

Development Management Delegated Decision Report

B/20/0235



SUMMARY OF APPLICATION

Application Reference	B/20/0235		
Application Type	Major - Outline Planning Permission		
Proposal	Outline planning permission for 132 dwellings with all matters reserved (Access, Appearance, Landscaping, Layout and Scale)		
Location	Land North of Tytton Lane East, Wyberton, Boston, PE21 7TD		
Applicant	Cyden Homes Ltd		
Agent	Mr Steven Ibbotson, Cyden Homes Ltd		
Received Date:	06-Jul-2020	Consultation Expiry Date:	
Valid Date:	21-Jul-2020	Statutory Expiry Date:	20-Oct-2020
Date of Site Visit:	---	Extension of Time Date:	10-Jun-2022
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr Austin	04-May-2021	Ok to proceed – 11/5/21	OK
Cllr Abbott	04-May-2021	Ok to proceed	OK
Recommendation	Approve – subject to the completion of a Legal Agreement		
Report by:	Lauren Birkwood		
Date:	30 th May 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located off Tytton Lane East in Boston and comprises three grassland fields, two of which are grazed, bordered by tall hedgerows and ditches. The application site and parcel of land to the north are within a South East Lincolnshire Local Plan (SELLP) allocation for residential development.

The allocated land to the north has recently been granted planning permission for up to 85 dwellings (under reference B/17/0515) and currently comprise grassland fields. To the east are grass fields and Cuckoo Land Allotments, to the south and west are residential dwellings and gardens and some grassland.

The site is accessed off Tytton Lane East from the south which connects to the A16 Spalding Road and Wyberton Low Road further to the east.

The site has a relatively flat topography similar to much of the surrounding land.



DETAILS OF PROPOSAL:

The application seeks outline planning permission for up to 132 dwellings where in this case allows for an assessment and decision to be made on the general principles of how a site can be developed. All other matters, namely access, appearance, landscaping, layout and scale are reserved for future consideration under a Reserved Matters application, if outline permission were to be granted. Development cannot commence unless all the reserved matters and any pre-development planning conditions attached thereto have been satisfied.

The 'reserved matters' are defined in planning practice guidance which applies nationally as set out below: -

- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earth works; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

The application has been supported by an indicative site plan which shows a range of 2, 3 and 4 bedroomed properties with private gardens and parking arranged around interconnecting roads, ponds, swales and landscaping.

One vehicular access is indicatively shown from Tytton Lane East with two more access points for pedestrians.

The existing public right of way (Wybe/1/1) would be retained, although this would be diverted. The indicative plan shows three principle areas of open space. The first is a linear strip (following the route of the existing footpath), the second a SUDS pond and the third a smaller area of open space in the northeast corner of the site.

The application is accompanied by:

- Design and Access Statement Rev A
- Arboricultural Report (dated 27 February 2020)
- Habitat Regulation Assessment report
- Air Quality Assessment
- Ecology Report
- Drainage Statement

- Flood Risk Assessment
- Phase 1 Site Appraisal (Desk Study)
- Transport Assessment
- 18-246-01 Topographical Survey 1 of 2
- 18-246-02 Topographical Survey 2 of 2
- 184/027 Site Location Plan

RELEVANT HISTORY:

None within the site. However, outline planning permission has been granted for the area north within the same Local Plan allocation:

B/17/0515 - Outline application for the erection of up to 85 dwellings, public open space and associated infrastructure (access only to be considered). Granted

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The application site is in a housing allocation (reference Wyb033 - Land north of Tytton Lane East) by the Proposals Map associated with the South East Lincolnshire Local Plan (2011-2036) i.e. SELLP. The housing allocation covers an area of 8.33 hectares with a capacity of 250 dwellings. The site is within four ownerships. As such the following policies contained within the 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 7: Improving South East Lincolnshire's Employment Land Portfolio
- 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: The Natural Environment
- Policy 29: The Historic Environment
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 32: Community, Health and Well-being
- Policy 33: Delivering a More Sustainable Transport Network
- Policy 34: Delivering the Boston Distributor Road
- Policy 35: Delivering the Spalding Transport Strategy
- Policy 36: Vehicle and Cycle Parking

Appendix 5: Allocations – Infrastructure requirements, constraints and mitigation (Wyb033 - Land north of Tytton Lane East):

- Water resources are adequate to serve this site, but an upgrade to the water supply network may be required.

- Upgrades to the treatment capacity of the Frampton Water Recycling Centre and enhancements to the capacity of the foul sewerage network will be required.
- An existing footpath route across the site will need to be retained within any new residential layout.
- Improvement works to Tytton Lane East are likely to be required - widening and overlaying of the carriageway, the provision of footways, kerbs, drainage and street lighting.
- 2 points of vehicular access are likely to be required.
- Potential impacts from the proximity of the A16 will need to be mitigated.
- The site is within Flood Zone 3a, and the SFRA identifies flood hazard in 2115 as 'danger for all' and flood depth in 2115 as '1.0m to 2.0m. Development will be required to include appropriate mitigation.

Appendix 6 – Parking Standards

Appendix 7 – Local Plan implementation

Appendix 8 – Developer contributions for education

Appendix 9 – Developer contributions for health care facilities

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

The revised National Planning Policy Framework came into force in February 2019, and is a material consideration in decision-taking. The parts of the NPPF that will be of particular relevance to the proposed development are:

Chapter 1. Introduction
 Chapter 2. Achieving sustainable development
 Chapter 3. Plan-making
 Chapter 4. Decision-making
 Chapter 5. Delivering a sufficient supply of homes
 Chapter 8. Promoting healthy and safe communities
 Chapter 9. Promoting sustainable transport
 Chapter 11. Making effective use of land
 Chapter 12. Achieving well-designed places
 Chapter 14. Meeting the challenge of climate change, flooding and coastal change
 Chapter 15. Conserving and enhancing the natural environment
 Chapter 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Wyberton Parish Council – 8 March 2021

- Is of the view that infrastructure unable to cope;
- Plans show minimal impact to Sir Isaac Newton Est, however, no vehicle access to it;
- The single access to the estate onto Tytton Lane East may understate the traffic at peak times; where are the Secondary school places envisaged? Is there/ will there be a convenient bus stop on A16?

- Lincs CC speaks of the allotment area (erroneously as Parish Council property) but ignores the fact that this is less than a third of the 'Cuckoo Land' and the potential of this land.
- Concern is the width of Tytton Lane East
- Needs to be access from this estate through the adjacent one to the north to Stephenson Close to allow a bus service to operate. It is also important for better movement for cyclists, pedestrians and vehicles onto Wyberton Low Road and St Thomas's School
- The riparian dyke on the North Boundary needs to be piped where there is no access for maintenance
- There needs to be access from this estate directly onto the public amenity land to the east.
- Tytton Lane East will need to be widened to accommodate a footpath and cycleway.
- Some land will be required on the southern boundary for this purpose. Close cooperation with LCC Highways on this matter is a vital issue.

Anglian Water – received 24th July 2020

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.
- The foul drainage from this development is in the catchment of Frampton Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- Used water - The sewerage system at present has available capacity for these flows.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Environmental Health – received 22 July 2020

- The applicant has provided a phase 1 contaminated land assessment which recommends an intrusive survey and gas monitoring and therefore the contaminated land conditions do need attaching to any consent.
- It is a key theme of the NPPF that developments should enable future users to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided. Boston Borough Council and South
- Holland DC are currently developing specific guidance for developers on air quality and mitigation measures which is to be embedded within the new local plan. This includes the provision of electrical vehicle recharging points. The provision of electric charging points also helps meet environmental objectives of the 4th Lincolnshire Transport Plan (April 2013) and Boston Transport Strategy (2016 – 2036). I would therefore request that electric vehicle recharging points are provided at properties as part of the development and request a condition to this effect.
- In addition to the transport assessment which has been undertaken I believe a site specific travel plan should be developed for the site with particular reference to connectivity to existing cycle and walking infrastructure.

- In the north eastern corner of the site properties will be located close to the A16 and therefore may be subject to a higher noise climate than the rest of the site. Consideration will need to be given to the layout and design of properties in this area to offer protection from road traffic noise. This may need to include upgraded glazing.

LCC Footpaths – received 16 February 2021

- It is noted that the Public Footpath has been acknowledged within the development.
- Its incorporation within the open space land is sensible, but the proposal does show the Definitive line of the path being directly affected by plot 10. It looks like an alternative route has been suggested within the proposed plan, but this will require the path being diverted through your powers under the Town and Country Planning Act. Provided that this diversion takes place, I see no issue in its movement into 'Open Space'. Please note that I OBJECT until this path has been diverted to the proposed alternative route.
- A minimum width of 2 metres will be required for the path throughout and, depending on final outcome of its location in the development, be surfaced to adoptable standards with tarmac or a low maintenance grass mix sown and maintained in future as part of the amenity maintenance plan.
- The size of the development is extensive. I previously made suggestions as to how the recreational network could be improved but there does not appear to have been any recognition of the need for householders to take exercise out of doors, and in at least a third of the households, walk their dog. The existing Public Footpath would see a huge increase in use for this purpose, but the demand for more extensive access will be present. I believe the proposed development lacks recreational walking opportunities. I would suggest that there would be benefit in providing access/amenity from the existing Public Footpath to the east for example alongside the drain at the north of the site, then linking through to the adjacent allotment gardens and on to Wyberton Low Road. This may require a culvert and negotiation with the Parish Council (likely owner of allotments), but the benefits in future will be rewarded.
- At minimum there should be access along the way-leave at the side of the drain for the public to access along the northern side of the development site linking the two areas of open space. I feel this is an 'essential' in this development.
- If we consider future commuting needs as well, then it may be more appropriate for the Public Footpath to be changed into a shared use cycleway/footway to link the development through to Boston. The land to the immediate north of the development may not be developed as yet, but the intention should be to put in place infrastructure that will add benefit in the future and this type of infrastructure ought to be the aim. When the area of land to the north is developed then this should be extended as a matter of course. Such a route would require surfacing and adoption as part of a S38 agreement.
- Looking to future maintenance of the Public Footpath, I would wish to see the footbridges at each side of the development site being replaced with culverts to the current required specification of the Internal Drainage Board. I see this as necessary to ensure the long term security of the structures and bring them up to a better more suitable standard for the anticipated extra traffic that the path shall take as it moves from a recreation route to a commuter route. The final design drawings should be submitted to Lincolnshire County Council for approval as the structures shall be the Highway Authority's responsibility after construction.
- It is expected the Definitive line and customary width of the path will not be affected by any proposed development and will remain open during the duration of any works.
- During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazards by any such works.

LCC Highways – received 29 March 2021

- Detailed comments are incorporated into the body of the evaluation section of the report;
- Requests that any permission given by the Local Planning Authority shall include the conditions requiring the following:
 - The submission of a construction management plan;
 - Prior to the development commencing construction of part of a highway into the site;
 - The submission of a full surface water drainage scheme;
 - Details of a footpath connection to the land to the north of the application site;
 - Details of a footway connection to Cuckoo land allotments;
 - A pedestrian route along the entirety of the application site's frontage to Tytton Lane East
 - Provisions for retention and enhancement of the Public Right of Way ('Folly Path') running through the site.
 - Include sufficient space adjacent to all watercourses lying adjacent to or lying within the site to allow maintenance of the watercourses by mechanical equipment.
 - Provision of adequate means to ensure that surface water from the application site is not cast onto neighbouring land and property.

LCC Education – received 21 September 2020

On the basis of the proposed development the following contribution would be required:

Type	Contribution sought
Primary	0
Secondary	£458,769
Sixth form	£92,138
Total	£550,907

Black Sluice IDB – received 16th April 2021

- Whilst we accept the updated plans and the general responses from the applicant to our comments in good faith, the Board believes that more could be done with respect to the watercourse on the northern boundary. It is the Board's opinion that there is an opportunity here, especially bearing in mind that the land to the north is also up for development, to create not only better access to the watercourse to allow for future maintenance, but also to provide an additional environmental corridor and public amenity which will enhance both proposed developments either side of the watercourse. It is the Board's experience with previous developments that, despite the best intentions of the developer, watercourses such as this will become a dumping ground for garden waste and rubbish (which is classed as fly-tipping and therefore illegal), particularly where boundary fences or hedges are placed on the bank top. Unfortunately, the old saying "out of sight, out of mind" is still very much applicable. As this is to be the receiving watercourse for the on-site sustainable drainage scheme, it will be imperative that this watercourse is not affected. Setting property boundaries back a few metres will provide some mitigation against the "absent-minded" whilst also providing space for future maintenance.
- Regarding the mitigation against overland flows along the properties on south west boundary, the applicant should ensure that this is reflected in any updates to the development drainage plan, ensuring that any system laid has an adequate outfall into the on-site sustainable drainage system.

- Finally, the Board notes that the applicant may be intending to pipe the watercourse along the southern boundary in toto to provide access points in to the development, as well as a potential public footpath as per the local authority's requirements. If this is the case, then the applicant must apply for Section 23 Land Drainage consent. The assumption is that this watercourse, once piped, will be adopted by the relevant authority.
- The applicant is also reminded that as per our previous response, prior written consent is required for the discharge from the on-site drainage scheme into the northern boundary watercourse.

Strategic Housing – originally received 30 July 2020 revised 30 November 2020

- There is a strong need for affordable housing in Boston Borough as identified in the South East Lincolnshire Local Plan (SELLP) and supporting Strategic Housing Market Assessment and also evidenced by the Affordable Housing Demand Survey 2019 of households on the Boston Common Housing Register. We would therefore seek to ensure that there is an affordable housing contribution in accordance with the Councils current position set out in the SELLP which is that 20% of the homes provided should be affordable with a tenure split of 75% rented affordable and 25% shared ownership, the specific detail of which should be discussed and agreed with the council.
- The application form states that 132 properties are proposed of which 26 are to be delivered as affordable properties equating to 19.7% which would broadly satisfy the Council's current requirement for affordable housing provision in general.
- Our latest information, from a survey of households on the Boston Common Housing Register, also identified a strong need in the area for both one and two bedroom affordable rented properties with the Local Plan also recognizing the need for one bed affordable rented properties. Therefore supports the revised mix of affordable housing which comprises:

Affordable Rent – 77% of total affordable	Shared Ownership – 23% of total affordable
8no. - 1 bed flats	2no. - 2 bed houses
8no. - 2 bed houses	4no. - 3 bed houses
2no. - 3 bed houses	
2no. - 4 bed houses	

- Following discussion and agreement on the affordable housing contribution with the Council, the applicant would also need to engage with a Registered Housing Provider, who would need to acquire and manage the affordable housing, to ensure that the affordable housing design and quality standards are complied with and that the development is included in their pipeline of developments/ affordable housing acquisitions. Contact details of Registered Housing Providers can be supplied on request.
- Please note to comply with the nationally described space standards, in order to provide one bed-space, a single bedroom should have a floor area of at least 7.5 square metres and be at least 2.15m wide.
- To summarise, the Local Housing Authority is happy to support this application as the tenure mix and property type has been altered to suit earlier comments. The details can be set out within a S106 agreement, or by other appropriate means, with the standard affordable housing requirements relating to letting, sales and perpetuity. Alternatively, as this is an outline application, a requirement to finalise size and type of the affordable properties with the council could be included within the S106 agreement as long as the tenure split was set out in line with the SELLP requirement for Boston Borough, however the need for the type and size of property is very unlikely to change so should be taken into account by the applicant.

Environment Agency – received 5 August 2020

- The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Lincolnshire Wildlife Trust – received 12 February 2021

- We support the precautionary measures for working and all recommendations and ecological enhancements found in chapter 5 of the document entitled Ecology and Protected Species Survey Land at Tyton Lane East, Wyberton compiled by Helen Scarborough and dated June 2020. The recommendations should be conditioned and details of species and management and maintenance along with reports from any recommended further species surveys included within the application for full planning permission.
- A standard biodiversity metric should be used to calculate the current level of biodiversity and deliver an overall net gain within the development site. A biodiversity management plan should be included to ensure its longevity.

Heritage Lincolnshire - archaeological comment – 11th August 2020

- The site for the proposed development lies south of Skirbeck and east of Wyberton in an area of archaeological interest. Evidence of remains of Roman and medieval date are known in the vicinity.
- To the northwest of the proposal remains of Romano-British date have been revealed, possibly a small farmstead. Archaeological evaluation to the southwest of the proposal identified Roman occupation, on the bank of a palaeochannel, including multiple phases of ditches and pits. The evidence suggests that this is a domestic site, dating between the 1st and 4th centuries.
- Tyton Hall, to the south of the proposal, represents the former medieval settlement of Tyton. The remains of a moated site is recorded here (possible site of a medieval manor house). Archaeological investigations at Tyton Court have recorded medieval and post-medieval finds and features.
- It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains.
- Therefore, given this it is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of geophysical survey followed by a programme of trial trenching.

THIRD PARTY REPRESENTATIONS RECEIVED:

The application has been advertised by notifying letters to the adjacent properties to the application site. A Site Notice was erected on Tyton Lane East and Stephenson Close with an advertisement published in the press to accord with the procedures set out in the DMPO and the Council's Statement of Community Involvement.

51 representations have been received and raise the following matters:

Effect on land use

- Effects town centre as all development on the outskirts of Boston;
- What proof is there for more housing in the area;
- Question the reason for further homes when the town centre needs significant investment;
- Area does not need further housing;
- A lack of new affordable homes to free up existing three and four bedroom properties in the area;
- Building on land which is currently used for recreational purposes;
- The rear plenty of other sites which could be developed;
- There are plenty of uninhabited new and old houses and brown field sites without building more and destroying green spaces;

Effect on local services

- Local NHS services would have increased demand and already stretched;
- Are there any plans for a bus service for children to go to school and where will they go?
- There does not appear to be any provision of educational facilities in the plan.

Highway impact

- Increase in highway safety risk given increase in traffic;
- How can area cope with more traffic;
- Highway network cannot cope with additional housing
- Affects access on/off existing drives;
- Affect highway safety – school children;
- Sir Isaac Newton is a tight enough road to come into the estate without increased traffic;
- Slight bend in Tytton Road East Lane prohibits highway visibility and affects safety for proposed access;
- Advocates the use of traffic lights to control junctions and enable pedestrians to safely cross roads;
- Footpaths in the area need widening;
- Significant increase in the number of cars in the local area;
- Access to A16 is currently a problem, more houses would exacerbate problem;
- Existing road junctions are poorly planned, path to the A16 creates theft and antisocial behaviour;
- The traffic survey is flawed in that it has calculated approximately 47 extra vehicles per hour at peak times. It is already difficult to get onto the A16 from Tytton Lane East.
- With the extra traffic there could be 18 - 25 vehicles queuing to access the A16 meaning that the residents of the development may not even be able to get onto Tytton Lane East let alone the A16.
- Access points are near a school and with more congestion will affect road safety;
- Crossing the A16 is particularly dangerous;
- No way of residents to travel around the area without using a car;
- Parking problems compounded by new stadium;
- Access should be taken from the A16;
- No room for a bus to enter/ exit the proposed site onto Tytton Lane East.
- Tytton Road East not suitable to accommodate further traffic, in width and increased volume;
- Tytton Lane East is narrow and fast, it does not allow further houses to access;

- Tytton lane and Wyberton low road have a 7.5 tonne limit and increase in heavy lorries down Wyberton Low Road affecting properties;
- Roundabout should be built off the A16 instead of using Tytton Lane;
- Traffic increase during set times and cannot exit driveway;
- Tytton Lane East needs improvement before approval of the application;
- There does not appear to be any mention of farm vehicles despite the fact that they use the lane on a regular basis and even if the road were widened they will encounter increased traffic from the proposed development which multiplies the chance of accidents.
- Has there been a physical inspection/ assessment of the traffic impact or has it been produced just from "models"?

Effect on Residential amenity

- Increase in noise affecting people of shift work;
- Fed up with pile driving that occurs on developments under construction;
- Increase in crime rates and antisocial behaviour;
- Overlooking to the surrounding existing properties;
- Parks are used for teenager drinking and antisocial behaviour, damaged and can't be used by young children;
- Questions the level of privacy for houses along Tytton Lane East as reliance is on non-existent hedge;
- Increase in the litter in the area;
- Increase in noise;
- The ground concerned is described as soft and, therefore, will require piling. This will mean that all of the current residents of the lane will be subjected to the unacceptable noise of piling for 2 - 2 1/2 years. We have already experienced this from the development on Wyberton Low Road and consider it to be noise nuisance.

Character and appearance effect

- Reduce greenery in the area;
- Development should promotes good house design principles not overcrowding;
- Allotments and fields would be the only green space in the area;
- Does not fit with the character of existing dwellings along Tytton Lane East which comprise detached bungalows;
- No more houses on the estate, it will result in overcrowding;

Impact on trees and ecology

- Has a detrimental effect on wildlife;
- Would harm the amount of wildlife in the area;
- Further planting is required to provide habitats for wildlife;
- If the lane were to be widened it would result in the loss of hedges, trees, the ditch itself and habitat for indigenous species. There are no footpaths now and to walk along the lane is to take one's life into one's hands.

Drainage and flooding

- New development will affect neighbouring properties in terms of future flooding;

- Existing drains will not accommodate any future development;
- Existing drains already blocked;
- Current drains already create problems, new houses would compound problem;
- Drains cannot cope with additional demand;
- Flooding regularly occurs in the surrounding fields;
- Focus should also be on flood risk,

Other

- Inadequate neighbour notification process;
- Decrease value of the existing properties;
- Lack of job opportunities in Boston;
- Question if the houses will be purchased;
- Development will still happen irrespective of neighbour concerns;
- Questions where the potential purchasers would come from;
- Should wait and see the impact of new houses on community before building more;

EVALUATION:

The key considerations for this application are:

- Principle of the Development;
- Impact on the Character and Appearance of the Area;
- Effects on Neighbour Amenity;
- Highways Issues and Access;
- Flood Risk;
- Land Drainage;
- Affordable Housing;
- Public Open Space;
- Ground Contamination;
- Ecology;
- Noise;
- Air Quality;
- Archaeology;
- Planning balance and obligations;
- Commentary on representations

Principle of the Development

The site is allocated for housing within the Plan under ref: Wyb033. The purpose of an allocated site is that it has been considered through the Local Plan making process that it is best placed to meet the requirement for housing demand within each settlement. The allocated sites in the Local Plan and existing planning permissions will thus be relied upon to help meet the assessed housing needs for Boston Borough and South Holland within the plan period (2011-2036) and to support other policies within the Local Plan to remote and sustain growth for the Borough. The allocation of a site has been considered during the plan making process which included public consultation and assessment by the Planning Inspector. The Local plan and subsequent allocations have therefore been found sound and ultimately significant weigh to the principle of development.

As such the scheme would have the potential to provide a significant level of housing to help support Boston's role as a sub-regional centre, within a sustainable location and on an allocated site. This would contribute positively to the housing needs (both market and affordable) within the Borough, and thus would meet the aims of policies 10, 11, 17 & 18 of the SELLP and the aims of encouraging housing growth within the NPPF.

It is noted there would be a loss of high quality agricultural land as a result of this development. The DEFRA database indicates the entire site as Grade 1 agricultural land, however the site was considered suitable for residential development under the SHLAA which forms the background for allocations under the Local Plan.

The NPPF seeks to protect areas of higher quality land by developing areas of poorer quality where development is demonstrated to be necessary. It is inevitable, given the quality of land around the borough, the lack of available housing sites and the very limited number of brownfield sites, that new housing development will use agricultural land, some of it being Grade 1 or Grade 2.

Taking into account the SHLAA and the Local Plan was found sound it is considered that the loss of this area of agricultural land would not be sufficient to warrant refusal of this application. In essence, the allocation of the site for the number of units proposed is a clear indication that the site can and should be brought forward for a significant degree of housing, and thus this would outweigh any minor impacts resulting from the loss of agricultural land.

The site has good highway connections. Vehicular access leads from Tytton Lane East on to Spalding Road and onto Wyberton Low Road with the site within a walkable distance of the town centre. This is within an area of mixed uses and will provide a mixture of housing types, including affordable housing. The development of the site can contribute to meeting the objectives of creating sustainable, inclusive and mixed communities as identified within the Framework.

The scheme would have the potential to provide a significant level of housing, within a sustainable location and on an allocated site. This would contribute positively to the housing needs (both market and affordable) within the Borough. These are significant positives arising from the scheme, which in terms of broad principle would appear to accord with the Development Plan in any event.

It is therefore considered that, subject to all other matters being acceptable, the principle of residential development on this site is supported.

Impact on the Character and Appearance of the Area

SELLP 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.

SELLP 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.

Paragraph 130 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.

The site is an area of open agricultural land surrounded by other housing to the north and east and fields to the west (beyond the A16) and south. The development of this site would result in a change to the character and appearance of the area but would be situated within the 'corner' created by the adjoining, development at Stephenson Close and Sir Isaac Newton Drive.

Whilst a layout has been provided it should be noted this is indicative and should only be used to illustrate how the quantum of development could be accommodated with the site. Nevertheless, it does give an indication of how a proposed layout and density may relate and if it assimilates with the surrounding area.

It can be seen that a density of approximately 28 dwellings per hectare (dph) is reflective of the Sir Isaac Newton Drive (SIND) estate which is to the north of the application site and of the recently approved Outline Planning Permission off Stephenson Close (B/17/0515) which is adjacent to the northerly border of the application site. The proposed development at the maximum of 132 dwellings would represent a similar density level (26 dph).

The types of houses proposed, 2, 3 and 4 bed dwellings, are compatible with the character of the surrounding area. The proposal would assimilate well as an extension to the existing Stephenson Close / SIND housing estate and the appearance of properties, density, building form and layout can be controlled at the reserved matters stage to ensure that the development fits harmoniously within the landscape. It is considered there would not be any substantial harm to the character of the surrounding area, in the context of SELLP Policy 2 and 3 or design policy contained in the NPPF.

Further analysis of this can be undertaken at the Reserved Matters stage when details pertaining to the layout, scale and appearance of units, along with landscaping details are presented.

Effects on Neighbouring Amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

Furthermore, paragraph 127 of the NPPF (2019) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

There are residential properties within the immediate vicinity of the site notably near to the northeast boundary of the site (on SIND) and the properties to the west of the site (on Tytton Lane East, Nos. 100 - 108) where their rear gardens also abut the application site boundary. There are properties on the southern side of Tytton Lane East in an offset position to the application site. All of which would be affected by the proposed development. Further analysis of this can be undertaken at the Reserved Matters stage when details pertaining to the layout,

scale, height and appearance of units, along with any land operations and landscaping details are presented.

It is noted to overcome the risk of flooding the land is proposed to be raised in height and the dwellings would be 500mm above the raised land level. This results in a total height increase from the existing land level of circa 1 metre (lowering towards the existing land drains). The presence of future housing on this site, where presently there is no development, will clearly have an impact on the level of amenity for existing adjacent residents which will be carefully considered at the Reserved Matters stage.

It is noted however that the properties on SIND are separated by an existing land drain which meanders and demarcates the northerly boundary of the application site affording a degree of separation between the existing properties and possible siting of any new dwellings. Given the existing trees are to be retained in the corner of the application site this would naturally increase the distance of a building from the site boundary. The fact that the indicative plan shows the area to be open space which holds limited but notably weight in respecting the level of amenity of the existing properties on SIND in terms of overlooking, overshadowing and overlooking.

Turning to the northerly side of Tytton Lane East, the properties do benefit from elongated rear gardens that would naturally provide a degree of separation between the rear of the existing properties and from any new dwelling should it be sited near to the boundary in this part of the site. Like the northern aspect of the site, it will be possible to design the layout so occupiers to these dwellings will have a satisfactory distance between their properties and the new development. Given distances and orientation of development, it is considered the scheme would not give rise to substantially harmful overlooking, shadowing or loss of privacy even though the proposed dwelling could be two storey and the existing properties are single storey. although the indicative plan does show a swath of open space to the side of 108 Tytton Lane East there is the PROW within this space which adds weight to this area being retained as green wedge and again maintaining a degree of separation of the new dwellings from the side of the existing property.

Given the offset position it is considered the development would unlikely significantly harm the southern side of Tytton Lane East and would retain a similar relationship with the existing properties on the northerly side.

In general terms, there will be little impact upon existing occupiers as a result of the new development, the layout of which can be agreed at reserved matters to ensure satisfactory relationships.

The two main areas of public open space (POS) are shown to be located towards the central area/southern elevation and in the northeast corner of the site. However, the plan is only indicative and should planning permission be granted, notwithstanding the presence of the PROW, their location may be changed as part of a reserved matters application(s). The relationship between existing and proposed dwellings with the POS can be considered to ensure amenity is protected.

Thus, although there will invariably be some effect upon residential amenity of the occupiers of surrounding residential areas, this is not sufficient or at a quantifiable enough level to support a refusal on this basis. As such the development would be in general accord with SELLP Policy 2 and 3 with regard to the NPPF.

It is considered expedient however, to require the reserved matters to include full details by way of cross section drawings and level drawings of the height increase of the site and the proposed dwellings. Particular attention is required around the perimeter of the site to ensure the interface with existing properties and their gardens are not compromised in terms of increased vantage points overlooking properties and private amenity spaces and the implications of increased surface water runoff.

Highways Issues and Access

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

The submitted layout drawing has been taken as illustrative only, to demonstrate that the proposed number of dwellings could be accommodated within the site whilst still retaining sufficient space necessary for the provision of roads, footways open space and above ground surface water management features required for sustainable drainage systems (SuDS). The submitted layout does also provide an illustration of the principles of how vehicular and pedestrian access to the proposed development is intended to be provided.

Given the level and complexity of the consultee comments and representations received the highway issues have been assessed under the following sections:

- Proposed access with Tytton Lane East;
- Impact on local highway network;
- Alterations to existing local highway network;
- Pedestrian links;
- Vehicle links with adjacent site.

Proposed access with Tytton Lane East

In terms of vehicular access, a single point of access to serve the proposed 132 dwellings is not unacceptable in highway terms. The vehicular movements through the single junction with Tytton Lane East would not be expected to overwhelm this junction. The illustrative layout does include an internal loop which would provide route options within the development.

The final details will form the basis of a reserved matters application where the final design of the junction can be carefully assessed taking into visibility along the highway, safe waiting areas for vehicles and means of pedestrian crossing points.

Impact on local highway network

It is considered the carriageway of Tytton Lane East, between the application site and its junction with the A16, Spalding Road, is suitable to accommodate the additional vehicle movements arising from the proposed residential development. The section of Tytton Lane East has a single footway to connect the proposed development with the existing footway/cycleway on Spalding Road. Safe and suitable access to the site can therefore be achieved for all users.

The submitted Transport Assessment contends that the proposed development would not have a severe residual cumulative impact upon the existing local highway network i.e. the additional

vehicular movements on the local highway network, arising from the proposed development, would not be expected to overwhelm existing junctions within the vicinity of the application site.

The vehicle and person trip generation of the proposed development has been projected using the industry-standard TRICS database. The proposals are expected to generate a maximum of 55 two-way vehicle trips during the AM peak hour (08:00-09:00) and 57 during the PM peak hour (17:00-18:00). The proposals are expected to generate a maximum of 47 additional two-way vehicle trips at the Tytton Lane East/A16 staggered crossroads during the PM peak hour, with 46 during the AM peak hour. The impact of the development on the junction is expected to be low due to the lightly trafficked nature of Tytton Lane East and supported by the results of the junction capacity modelling presented in 'The Quadrant' TA (NTP, 2014a) which demonstrates significant spare capacity at the junction with 'The Quadrant' development fully constructed and operational.

It is noted that representations have been made purporting the Transport assessment is flawed. However, no evidence has been presented to suggest the A16/Tytton Lane East junction (or with Wyberton Low Road) would be severely harmed in terms of traffic generation. Given the Highway Authority has raised no objection to the findings of the Assessment it would be difficult to sustain a refusal on the proposed development harming the local highway network in respect of traffic generation.

Alterations to existing local highway network

Representations have suggested that the development of this land should deliver widening of the carriageway of Tytton Lane East, between the proposed site entrance and the Wyberton Low Road junction, together with the provision of a new footway/cycleway alongside the widened carriageway. Whilst such provisions would certainly be welcomed, it is considered any highway alterations would meet SELLP Policy 6 and the three tests for Planning Obligations set out at paragraph 56 within the National Planning policy Framework (NPPF) document, namely that contributes should 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.

Taking into account the site is allocated for residential development the NPPF at paragraph 108 also advises that:

“...In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree...”

Furthermore, the widening of the Tytton Lane East carriageway and providing a new footway/cycleway would require piping or relocating the existing roadside watercourse. This would also likely to require land that is neither currently part of the public highway nor within the control of the Applicant.

As such with all these factors in mind it is difficult to warrant the alteration to Tytton Lane East as it would not be 'fairly and reasonable' and 'cost effectively' which are prerequisites of the NPPF.

Pedestrian links

There is a public footpath which leads from Tytton Lane East, along the side of No. 108 to then continue to the north and connect with the A16. It is considered the proposed development respects the public footpath within the site and to assimilate into a future layout whilst enhancing its usability and experience for future users. A future reserved matters would have to link the footpath with a suitable connection into the land to the north which in turn would enhance its usability and experience. This would encourage the overall use of the footpath and be viable as a means of connection with the town centre. Furthermore, it would open out pedestrian connectivity between the SIND estate, the consented residential development off Stephenson Close and proposed residential development with St. Thomas' C of E Primary School on Wyberton Low Road.

To ensure connectivity is maintained with the Cuckoo Land Allotments it is considered further pedestrian links can be created with the adjacent site.

The increase in pedestrian links can be delivered only with the reciprocal co-operation of the developers of the application site, the developers of the adjacent site that has been granted Consent under B/17/0515 and the pedestrian link to the Cuckoo Land Allotments site.

The improvement to the pedestrian links can also bring additional benefits and if considered collectively can inadvertently satisfy other matters relating to enjoyment of open spaces, biodiversity and drainage within the application site. As a consequence this would improve the overall design of the scheme. For example, the use of easement land for existing drains could be utilised for open space purposes creating circular routes around the site to interlink with the footpath. This would alleviate pressure on the Wash Ramsar as the site could encourage recreational activities for future occupiers. The spaces also give opportunity to improve the biodiversity and integrate with the existing features on the site such as rough cut meadow grassed areas and wildlife corridors between the built form.

Vehicle links with adjacent site

It is acknowledged there would be benefits of a vehicular link between the application site and the residential development on the site to the north. However, such connection could also create non-residential through-traffic, where drivers not residing on the SIND or the two proposed residential developments may seek to avoid use of parts of the existing road network, thus inadvertently creating rat runs between streets.

It is therefore considered this option is not feasible and there would be greater overall benefits pursuing the improvement of pedestrians links between the different areas.

Highway conclusion

It is considered there is sufficient evidence to purport the proposed development would not have a significant adverse impact on the local highway network. The details of the means of access can be forthcoming under a cover of a reserved matters application. Improvements to Tytton Lane East towards Wyberton Low Road have been considered against the provision of the

NPPF and would be unsustainable. Given the scheme is in outline form there is an opportunity to improve the existing public footpath which runs through the site and to significantly improve the pedestrian connectivity with the Stephenson Close development site, SIND and the adjacent Cuckoo Land Allotment site. The improvement of the pedestrian links, if fully considered and implemented can bring wider benefits to the site.

Therefore subject to the imposition of condition to secure the above (and for matters identified by the Highway Authority under the consultation section) it is considered the impact on highway safety is acceptable and is in general accord with SELLP Policy 2.

Flood Risk

SELLP Policy 4 states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (through passing the sequential test), the proposed works are essential infrastructure in flood zone in FZ3a & FZ3b or if appropriate flood mitigation measures have been put in place.

The application site is in an area identified as being within Environment Agency Flood Zone 3, a 'danger for all/danger for most' flood hazard and is identified as having a Flood Hazard rating of 'Danger for All' with flood depths of 1 metre up to 1.6 metres.

Taking into account the site is allocated for residential development it is considered the development meets the sequential test.

A flood Risk Assessment has been submitted in support of the planning application. The assessment recommends a combination of flood resistance and flood resilient works namely:

- The proposed floor level for the ground floor habitable accommodation is to be 500mm above the proposed raised ground level giving a lowest level of 3.50mODN.
- Demountable flood defences to be provided to a height of 600mm, for all ground floor doors and flood resilience and resistant measures to be incorporated in the construction of the properties, to a level of 4.40mODN (300mm above the predicted flood level).
- If a beam type floor is to be used, provision should be incorporated for draining the under-floor voids. The wall vents are to be fitted with 'Flood Angel' air bricks which allow air to free pass through as a usual, (complying with BS493:1995) but under flood conditions it shuts down when in contact with water. A removable mesh prevents the passage of debris which may otherwise impinge on the moving part.
- Plasterboard to be fixed horizontally to the ground floor walls for ease of replacement.
- Anti-flood valves to be fitted to all drainage pipes entering the dwellings.
- Arrange for all service circuits to be routed at first floor level where practical socket outlets, boilers etc. to be a minimum of 1.0m above the raised ground floor level.
- As this site is in an area that can receive flood warnings from the Environment Agency Floodline Warning Direct system. It is recommended that the property Owner contact the Environment
- Agency's Floodline on 0845 988 1188 to register the property to receive advance warning of flooding by telephone, mobile, fax, SMS text, email or pager. The Environment Agency aim to issue a 'severe flood warning' approximately 2 hours before existing defences are overtopped.

Notwithstanding the potential raising of the land implications the above approach would satisfy SELLP Policy 4 and makes the development acceptable in respect of flood risk.

Land Drainage

SELLP Policy 4 states that developments within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties. A general theme running through the Local Plan is the avocation of a SuDs scheme unless it can be demonstrated that this is not technically feasible and confirms how these will be maintained/managed for the lifetime of development.

SELLP Policy 4 requires that developments demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

A drainage water strategy has been submitted in support of the application. Although the proposal is in outline it concludes that the site is not capable for infiltration of surface water and therefore turns to the network of watercourses for the means of drainage. The strategy sets out that the proposed development site can comply with the set discharge requirements. Sustainable Urban Drainage Systems can be incorporated within the design (permeable pavements, under-drained conveyance swales, etc) with final attenuation for the infrastructure being in domestic curtilage permeable paved driveways, under-drained conveyance swales and an open attenuation pond for the surface water system. The use of water butts and other rainwater harvesting techniques could be considered at the detailed design stage and these would provide additional storage over and above that demonstrated in this statement.

It is noted that the IDB and the LLFA in principle do not raise an objection. It is clear that further investigation and negotiation are required for the connection into the drain which is along the northerly boundary. The IDB draws attention to the fact there may well be an opportunity, especially bearing in mind that the land to the north is also approved for future development, to create a better access to the watercourse to allow for future maintenance, but also to provide an additional environmental corridor and public amenity which will enhance both proposed developments either side of the watercourse.

Furthermore, it is noted that the existing site ground levels would need to be raised and that careful measures are required to be taken to prevent possible flooding or waterlogging of adjoining land or properties. This will clearly require further investigation to establish the implications and to ensure the overall design of a drainage scheme addresses the above in conjunction with Anglian Water, Black Sluice IDB and the LLFA. A condition is recommended to require full details for surface water disposal and to mitigate against flooding of neighbouring land. The planning condition would make the development acceptable and adhere to the requirement of SELLP Policy 4.

Residential mix and affordable housing

SELLP Policy 17 seeks to meet the long term housing needs of the borough by encouraging mixed, inclusive and sustainable communities. Whilst family homes of two or three bedrooms are in highest demand for both market led and affordable housing sectors, one bedroom homes are also required to meet affordable housing needs.

It is acknowledged the submitted plan is indicative, however it can be used to understand the possible quantum of development that can be accommodated within the site. The indicative scheme shows a spread over two, three and four bedroomed properties that would be served by off road parking and private garden spaces. Given the number of bedrooms per dwelling are shown to fall into family housing it is considered in principle would show compliance with SELLP Policy 17. A reserved matters application would nevertheless identify the precise housing mix across the site.

SELLP Policy 18 requires that major residential developments provide 20% on site affordable housing.

The applicant has advised that they will provide 20% affordable housing within the site which would be SELLP 18 compliant. The delivery of the affordable housing will be secured through a Section 106 planning obligation. The scheme would provide 77% affordable/social rent and 23% shared ownership which can be sought through the obligation. Up to 26 dwellings would be delivered. The applicant has confirmed their agreement to this.

Ground Contamination

SELLP Policy 30 indicates that development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks.

The application is accompanied by a Phase I Contaminated Land Assessment and indicates that the risk of significant contamination, radon and ground gas is not expected. A Phase II ground investigation is recommended however to determine more accurately the effect of the identified hazards on the development. Initially, this should include:

- A ground investigation designed to BS10175:2011 and BS5930:2015 and comprising window sampling, trial pitting and possibly cable percussive boreholes or cone penetration test (CPT) will be required to confirm ground conditions and collect samples for analysis.
- Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined.
- Based on the Phase I Conceptual Model (Section 3) the ground gas risk has been assessed as low. A ground gas investigation designed to current guidance will be required to determine the ground gas regime beneath the site and allow any necessary mitigation measures to be recommended. At this stage allowance for 6 visits over 3 months should be made to assess potential liabilities.
- Geotechnical soils testing of the founding strata to assess its character and suitable grades of buried concrete.

