH408 Plots 16, 84, 96, 104 & 131 ▪ Drwg no 184/106 House Type dH409 plots 2, 10, 120 & 132 ▪ Drwg no 184/107 Rev A House Type dH418 Plots 11, 29 & 130 ▪ Drwg no 184/108 House Type dH420 Plots 4, 7, 93, 103 & 129 ▪ Drwg no 184/109 House Type dH422 Plot 120 ▪ Drwg no 184/110 House Type sH430 Plot 25-26 ▪ Drwg no 184/111 House Type sH303 Plot 27-28, 54-55, 110-111 & 126-127 ▪ Drwg no 184/112 House Type sH304 Plot 105 & 106 ▪ Drwg no 184/113 House Type sH322 Plots 8-9, 34-35, 56-57, 85-86, 87-88 & 116-117 ▪ Drwg no 184/114 House Type sH329-322 Plots 32-33, 89-90, 94-95. House type sH322-329 Plots 36-37, 52-53 ▪ Drwg no 184/116 Rev A House Type tH303-302-201-303 Plots 48-51, 58-61, 62-65, 112-115 ▪ Drwg no 184/117 House Type tH205-302-201-201 Plots 40-43, 122-125 ▪ Drwg no 184/118 Rev A House Type tH201-201-202-205 Plots 44-47 		

	<ul style="list-style-type: none"> ▪ Drwg no 184/119 Rev A House Type Ground Floor sgF112 Plots 17, 20, 21, 24 House Type First Floor sfF113 Plots 18, 19, 22, 23 ▪ Drwg no 184/012 Proposed Site Levels ▪ Drawing no 184/004 Rev B Landscape & Biodiversity Layout Plan ▪ Drwg no 184/005 Materials Layout Plan <p>Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>The development shall proceed in strict accordance with Written Scheme of Investigation agreed as part of B/20/0235/CD1, including measures relating to the submission and agreement of final reports where necessary and the provision for archives deposition.</p> <p>Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Policies 2 and 29 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>The development shall proceed in strict accordance with Construction Management Plan agreed as part of B/20/0235/CD1.</p> <p>Reason: To satisfy Policy 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.</p>
5	<p>The development shall proceed in strict accordance with Surface Water Drainage Scheme agreed as part of B/20/0235/CD2.</p> <p>The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.</p> <p>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.</p>
6	<p>The development hereby approved shall be undertaken in complete accordance with the biodiversity measures shown on drawing no 184/004 Rev B Landscape & Biodiversity Layout Plan. The measures shall be implemented prior to occupation of the dwelling to which it relates and retained in perpetuity thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>

7	<p>The development hereby approved shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the Arboricultural Report dated 27th February 2020, unless otherwise agreed in writing by the Local Planning Authority before any clearance or development takes place (whichever is sooner). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.</p> <p>Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of 2, 3 and 28 of the South East Lincolnshire Local Plan 2019.</p>
8	<p>The development shall proceed in strict accordance with Travel Plan agreed as part of B/20/0235/CD1.</p> <p>Reason: The Travel Plan is conditioned to ensure that access to the site is sustainable and reduces dependency on the car in accordance with Policies 2, 31 and 33 of the South East Lincolnshire Local Plan 2019.</p>
9	<p>The details in relation to the Public Right of Way and Cycle path shall be implemented in accordance with Drawing no 184/011 PRoW and Cycle Path Provision prior to the occupation of the first dwelling on the site.</p> <p>The details hereby approved shall be retained in perpetuity thereafter.</p> <p>Reason: In the interests of pedestrian and cycle connectivity in accordance with Policy 2, 3 and 32 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>The development shall proceed in strict accordance with Supplementary Transport Assessment agreed as part of B/20/0235/CD2.</p> <p>Reason: In the interests of safe and suitable pedestrian connectivity, to facilitate, as far as is possible, a safe and suitable pedestrian route between the development hereby permitted, the existing footway on Stephenson Close, the wider footway network on Wyberton Low Road and access between the application site and the Allotments. This would ensure the development accords with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan 2019.</p>
11	<p>The development shall proceed in accordance with the EV Charging Point Statement agreed as part of B/20/0235/CD1.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan 2019 and to accord with the intentions of the National Planning Policy Framework 2024.</p>
12	<p>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.</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p>

	<p>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.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.</p>
13	<p>The scheme of landscaping and tree planting shown on dwg. no. 184/004 Rev B Landscape & Biodiversity Layout Plan shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall thereafter be maintained in accordance with the Landscape Management & Maintenance Plan agreed as part of B/20/0235/CD1.</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>
14	<p>The development hereby approved shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the Ecology and Protected Species Survey – prepared by Helen Scarborough June 2020.</p> <p>If any development has not commenced within 12 months of this permission then no development and/or site clearance shall take place until further survey(s) have been undertaken to establish whether features/habitats on the site are utilised by protected/unprotected species of wildlife and the results submitted to and approved in writing by the Local Planning Authority.</p> <p>Any further survey(s) shall take place during the optimum period for wildlife activity (generally between March to September). If such a use is established, then no development shall take place until a comprehensive method statement indicating how the species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.</p> <p>Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
15	<p>Remediation of the site shall be carried out in accordance with the approved remediation strategy as agreed as part of B/20/0235/CD1. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p>

	Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan 2019.
16	<p>On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p>Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Policy 2 and 30 of the South East Lincolnshire Local Plan 2019.</p>
17	<p>If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan 2019.</p>
18	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2020/Version 1/RM Associates and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> ▪ Finished floor levels to be set no lower than 3.5m above Ordnance Datum (AOD) ▪ The development to have at least two storeys ▪ Demountable defences to be provided to a height of 600mm to cover all ground floor doors ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>
19	<p>The development hereby approved shall be undertaken in accordance with the Acoustic Assessment Report P22-287-R01v1 July 2022.</p> <p>The recommendations of the acoustic report shall be implemented in full prior to the occupation of plots 14-27 inclusive and shall be retained in perpetuity thereafter.</p> <p>Reason: In the interests of residential amenity in accordance with Policy 2, 3, and 30 of the South East Lincolnshire Local Plan 2019.</p>
20	<p>The development hereby approved shall be carried out in accordance with the materials specified within the application form and following drawings:</p> <ul style="list-style-type: none"> ▪ Drwg no 184/005 Materials Layout Plan

	<p>The materials shall be implemented and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
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BNG doesn't apply	
No-BNG1	<p>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:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:</p> <p>(a) the original planning permission (a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions) to which the section 73 planning permission relates was granted before 12th February 2024; or (b) the application for the original planning permission to which the section 73 planning permission relates was made before 12th February 2024.</p> <p>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.</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.</p> <p>Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <p>(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and (b) the conditions subject to which the planning permission is granted:</p> <p>(i) do not affect the post-development value of the onsite habitat as specified in</p>

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