



B O S T O N

BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/20/0235

Applicant: Cyden Homes Ltd
Manor Farm Offices
Grimsby Road
Laceby
Grimsby
DN37 7EA

Agent: Mr Steven Ibbotson
Cyden Homes Ltd

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:-

Outline planning permission for 132 dwellings with all matters reserved (Access, Appearance, Landscaping, Layout and Scale) at Land North of Tytton Lane East, Wyberton, Boston, PE21 7TD

and in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Outline Planning Permission** for the said development subject to **compliance with the following conditions(s):-**

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. 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:

(i) A phased programme and methodology of site investigation and recording to include:

- 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:

- 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.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

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).

6. 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:

- 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
- g) measures to avoid disturbance to nesting birds and other wildlife
- h) measures to prevent mud being deposited on the surrounding highway

- i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- j) details of any protective fencing to maintain public access and public safety for the public footpaths that cross/are adjacent to the site
- k) a programme for the implementation of all of the above items.

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

Reason: To satisfy 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.

7. 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:

- 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;
- b) Provide attenuation details and discharge rates which shall be agreed with the surface water receiving body;
- c) Include adequate means to ensure that surface water from the application site is not cast onto neighbouring land and property.
- d) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- 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.

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.

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).

8. 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 the site, and relationship with the adjoining land form and buildings. The development shall thereafter be implemented in accordance with the approved details.

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).

9. 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.

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).

10. 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.

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).

11. 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.

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).

12. 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:

- 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

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.

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).

13. 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.

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).

14. 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.

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).

15. 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.

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).

16. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day as set out as the optional requirement in Part G of the Building Regulations (2010) and the South East Lincolnshire Local Plan (2011-2036).

The person carrying out the work must inform the Building Control Body that this duty applies.

A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

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

(i) details of the 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:

- 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.

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

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2011-2036).

18. 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.

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.

Any further survey(s) shall take place during the optimum period for wildlife activity (generally between March to September). If such a use is established, then no development shall take place until a comprehensive method statement indicating how the species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.

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.

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).

19. 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.

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).

20. 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.

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).

21. 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.

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).

22. If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).

23. 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:

- 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

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

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).

24. 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.

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.

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).

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.

Dated: 7 June 2022



Mike Gildersleeves
Assistant Director – Planning
Boston Borough Council and East Lindsey District Council

Informatives

This decision should be read in conjunction with the Legal Agreement (S106) dated 27th May 2022.

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.

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.

IMPORTANT NOTES

This consent does not constitute permission under the Party Wall etc Act 1996, nor any Building Regulations approval under the Building Act 1984.

We may have attached other documents or copy letters to this decision notice. While these do not form part of the Council's formal decision they should be used or read in conjunction with it. They contain useful or essential information, which you require to be aware of and may necessitate further actions on your part.

PLANNING APPEALS

If you are aggrieved by the decision or any of the conditions attached to a consent you may pursue an appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. However, it is suggested that you speak, in the first instance, to the Planning Officer who dealt with your application for further advice.

If you want to appeal you can submit online, at www.gov.uk/appeal-planning-decision, however, if you wish to apply by post the address is: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Planning Inspectorate customer support team: 0303 444 5000
Email: enquiries@pins.gsi.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICE

If either the Local Planning Authority or the Secretary of State for Communities and Local Government refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

PROPOSED DEMOLITION

The provisions of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority have given Notice under Section 81, or the relevant period of 6 weeks has expired.

THIS IS A LEGAL DOCUMENT - PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS