

BOSTON BOROUGH COUNCIL

Planning Committee – 7th February 2017

Reference No: B/16/0360

Expiry Date: 09-Dec-2016 (Extension of time agreed until 11 February)

Application Type: Full Planning Permission
Proposal: Construction of 17no. affordable dwellings (previously 25 affordable dwellings) and associated infrastructure

Site: Land at Riverside, Boston

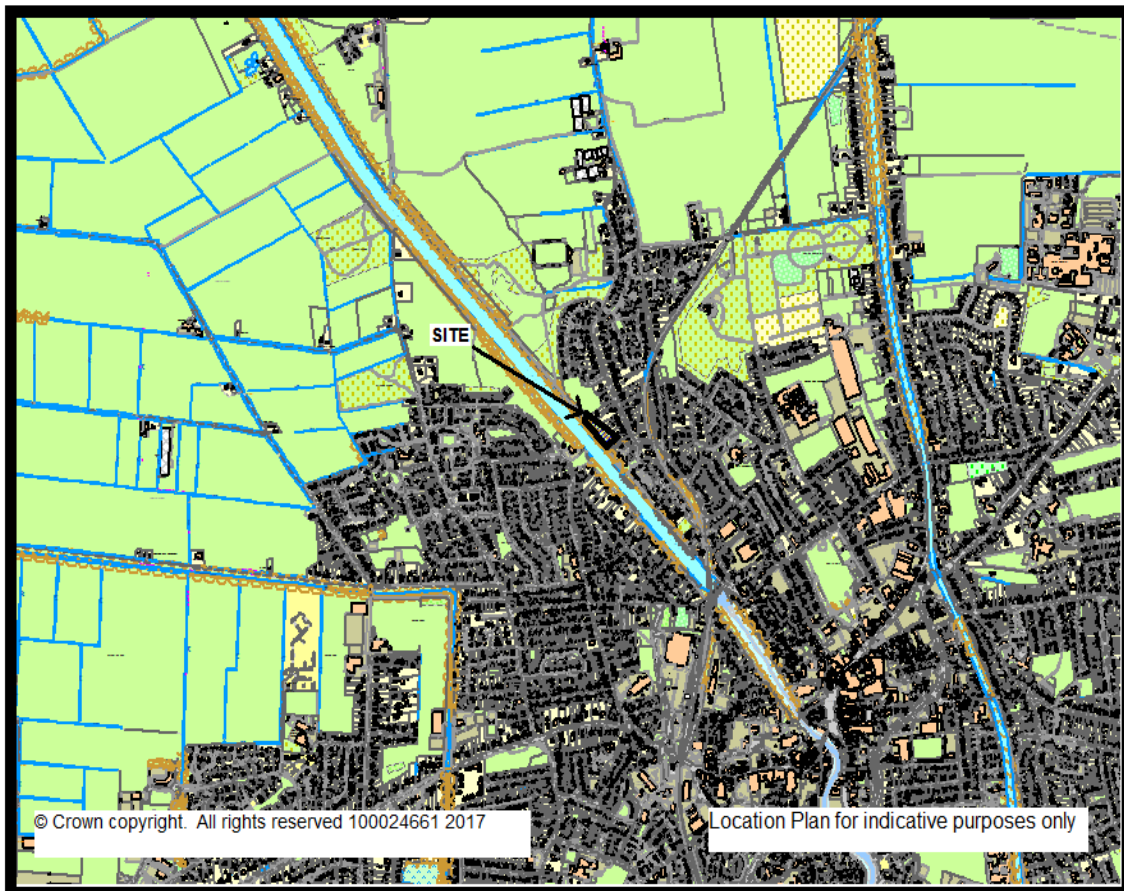
Applicant: Mrs Rebecca Archer, Chestnut Homes Ltd

Ward: Witham
Parish: Boston Town Area Committee

Case Officer: Trevor Thompson

Third Party Reps: 7

Recommendation: DELEGATE TO GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee because letters of objection have been received from neighbours and because the site occupies a very prominent position along the River Witham, close to the Boston Conservation Area.

2.0 Application Site and Proposal

- 2.1 The application site is roughly triangular shaped and is located within the built up area of the town as identified within Inset Map 28 of the Boston Borough Local Plan. The site area is around 0.41 hectares and is partly used as a construction compound which serves the adjacent housing estate. The remaining part of the site is overgrown shrub land and unused. There is a 6m easement required for maintenance along the river frontage which has influenced the layout of the site.
- 2.2 The site is in a prominent position along the River Witham, outside of the Boston Conservation Area. It is bordered by a public footpath which runs alongside the river linking Boston to Anton's Gowt. There are residential properties to the rear of the site which front onto Tattershall Road, consisting of both bungalows and houses. Many of these properties have considerable rear garden areas which separate the site from these bungalows and houses. To the south east of the site lies the applicant's existing riverside development consisting of 140 dwellings which includes a variety of residential accommodation and house styles.
- 2.3 This application is for full planning permission for the erection of 17 affordable dwellings. Originally the application was for 25 affordable dwellings but the application has since been amended following concerns expressed by neighbours. The proposed development is now all two storeys and consists of 12 one bed apartments and 5 x 2 bed dwellings. The 5 x 2 bed units will form part of a terraced block. Vehicular access to the site will be off an existing spine road which serves the adjacent development (road name 'Riverside') which in turn junctions with Tattershall Road and Witham Town. It is proposed to provide a new road within the site with a turning facility to serve this development plus an external parking area. It is also proposed to provide 22 car spaces to serve the proposed seventeen units. The completed dwellings will be owned and managed by Boston Mayflower, a local Registered Provider.
- 2.4 The site is former railway land and is held under a long leasehold title. Due to this, the applicants say that it is not possible to deliver open market housing on this land due to the historic covenants surrounding this former use which affects the ability to gain mortgage approval. A sale to a Registered Provider provides a solution to this problem and helps to deliver affordable housing, in particular affordable rented accommodation.

3.0 Relevant History

- 3.1 There have been no recent planning applications on this site. The only applications which are relevant to this application are those which relate to the adjacent Riverside development which is still under construction. This site has a complex planning history- the most recent application to increase the number of dwellings on this estate from 113 to 140 was granted in 2014 (ref B/14/0283).

4.0 Planning Legislation

- 4.1 The site lies close to the Boston Conservation Area and there are listed buildings on the opposite side of the river.
- 4.2 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities when considering to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 4.3 In addition, section 72 of the Act places a general duty on a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.0 Relevant Policy

Boston Borough Adopted Local Plan

- 5.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise. The application site is not allocated in the Local Plan for any specific purpose.
- 5.2 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G2 – Wildlife and Landscape
 - Policy G3 – Surface and Foul Water Disposal
 - Policy G4 – Safeguarding the Water Environment
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy T2 – Roads and Footpaths in New Developments
 - Policy R5 – Witham Way Footpath and Nature Reserve
 - Policy C7 – Development of Sites Adjacent to the River Witham
 - Policy C17 – Sites of Local Nature Conservation Interest

Housing policies

- Policy H2 – Windfall Housing Development
- Policy H3 – Quality of Housing Developments
- Policy H4 – Open Space on Housing Estates

National Planning Policy Framework

- 5.3 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, it goes on to state that policies for the supply of housing “should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. In the absence of a five year supply in the Borough the presumption in favour of sustainable (housing) development applies.

- 5.4 Para 109 (Conserving and enhancing the natural environment) indicates that the planning system should contribute to and enhance the natural and local environment by ‘... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity...’
- 5.5 Para 131 of the Framework states: ‘In determining planning applications, Local Planning Authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation.
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
 - The desirability of new development making a positive contribution to local character and distinctiveness’.
- 5.6 Para 132 states: ‘When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’

6.0 Representations

- 6.1 As a result of publicity seven letters of representation had been received from the occupiers of the following properties relating to the scheme as originally submitted for 25 dwellings:
- 74 Tattershall Road, Boston
 - 80 Tattershall Road, Boston (x2)
 - The Hollies, 78 Tattershall Road, Boston
 - 70 Tattershall Road, Boston
 - 59 Riverside, Boston
 - 73 Riverside, Boston
- 6.2 The neighbours’ objections are summarised on the following grounds:
- Impact on amenity/loss of privacy/noise disturbance/ overlooking/ visual impact – concerns over 12m high four storey block near bungalows causing overshadowing etc. Development should be reduced in size, buildings re-orientated.
 - Design not in character with rural area/ riverside walkway. Impact on the countryside.
 - Concerns regarding height of proposed dwellings especially given flood risk requirements in relation to existing properties.
 - Noise and disruption generated by piling and general noise and exhaust pollution of a building site.
 - Loss of wildlife habitat, trees and wildlife including foxes, deer, badgers and various birds. Loss of part of designated wildlife site.

- Traffic generation, impact on highway safety and ability of local network to cope. Junction at Tattershall Road/Sluice Bridge is already overloaded given proximity with the railway and many recent housing developments in area.
- Concerns about the two existing access points that currently serve Riverside which will also serve the proposed development; one access is via Witham Town which is on a bend and under a low railway bridge whilst the other is off Tattershall Road, near a bend and railway crossing.
- Concerns about flood risk and sewage disposal – the ability of the sewage network to accommodate proposed development.
- Housing mix not balanced, social housing out of character with an area of owner/occupied homes – too many high density flats in area. Creation of a mono pitched tenure estate, contrary to policy. Publicity of application fails to differentiate between social and affordable housing.
- Concerns relating to anti social behaviour.
- Existing public open space not adequate.
- Concerns over future boundary treatment shared with Tattershall Road properties. Need to plant mature trees as part of landscaping scheme.
- Development not in accordance with Local Policy and is not sustainable
- The Council's Strategic Housing Land Availability Assessment (SHLAA) concluded that the site is 'undeliverable'.
- Application should be refused on the grounds of prematurity and prejudice the process of the emerging Plan.
- Impact on the Conservation Area – no heritage statement submitted.

6.3 The neighbours have been re-notified of the amended plans and at the time of writing this report no further letters of representation had been received. The date for making further representations expired on the 2nd February 2017. Any further representations from the neighbouring residents will be reported verbally at the meeting. The representations from neighbours relating to the scheme as originally submitted have not been withdrawn and remain a material consideration.

7.0 Consultations

7.1 Comments received from the following bodies relating to the scheme as originally submitted and the amended plans (if received) are detailed as follows:

7.2 The Lincolnshire Wildlife Trust objects on the grounds that the development will result in the permanent loss of part of a Local Wildlife Site and that the measures proposed are not sufficient to compensate for this loss.

7.3 The County Highways Authority has no objections subject to two conditions.

7.4 The Environment Agency has no objections subject to one condition.

7.5 Environmental Protection has no objections relating to the amended scheme subject to land contamination conditions.

7.6 The Local Housing Authority supports this application.

7.7 Lincolnshire County Council Strategic- Planning and Major Developments Manager has replied and does not request an education contribution.

- 7.8 The Witham Fourth District Internal Drainage Board has no objections.
- 7.9 The Lincolnshire Police Crime Prevention Design Advisor has no objections but has made comment and suggestions with regard to the proposed layout and design.
- 7.10 The Network Rail Infrastructure Manager has no objections subject to conditions.
- 7.11 The Canal and River Trust has no objections subject to conditions.
- 7.12 Anglian Water Services has no objections subject to conditions relating to a foul water strategy and a surface water strategy.
- 7.13 These bodies have been re-consulted on the amended plans and any further comments will be reported verbally at the meeting. The date for making further comments expires on the 10th February 2017.