The Council's Environmental Health Team has reviewed the report and recommend that a planning condition is imposed requiring the submission of a Phase II investigation findings with any remediation that may be required to ensure the site is safe for future occupants. This is considered reasonable and as such satisfies SELLP Policy 2 and 30.

Ecology

The applicant has undertaken an Ecological Survey of the land to be considered against SELLP Policy 28 which seeks to protect and enhance biodiversity. A Habitats Regulation Assessment screening has also been undertaken due to the proximity (approximately 10km away) of

statutorily designated sites ('The Wash and North Norfolk Coast' Special Area of Conservation and 'The Wash' Special Protection Area). In relation to the designated sites, the screening assessment identifies that there is not expected to be any impact from this development on these sites.

Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity'.

The application is accompanied by an Ecology and Protected Species Survey published by Helen Scarborough. The surveys undertaken failed to find any signs or evidence of protected, priority or rare species, low quantities of foraging/commuting bats were recorded in the dusk and dawn surveys. Habitats present were common and widespread, the risk of significant impact or harm to protected, priority or notable species or notable habitats was very low.

Common reptiles

No reptiles were observed during the walkover survey undertaken in May.

Mitigation recommendation: to undertake precautionary working practices for Common Reptile Species

Badger, hedgehog and brown hare

No signs of use by badger were noted during the surveys. There are recent records of both brown hare and hedgehog from within 2km of the site. The site has potential for use by both these species. No sightings or field signs were noted during the surveys.

Mitigation recommendation: None for badgers. Although brown hare may use the site, no specific mitigation is proposed for this species as there is an abundance of suitable habitat for brown hares in close proximity to the survey site, the population of brown hare in Lincolnshire is considered to be good and stable and, in common with most other medium sized residential developments, it is impossible to retain any meaningful habitat for this species within the proposals.

Water voles

No signs of water vole activity were noted in any of the drains in January or May.

As such, no mitigation required.

Bats

It was noted during the survey that there are several mature trees towards the northeast corner of the site suitable for bat roosting. Three trees were assessed to have high potential for use by roosting bats. Almost certainly the habitats on the survey site and within the immediate vicinity will be exploited by the local bat fauna. The grassland and tall hedgerows with mature trees and drains on the survey site will offer opportunities to foraging and commuting bats; as will the residential gardens around the survey site.

Mitigation required:

- No further survey work is considered necessary providing that the scheme does not involve extensive lighting of the site boundaries and also retains all site boundaries and hedgerows.
- Further survey work in the active season will be required if significant sections of hedgerows and trees identified as having bat roosting potential are managed or felled.

Common bird species

A number of common birds were seen on or flying over the site during the survey.

Habitats and plant species

The habitats and plant species recorded on the site are common and widespread in the local area and in the country.

Mitigation required: Any works to the trees and hedgerows should commence outside the active nesting season which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests should be carried out before it begins, and active nests should be protected until the young fledge.

Summary of impact on protected species

It is therefore considered there are no significant constraints which would have a significant effect on the level and type of protected species within the site. The majority of the hedgerows within the site and the trees which are identified as being highly significant for bat roosting are to be retained.

It is noted that over time a site can possess or develop a habitat for protected and non-protected species should it not be immediately developed following a survey. Therefore taking into account this is an application for outline consent a further ecology survey will be required prior to commencement of development to ensure that appropriate measures are in place to avoid an adverse impact on protected species and their habitats.

Therefore providing the mitigation measures are fully implemented the development would satisfy SELLP Policy 2 and 28 in respect of the impact on protected species and their habitats.

Off Site Ecological Impacts

The application site is not within or adjacent to a Local Nature Reserve (LNR) or a Local Wildlife Site. As such it is considered the conservation interest of the sites and habitats will not be negatively impacted by the proposed development.

The survey site is within 10km (approximately 7.75km) of The Wash Ramsar SPA SAC SSSI (Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest, respectively).

Ramsar sites are wetlands of international importance designated under the Ramsar Convention and although are not officially included in the Natura 2000 network, the government has advised they should be given the same level of protection. SELLP Policy 28 requires that all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site, will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. These areas are considered sensitive to increased levels of recreation (e.g.

walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.).

The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority (LPA) as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development). The formal assessment is known as a 'Habitat Regulations Assessment (HRA).

As such, the Local Planning Authority is required to undertake a HRA (Stage 2: Appropriate Assessment) to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

In relation to the designated sites, the LPA concurs with the submitted screening assessment which identifies that there is not expected to be any impact from this development on these sites.

Nevertheless, the proposed development is for up to 132 dwellings and would result in an increase in population for this area. Under the Conservation of Habitat and Species Regulations 2017 (Habitat Regulations), the impact of the proposed development must be considered both alone and in combination with other plans and projects. Taking into account the number of dwellings which could be developed on the adjacent site for residential development as a minimum, the proposed development should include provision of the following proportionate to its scale: -

- High-quality, informal, semi-natural areas;
- Circular dog walking routes within the site and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/information leaflets to householders to promote these areas for recreation;
- Dog waste bins; and
- A commitment to the long-term maintenance and management of these provisions.

Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. Furthermore, the inclusion of these routes and areas of open space would have additional benefits which overall would add favourably weight to this application. This can be linked to the improvement of the PROW, areas for drainage easement, areas for biodiversity uplift and for usable, fully integrated areas of open space and play.

Whilst the above provisions cannot be necessarily conditioned they can be incorporated into how the wider site is landscaped, maintained and managed. An informative note attached to a decision can detail the provisions and set out the expectation to be incorporated into the final design of the development.

In respect of the impact on the Ramsar site it is considered the development would not have a Likely Significant Effect and satisfies SELLP Policy 28.

Trees and hedges

SELLP Policy 3 requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall net gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity. Any future planning application should include appropriate measures to ensure that the site's biodiversity is enhanced.

The submitted arboriculture report identifies that given the typical nature of the existing use of the land the trees are mainly on or immediately adjacent to the boundary of the site. A group of trees are present in the north-eastern corner of the site which are high quality and possess ecological value for protected species.

In accordance with the indicative layout 2 individual category "C" trees (T15 & T24) and 3 individual category "B" trees (T4, T5 & T14) would require removal to successfully facilitate the proposed development. In order to facilitate the development and visibility splays, hedgerows H3 and H6 would require removal, as well as a number of short sections of hedgerow within H5 and H7. The proposed design/layout indicates that the category "A" trees and remaining category "B" trees are to be retained, as well as a number of the category "C" trees.

It is noted that the high quality trees in the northerly corner have been retained and although indicative the principle hedgerows have been kept with the exception of breakages to allow access across the site. On balance the mix of retained trees and hedgerow would largely be in accordance with SELLP Policy 3, 28 and 31. However, given this application is for the principle with all matters reserved an alternative scheme could be submitted at the reserved matters stage. As already acknowledged within this report there are some shortcomings in terms of the indicative scheme and how the open spaces can serve multiple benefits which would promote a high quality design and support other matters such as drainage, enjoyment of public spaces and biodiversity.

Therefore to allow flexibility in a forthcoming design which would retain the high quality trees and the majority of the established hedgerows it is considered a suitably worded condition for the reserved matters submission would give the applicant space to improve the design whilst protecting the existing vegetation/trees.

Public Open Space

As discussed earlier, notwithstanding the SUDS area, two principle areas of public open space (POS) are shown on the plans, however these are indicative. Although they could be subject to change a suitably worded condition requiring a detailed plan showing the type and location of the play equipment with measures to encourage the use of the open spaces (i.e. to assist to discourage use of the Wash for passive recreation activity) would ensure provision is met on site. Alongside a scheme incorporating full biodiversity mitigation measures, ongoing maintenance of the spaces would again be secured through a planning condition which would secure the details of the location, size, specification of the open space, along with details of landscaping (hard and soft) proposed and details of management and maintenance responsibilities.

As such the proposed development would satisfy SELLP Policy 2, 3, 28 and 32.

Noise

The dominant noise source is the A16, located on the western boundary, which takes through traffic towards Boston to the north and Spalding to the south. Uses, being residential and agriculture, to all other boundaries will have very limited impact in terms of noise creation.

It is noted that an Acoustic Impact Assessment has not been submitted, however, Environmental Health has assessed the proposal and advised that it will be necessary to ensure the design and layout of the properties mitigates the traffic noise. This may be achieved by non-habitable rooms such as kitchens and bathrooms facing the highway with more sensitive rooms, such as main bedrooms and living rooms facing the site. Upgraded glazing and mechanical ventilation will be required alongside any appropriate boundary mitigation to buffer noise in the private garden spaces. Such measures, including the effect on external noise can be achieved via a condition and supported by an Acoustic Statement to ensure the noise levels stay within acceptable tolerances. As such the proposed development satisfies SELLP Policy 2 and 30.

Air Quality

SELLP Policy 30 requires the issue of air quality to be considered as part of any application. SELLP Policy 31 seeks to ensure that developments consider the consequences of climate change and how to address minimised and mitigate the effects.

Paragraph 181 of the NPPF states that “planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

The NPPF is supported by Planning Practice Guidance (PPG). The PPG relating to air quality states that “Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with EU Limit Values” and “it is important that the potential impact of new development on air quality is taken into account ... where the national assessment indicates that relevant limits have been exceeded or are near the limit”.

The PPG states that “whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)”.

An Air Quality Statement has been provided pursuant to addressing the requirements of SELLP Policy 30 and 31. The statement identifies that the site is not within or close to an Air Quality Management Area and none of the air quality limit values, set for protection of human health, are being or predicted to be exceeded.

Environmental Health has reviewed the report and concurs that the development will have minimal impact upon air quality. It is acknowledged that occupiers of the dwellings will be largely reliant on motor vehicles. Notwithstanding the requirement of a Travel Plan electric or hybrid-electric powered vehicles currently form a small percentage of the total number of vehicles on the road. However, electric/hybrid vehicles will become more popular, further advances in technology are anticipated and the likelihood is that these vehicles will become less expensive. Together with future development of Government policy in this area, it is possible that a significant percentage of vehicles will be electric or part electric powered in the near future. A key theme of the NPPF, paragraph 35, is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided. The provision of an EV charging point within each dwelling is therefore considered reasonable and can be secured by planning condition.

In terms of air quality during construction (primarily through dust) it is considered the submission of a construction management plan would enable the applicant to set out the mitigation measures to alleviate a resulting impact from its development.

Therefore with the above measures secured by planning condition it is considered the proposed development is acceptable in respect of the effect on air quality and the relevant parts of SELLP Policy 30 and 31.

Archaeology

SELLP Policy 29 advocates that proposals which affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

The NPPF states at Para 189 "...where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation..."

To address SELLP Policy 29 and the comments of Heritage Lincolnshire it is considered that an archaeological evaluation to determine the presence, character and date of any archaeological deposits present at the site can be secured by planning condition. This would be extended to cover any associated work, such as trial trenching, to ensure that any archaeological remains are properly recorded before disturbance as a result on construction.

Planning obligations

SELLP Policy 6 sets out how a development mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. Developer contributions will only be sought when they meet the tests set out NPPF.

Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure and services required by the development, either alone or cumulatively with other developments. 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.

At this juncture it should be noted that the application is in outline with all matters reserved. Although a site plan has been submitted showing a number of units this is for illustrative purposes. A final received matters would fix the number and type of units. Ultimately any contributions will be secured through section 106 (legal) agreements. The following heads of terms have therefore been agreed in advance with the applicant and will form the basis of the Section 106 Agreement.

Affordable Housing

As discussed earlier the applicant has advised that they will provide affordable housing in accordance with the Council's current position on affordable housing which provides a minimum of 20% affordable units. The applicant has agreed to provide 77% affordable/social rent and 23% shared ownership.

This would therefore satisfy SELLP Policy 18.

Transport infrastructure

Lincolnshire County Council Highways has requested a financial contribution of £5000 to cover the costs of monitoring the delivery of the travel plan. The plan would need to be monitored for 5 years and, as discussed, is a 'living' document which will need updating to take account of changing circumstances. This sum is therefore considered reasonable in order to promote sustainable modes of transport options and would ensure the development accords with SELLP 2, 5 and 6.

Education facilities

Lincolnshire County Council - Children's Services consider the development will result in a direct impact on local schools at secondary and sixth-form level. At secondary the sum would contribute to an extension of Haven High Secondary whilst at sixth form would contribute towards an extension of either grammar school in Boston.

The total sum required will be taken on a pro-rata basis. This will ensure the development satisfies the SELLP whilst proportionally accounting for a difference in the number and type of dwellings approved through the reversed matters application.

Health facilities

The NHS have advocated the proposed development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. The CCG and local practices are working together with Boston Borough Council on a new integrated health and leisure facility within the PE21 regeneration area. This will include Primary Care and will include increased capacity to meet the planned growth in Boston area. These plans are being developed as part of the Boston Town Fund.

Lincolnshire Clinical Commissioning Group(LCCG) wishes for the Section 106 contribution from the development of 132 dwellings on Land North of Tytton Lane East, Wyberton to contribute to the development of health facilities within the PE21 regeneration area.

Again, the total sum required will be taken on a pro-rata basis. This will ensure the development satisfies the SELLP whilst proportionally accounting for a difference in the number and type of dwellings approved through the reversed matters application.

Sport facilities

In this instance a contribution for sport facilities is not sought, however, it is acknowledged that there are two areas of public open space which have the opportunity to be enhanced and provide facilities for informal play and relaxation. A suitably worded condition requiring a detailed plan showing the type and location of the play equipment and open space areas with how these spaces would be managed in perpetuity can ensure they are provided meeting the policy's requirements.

It should be noted that a S106 Agreement was completed on 27/5/22 to the satisfaction of the Council's Legal advisers. This is therefore material to the decision being taken.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan similar to the National Planning Policy Framework should be read as a whole. Whilst there is a presumption in favour of sustainable development a proposal should carefully be considered in the planning balance. If found to weigh in favour of a development proposal after taking into account material considerations permission should be approved without delay.

There are matters which weigh against and in favour of the proposed development.

The site is allocated for residential development and although there would be a loss of agricultural land weight can be attached in favour regarding the principle of development. The proposed density for the quantum of development would assimilate with existing carried pattern of residential developments from the north. The general supply of housing and the level of affordable units within the site would contribute to meeting the Borough's demand.

It is noted the scheme does not have the sufficient level of detail to carry out a thorough assessment, however, the adjacent existing neighbouring garden plots and positions relative to the application site does allow a degree of natural separation to be maintained which adds favourable weight to the proposal.

Similarly, the proposed scheme would not significantly harm the level of ecology and mitigation with biodiversity uplift can be secured by planning condition.

Mitigation for health and educational services as a result of future pressures are policy compliant which are secured through a Legal Agreement.

In terms of the effect on the highway network neutral weight can be applied. Although reservations have been expressed by the representations, taking into account the evidence

submitted and the absence of an objection from the Highway Authority it would be difficult to sustain a refusal of the application that the scheme would severely harm the highway network.

In terms of the principle which this application seeks there are not necessarily many matters which strictly weight against the proposal. However, matters relating to flood risk and the implications of raising the land would have to be carefully considered, along with any impact to ecology and neighbouring residential amenity. Although the scheme does not look to alter the wider Tytton Lane East it has been demonstrated such a request would exceed the provision of the NPPF in being proportionally unreasonable for this development.

Overall, it is considered that the combined benefits arising from the proposed development would be moderate in scale and these benefits need to be balanced against the adverse impacts as identified above.

Commentary on representations

In respect of the representations it should be noted that the perceived effect on valuation of a property is not a material consideration for this application.

Whilst concerns have been expressed regarding the purchase of the properties it should be noted that the scheme of this scale would likely be constructed in phases over a period of time which as a result would feed gradually new houses onto the market. The development of this land has been identified through the plan process in meeting a future demand for properties in the Borough. The addition of properties into the area would inevitably have a trickledown effect where it would support and generate the need for employment bolstering new and existing businesses in the town centre and other area of employment.

CONCLUSION:

The proposal would result in the development of existing agricultural land for residential purposes. The scheme would provide a substantial contribution to the housing supply within the Borough and would provide for a high quality housing scheme which is in accordance with the policies of the development plan.

The applicant intends to provide public open space with play which is acceptable in principle and would be of benefit both to the area and is in accordance with the objectives of SELLP. This can be sought via planning condition.

Concerns have been expressed by residents about the ability of the local highway network to accommodate the traffic that will be generated by 85 properties. However there is sufficient evidence which has been considered by Highway Authority to be acceptable to suggest the impact on the local highway would not be of significance. In addition, some consideration over the traffic impact would have been given prior to the allocation of the site as part of the Local Plans commitments to housing growth within the Borough. Therefore any minor impacts that would result, would be outweighed by the positives arising from this additional housing.

It is considered, this application is in general accord with the South East Lincolnshire Local Plan and the NPPF. It is considered the principle of residential development would not cause 'substantial harm' to the amenity of nearby land users or residents. Furthermore the scheme can be designed to minimise further impact of the presence of buildings near to the site boundary which would be considered at the reserved matters stage.

The site is considered suitable for residential development by reason of the SELLP land allocation and the primary issues in the determination of the application have been fully assessed as identified above and found to be acceptable subject to the imposition of the conditions.

It is therefore recommended that the application is approved.

RECOMMENDATION:

It is recommended that Conditional Planning permission is granted, subject to the satisfactory conclusion of a S106 Legal Agreement to cover the relevant matters of affordable housing, education contributions, NHS contributions, Travel Plan monitoring sum as set out in this report. Permission would also be subject to the following conditions and reasons.

It should be noted that a satisfactory legal agreement was completed on 27/5/22.

CONDITIONS / REASONS			
B/20/0235 - Land North of Tytton Lane East, Wyberton, Boston, PE21 7TD			
Pre-commencement conditions?	Y	Agreed with applicant/agent - Date:	TBC
1	No development shall commence until details of the access, appearance, landscaping, layout and scale of the development (hereafter referred to as the 'reserved matters') have been submitted and approved by the Local Planning Authority. Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).		
2	Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of four years from the date of this permission. Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.		
3	The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved. Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.		
4	Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the outline permission insofar as it relates to a maximum of 132 dwellings and the site area (as shown on Drawing Number: 184/027). Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).		

5	<p>No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:</p> <ul style="list-style-type: none"> (i) A phased programme and methodology of site investigation and recording to include: <ul style="list-style-type: none"> • a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record; • a targeted archaeological evaluation; and • where appropriate, targeted area excavation. (ii) A programme for post investigation assessment to include: <ul style="list-style-type: none"> • analysis of the site investigation records and finds; • production of a final report on the significance of the archaeological interest represented. (iii) provision for publication and dissemination of the analysis and report on the site investigation. (iv) provision for archive deposition of the report, finds and records of the site investigation. (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI. <p>The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.</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 (2011-2036) and the National Planning Policy Framework (2021).</p>
6	<p>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 (through not restricted to) the following details:</p> <ul style="list-style-type: none"> a) a traffic management plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including the earliest and latest times, and the suspension of trips during peak traffic times) b) hours of work for site preparation, delivery of materials and construction; c) measures to minimise and control noise, vibration, dust, dirt and fumes during the development period d) details of onsite 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

	<p>g) measures to avoid disturbance to nesting birds and other wildlife</p> <p>h) measures to prevent mud being deposited on the surrounding highway</p> <p>i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</p> <p>j) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site</p> <p>k) a programme for the implementation of all of the above items.</p> <p>Development shall then be carried out in strict accordance with the approved CEMP.</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>
7	<p>No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <p>a) 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 surface areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;</p> <p>b) Provide attenuation details and discharge rates which shall be agreed with the surface water receiving body;</p> <p>c) Include adequate means to ensure that surface water from the application site is not cast onto neighbouring land and property.</p> <p>d) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and</p> <p>e) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including 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.</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 (2011-2036).</p>
8	<p>When application is made for Reserved Matters approval, the details of finished site levels and ground floor levels in relation to the existing site levels, adjoining land and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the grading and mounding of land areas, cross sections through</p>

	<p>the site, and relationship with the adjoining land form and buildings. The development shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: To secure the satisfactory development of the application site and minimise the impact on surrounding occupiers, which would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
9	<p>When application is made for Reserved Matters approval full details of the biodiversity enhancement measures across the site and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.</p> <p>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 (2011-2036).</p>
10	<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 (2011-2036).</p>
11	<p>No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The approved pack shall thereafter be provided to the occupant(s) of the proposed development upon occupation. The Travel Pack shall include details of walking and cycling routes and footpaths, local facilities, local clubs and organisations, local bus time tables and useful contacts.</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 (2011-2036).</p>
12	<p>An application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme, including a Supplemental Transport Assessment, for the provision of all forms of access (vehicle, cycle, pedestrian) routes through to:</p> <ul style="list-style-type: none"> • The adjoining land to the north of the site, namely the land (known as land off Stephenson Close) granted outline consent under B/17/0515; and, • The adjoining land to the east of the application site, namely Cuckoo Land Allotments <p>The scheme shall include details of the siting, layout, design, construction (including surfacing materials) and drainage of each route, and a timetable for their provision. The pedestrian routes shall thereafter be constructed and made available for use in accordance with the details in the duly approved scheme and the timetable contained therein.</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 (2011-2036).</p>
13	<p>When application is made for Reserved Matters approval, the submission shall include provisions for retention and enhancement of the Public Right of Way (Wybe/1/1 also known as Folly Path') running through the site.</p> <p>Reason: To promote sustainable transport modes in accordance with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan (2011-2036) and the guidance within the National Planning Policy Framework (2021).</p>
14	<p>When application is made for Reserved Matters approval, the submission shall include a pedestrian route and cycleway along the entirety of the application site's frontage to Tytton Lane East.</p> <p>Reason: To ensure the continuity of safe and suitable pedestrian access along the frontage of the consented development in accordance with Policy 2, 32 and 33 of the South East Lincolnshire Local Plan (2011-2036) and the guidance within the National Planning Policy Framework (2021).</p>
15	<p>Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.</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 (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2021).</p>
16	<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 (2011-2036).</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 (2011-2036).</p>
17	<p>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:</p> <ul style="list-style-type: none"> (i) details of the location, size, specification of the open space and how the POS will be landscaped (hard and soft); (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company. (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) to include details such as: <ul style="list-style-type: none"> • on-going inspections relating to performance and asset condition assessments; • operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and • any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. (iv) means of access and easements for maintenance purposes; (v) A timetable for implementation. <p>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.</p> <p>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 (2011-2036).</p>
18	<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</p>

	<p>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 (2011-2036).</p>
19	<p>Where the Phase 2 risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.</p> <p>Reason: To ensure the proposed remediation plan is appropriate and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p>
20	<p>Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <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 (2011-2036).</p>
21	<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 (2011-2036).</p>
22	<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 (2011-2036).</p>

23	<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 (2011-2036).</p>
24	<p>When application is made for Reserved Matters an acoustic assessment shall be submitted to the Local Planning Authority to demonstrate how a subsequent noise mitigation scheme would protect dwellings which would be sited adjacent to the westerly site boundary from noise emanating from passing traffic on the A16.</p> <p>Where windows need to remain shut in order to achieve acceptable levels other means of ventilation shall be provided. The scheme shall thereafter be implemented in accordance with the duly approved details and a verification report submitted to and approved in writing by the Local Planning Authority to demonstrate that the required noise levels have been achieved for each plot before the dwelling on that plot is first occupied.</p> <p>Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Policy 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
Informatives
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p> <p>It is advised that a Flood Warning and Evacuation Plan is produced for the development in order to address the residual risks of flooding at the site and to confirm the approach that will be taken for safe evacuation of the area.</p>

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

As well as the recommendations in the Helen Scarborough ecology report the following points should be considered at the outline planning stage. We would be happy to discuss these in more detail to ensure an appropriate scheme is delivered.

- Consider the design and layout of all of the features in the development, how they connect together and to the surrounding landscape
- Design gardens in blocks to increase the area of connected green space with gaps in boundary enclosures to create wildlife highways
- Retain existing natural features including ditches and drains
- All planting and sowing should be appropriate to the local landscape and include native species of local provenance with known value to wildlife
- A long-term biodiversity management plan should be provided
- Built in bird boxes (including swift boxes)
- Built in bat bricks, access tiles and boxes
- Hedgehog homes
- Incorporate wildlife into the design of SUDS, swales, ditches and other water features.

Pursuant to the reserved matters and to enhance the landscaping scheme it is recommended to include the following into the design:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes within the site and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/information leaflets to householders to promote these areas for recreation;
- Dog waste bins; and
- A commitment to the long-term maintenance and management of these provisions.

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

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

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

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers

included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.