8.0 Planning Issues and Discussion

- 8.1 The main planning issues in the determination of the application are:
- Principle of development
 - Prematurity and the weight to be given to the South East Lincolnshire Local Plan (SELLP)
 - Impact on the Local Wildlife Site and biodiversity
 - Impact on highway safety
 - Impact on residential amenity
 - Design, impact on the Conservation Area and the setting of the listed buildings.
 - Density

Principle of development

- 8.2 The site is located within a sustainable location, on the edge of a large housing estate which is currently under construction and within the built up area of the town. Thus the principle of new housing in this location can be acceptable.

Prematurity and the weight to be given to the SELLP

- 8.3 One neighbour considers that the application should be refused on the grounds of prematurity because, in the neighbour's opinion, it would prejudice the process of the emerging plan and would result in an unacceptable and irreplaceable loss of a site of established local importance for biodiversity. The impact this development may have on the Local Wildlife Site is discussed below.

8.4 However, the NPPG does provide some advice on prematurity; it states:

‘... arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the framework and any other material considerations into account. Such circumstances are likely but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

8.5 In this instance, the South East Lincolnshire Local Plan has not been submitted for examination and it therefore has no or very limited weight in the determination of planning applications. On this basis, it is considered that it is unlikely that this application can be refused on the grounds of prematurity.

Impact on the Local Wildlife Site and biodiversity

8.6 The site is not designated for any purpose within the current Local Plan but forms part of an area identified within the draft SELLP as a Local Wildlife Site (LWS) which starts from the site and follows the river bank to the lock gate at Anton’s Gowt. This is known as ‘Witham Way, Anton’s Gowt to Boston’ Local Wildlife Site which was originally designated by the Greater Lincolnshire Nature Partnership in 2009 and reselected in 2013. Such sites are termed ‘Local Sites’ as they are determined locally for their nature conservation value and essentially ‘fill the gap’ between other statutory designations. However they do not have a statutory designation and are not protected by law in the same way as, for example, Sites of Special Scientific Interest (SSSI). However the fact that a site forms part of a LWS is a material consideration.

8.7 The Lincolnshire Wildlife Trust (LWT) objects to the application and considers that the application will result in a net loss in biodiversity contrary to the NPPF and Policy G2 of the current Local Plan. LWT adds that the site does have biodiversity value, particularly in association with the habitat corridor provided by the River Witham and that the suggested provision of bird boxes and tree planting does not compensate for the loss of this habitat.

- 8.8 The applicant has objected to the LWS allocation in the SELLP consultation in January 2016, seeking a change to the boundary, concluding that the site should be removed from the LWS due to lack of evidence demonstrating that the site meets the citation for designation or adds appropriate value. The site is essentially made up of trees and overgrown shrub land and a small part of this land is currently been used by the developer as a works compound to serve the existing estate as works progress. The application site has been classified as 'undevelopable' within the draft SHLAA due to 'adverse environmental impact'.
- 8.9 The application has been amended since submission and is now for a lower density development which includes two buildings as opposed to four buildings. As a result the proposed landscaped area to the northern extent of the site and the strip of land behind the rear garden areas of properties along Tattershall Road have been enlarged compared to the original scheme. The applicant considers that the development of the site will provide a variety of native species and those of known value for wildlife. In addition it is proposed to install 6 bird boxes within the site to provide valuable nesting opportunities for bird species.
- 8.10 It may be argued that, since the site is a LWS coupled with the proposed landscaping and mitigation measures, this proposal does not comply with para 109 of the NPPF which seeks to minimise impacts on biodiversity and providing net gains in biodiversity where possible.
- 8.11 However the loss of about 4% of the LWS which consists essentially of tree/shrub land must be balanced against the need to provide affordable homes within the town and whilst the mitigation measures that have been put forward are limited and perhaps do not provide a 'net gains' in biodiversity it is not considered that this is a sufficient reason to refuse the application. However it is recommended that should permission be granted, a condition is imposed which requires further enhancements to biodiversity within the site.

Impact on highway safety

- 8.12 It is proposed to construct an extension to the existing estate road that serves 'Riverside' which junctions onto both Tattershall Road and Witham Town. The extended road will be about 55m in length and includes a turning head and footpath. This estate road will also serve a parking court consisting of 22 car spaces to serve the proposed 17 dwellings, including visitor parking. The public footpath which runs alongside the river will also provide pedestrian and cycle links to the town centre. The County Highways Authority had no objections to the original scheme subject to conditions though is yet to comment on the amended plans.

Impact on residential amenity

- 8.13 There are bungalows and houses to the rear of the application site which front onto Tattershall Road. Most of these properties have long rear gardens which adjoin the application site. The boundary between these neighbouring properties and the application site is mostly made up of hedging and fencing though there is extensive landscaping within the application site and alongside this boundary consisting of mature trees and shrubs. However part of this landscaped area within the site, essentially behind 80 Tattershall Road, has recently been cleared and is open land. The application site includes the former railway embankment which is about 2m higher than the level of the neighbours rear gardens.

- 8.14 The proposed development originally consisted of one 3 storey apartment block and three 2 storey terraced blocks. However, as indicated above the scheme has been amended and it is now for two, two storey buildings. The amended layout also includes a landscaped buffer of varying width along the rear boundary shared with the neighbours along Tattershall Road to respond to the concerns expressed by the neighbours although no detailed landscaping scheme has yet been submitted. The car parking areas and road layout have also been amended so that there are now no car spaces close to the boundary shared with the neighbouring occupiers. The applicant suggests that a comprehensive landscaping scheme along this boundary can be agreed as part of a landscaping condition.
- 8.15 Objections to this application as originally submitted are essentially on the grounds of overlooking, outlook and loss of privacy. At the time of writing this report, no further letters of representation have been received from neighbours relating to the amended plans so it is assumed that the original objections from the neighbours still stand and are a material consideration.
- 8.16 The design and siting of the proposed dwellings, the raising of land levels and given that the height of the site is already above the level of the neighbours' rear fencing will collectively result in a development which will substantially change the outlook from the neighbours' rear garden areas and the representations originally received from the neighbours are therefore understandable. However the distance between the existing properties along Tattershall Road and the proposed dwellings will be significant, between 54 m and 75m which is far greater than the 22m 'rule of thumb' which this authority has commonly applied in similar situations. A 1.8m high fence will also be provided along the rear gardens of the proposed terraced block to provide privacy for both existing and future residents.
- 8.17 As indicated at previous meetings, there are no locally adopted standards relating to minimum distances between the rear elevations of existing and proposed properties or in relation to overlooking of rear garden areas. However, the 22m 'rule of thumb' assumes two storey properties on level land. This proposal is for two storey development on land which is significantly higher than neighbours' land which will add to the physical presence of these buildings and this must be taken into account when assessing this application and these distances.
- 8.18 Given these distances, any window- window direct overlooking generated by this development will not be substantial in my view though the proposed first floor windows on the rear elevation of the proposed dwellings may still allow some overlooking over neighbours gardens to take place. The potential for such overlooking will however be reduced to some extent by the existing (and proposed) landscaping along this boundary and within the 'landscaped buffer zone'.
- 8.19 Local Plan Policy H3 seeks to provide good quality housing schemes and a 'pleasant' environment for residents whilst Local Plan Policy G1 resists developments that would cause substantial harm (my underlining) to the amenities of the area or neighbouring properties. It is considered that although this development will be clearly visible when viewed from the neighbours' properties and there may be some overlooking between existing and future occupiers, the distances between existing and proposed properties coupled with the extensive landscaping along the shared boundary leads to the conclusion that this development will not substantially harm residential amenity sufficient to warrant refusal of this application.

Effects upon the Conservation Area and the setting of the listed buildings

- 8.20 The site is located at the edge of the Boston Conservation Area, along a prominent riverside frontage. There are listed buildings on the opposite side of the river but this development is unlikely to affect their setting. The application is accompanied by a Heritage Statement setting out the potential impacts that this development may have on heritage assets.
- 8.21 The design and scale of the development has taken influence from the character and built form of the riverside frontage development to the south east which this authority has noted as being exemplary in its design and contribution to the river frontage.
- 8.22 The application is accompanied by a Heritage Statement which concludes that the development will not cause any adverse impact on the setting of the listed buildings on the opposite side of the river and that there will be no adverse impact on the Boston Conservation Area. Your officers concur with this.

Density

- 8.23 The density of the proposed development as originally submitted was approximately 61 dwellings per hectare. (dph) which is about the same density as the existing estate to the south east. The density of the properties along Tattershall Road to the rear of the site is around 12 dph. The amended scheme for 17 dwellings has resulted in a reduction of the density to around 41dph.
- 8.24 Local Plan Policy allows new housing developments where the 'resultant dwellings and curtilage(s) are of a size and character which reflect the current density of development in the area'.
- 8.25 In this instance, whilst the density may be a little high in relation to properties along Tattershall Road, it is now significantly less than the density of the development to the south east. It is therefore considered that proposed density is acceptable.

9.0 Summary and Conclusion

- 9.1 The proposed scheme seeks the delivery of 17 affordable dwellings within a sustainable location and within an urban environment. The proposed scheme may be considered as a natural expansion of the existing 'Riverside' development and that the design of the scheme will add quality to this river frontage location and reflects the scale, proportions and the architectural themes of the adjacent estate.

9.2 There are three key issues in the determination of this application.

- Firstly, the impact on biodiversity given the site is a Local Wildlife Site but without a Plan allocation and thus it may be argued that the development fails to adequately compensate for habitat loss and is contrary to the NPPF.
- Secondly, the impact the development will have on the amenities of neighbouring residents given the design, location and height of the dwellings and that it is intended to build on land which is significantly higher than the neighbours' rear gardens.
- Thirdly, whether the development will preserve the setting of the listed buildings or enhance the character or appearance of a conservation area.

9.3 It is considered that there is no harm to the Conservation Area or the setting of listed buildings, in that the 'conservation tests' are satisfied and, in locational terms the site is in a sustainable location.

9.4 The development of the site, which retains more of the wildlife site than originally submitted, will still result in a loss to wildlife habitat though this should be balanced against the provision of 17 affordable units and that this site reflects a small part of the Local Wildlife site as a whole. Furthermore, this development of a site where no buildings currently exist will substantially change the outlook from the rear garden area of the neighbouring properties. However, it is not considered that the impact on the neighbours' amenity would be so severe as to warrant refusal of this application.

10.0 Recommendation

10.1 That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and authority is delegated to the Development Control Manager to grant after the expiration of the extra consultation period (10 February 2017), unless new matters not already addressed are raised.

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

- Site layout ref RWB/01 Rev D (1b/8)
- Location Plan ref RWB/02 (2/8)
- Plots 1-5 Floor plans ref RWB/21 (4/8)
- Plots 1-5 elevations ref RWB/22 (5/8)
- Plots 6-17 elevations ref RWB/24 (6/8)
- Plots 6-17 Floor layouts ref RWB/23 (7/8)
- Wall and fencing details- detail 6 Rev I (8/8)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

3. All of the dwellings hereby approved shall be provided as affordable housing as defined in the National Planning Policy Framework (including all relevant updates and amendments).

Reason: In accordance with the details of the application in order to ensure the provision of affordable housing and for it to remain so in perpetuity to accord with the applicants' stated intentions.
4. Where the 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 LPA. 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 LPA.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Local Plan Policy G1.
5. 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 LPA.

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Local Plan Policy G1.
6. On completion of remediation, two copies of a closure report shall be submitted to the LPA. 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 Local Plan Policy G1.
7. If, during development, contamination not previously considered is identified, then the LPA 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 with the LPA.

Reason: To ensure all contamination within the site is dealt with and to accord with Local Plan Policy G1.
8. No development shall be commenced above ground level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new buildings are in keeping with the character of the area and to accord with Adopted Local Plan Policies G1 and H3.

9. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling, in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6

10. No development shall take place until a surface water drainage scheme for the site 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 hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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 and adjacent properties are not adversely affected, by reason of flooding, by the construction of the permitted development and to accord with the objectives of Local Plan policy G3.

11. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Revision P1 dated 17th June 2016) and in particular the following mitigation measures detailed within the FRA:
- Finished floor levels shall be set no lower than 4.8m AOD
 - The dwellings shall be a minimum of two storey
 - Flood resistant and resilient construction measures shall be incorporated throughout the development as stated within the FRA

The mitigation measures shall be fully implemented prior to occupation.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the NPPF (2012).

12. In addition to the recommendations contained within the submitted extended phase 1 habitat survey and Japanese Knotweed Survey report, before any dwellings are constructed above slab levels details of additional measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the design, location and timing of habitat enhancement as may be approved and such works shall be carried out as approved before occupation of the dwellings or in accordance with the timing arrangements contained within the scheme.

Reason: In the interests of the enhancement of biodiversity and to accord with the objectives of the NPPF.

13. Prior to the first occupation of any dwellings, details of the design and appearance of the demountable bollards to be installed in the locations shown on plan RWB/01 Rev D shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for their installation. The bollards shall be installed in accordance with the approved details and timetable and shall be retained thereafter.

Reason: In the interests of minimising the risk of vehicles entering the adjacent River Witham and adversely affecting the waterway infrastructure or the safety of waterway users. This condition accords with the NPPF (2012).

14. Prior to the first occupation of any dwellings, a detailed external lighting scheme showing the type of lighting appliances to be used, their location, degree of illumination height and management shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed before any occupation in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of crime prevention and in order to minimise any adverse impacts arising from unnecessary glare or light spillage on local wildlife and the character of the area. This condition accords with the objectives of Local Plan policies G1 and G10.

15. No dwellings on plots 1-5 shall be occupied until the new 1.8m high fence along the rear boundaries of these dwellings as shown on plan RWB/01 rev D has been erected. The 1.8m high fence shall remain in place and retained in that form thereafter.

Reason: In the interests of residential amenity and to accord with the objectives of Local Plan policy G1.

16. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

Reason: In the interests of satisfactory drainage and to accord with the objectives of Local Plan policy G3 and the NPPF (2012).

17. No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, these works shall be carried out entirely in accordance with the approved details. The scheme shall include

- a) boundary treatment
- b) hard surface materials
- c) minor structures
- d) planting schedules (species, sizes densities)
- e) existing trees to be retained/removed

Reason: This is a pre-commencement condition because the landscaping scheme, in terms of biodiversity enhancement and to protect residential amenity is essential to the delivery of a quality and acceptable scheme. This condition is also in the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1 and H3.

18. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policies G1 and H3.

19. A landscape management plan including management responsibilities and maintenance schedules, including the area reserved as a wildlife habitat as shown the submitted layout plan shall be submitted to the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.

Reason: To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policies H3 and G1.

20. The area reserved for wildlife habitat located at the north western end of the site and along the rear boundary of the site shared with properties which front onto Tattershall Road Boston shall be retained as a wildlife habitat and shall not be used as a public open space or incorporated within an garden areas which form part of this development.

Reason: In the interests of biodiversity and to accord with the objectives of the NPPF (2012).

21. Notwithstanding the submitted details, before any dwelling is built above slab level measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: In the interests of biodiversity and to accord with the objectives of the NPPF (2012).

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager