

## BOSTON BOROUGH COUNCIL

### Planning Committee – 14 January 2020

Reference No: B/19/0317

Expiry Date: 01-Nov-2019

Extension of Time: 16-January-2020

Application Type: Full Planning Permission

Proposal: Erection of 31 dwellings, new access and infrastructure following demolition of existing dwelling

Site: Land off Station Road, Kirton, Boston, PE20 1LQ

Applicant: D & R Homes (Kirton) Ltd

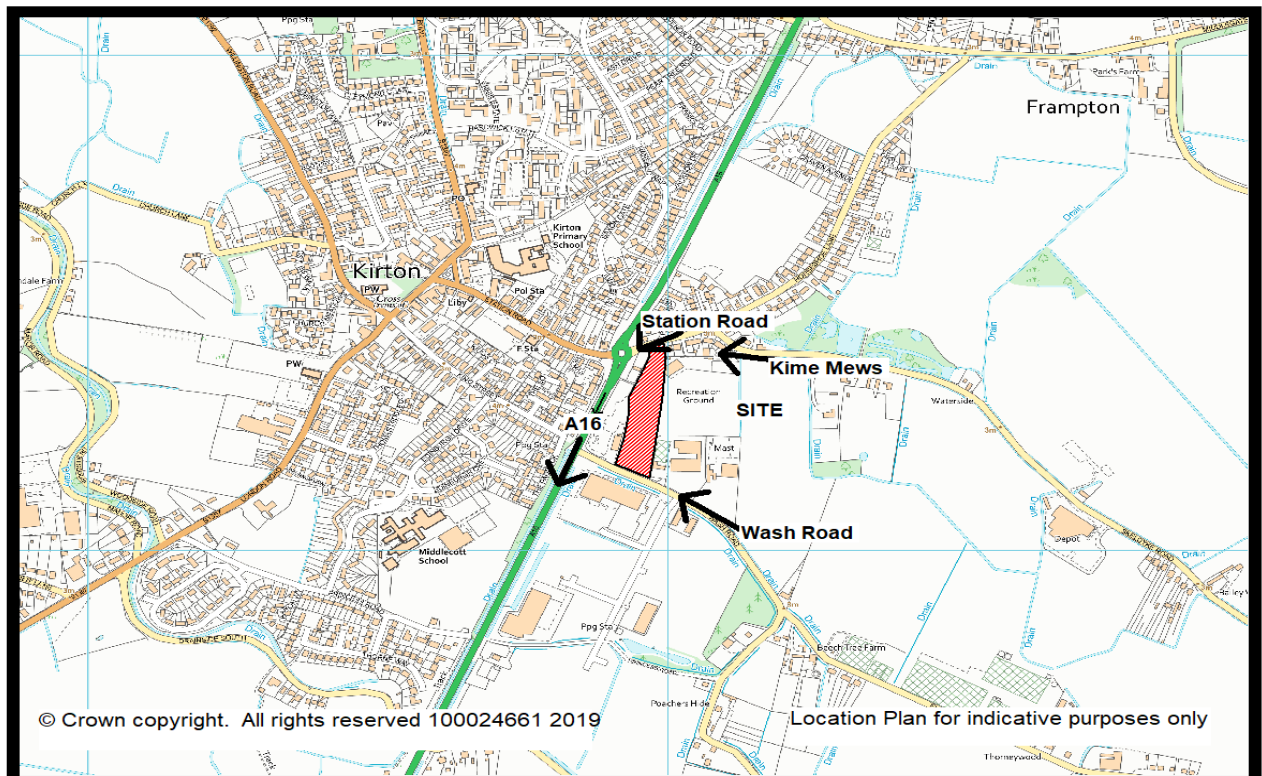
Agent: Mr Lewis Smith, Robert Doughty Consultancy Ltd

Ward: Kirton & Frampton Parish: Kirton Parish Council

Case Officer: John Taylor Third Party Reps: Two received

Link to Application : [B/19/0317](#)

**Recommendation: GRANT PLANNING PERMISSION subject to conditions and reasons.**



## **Appendices – Appendix 1 – Inspectors decision relating to B/15/0503**

### **1.0 Reason for Report**

- 1.1 The Growth Manager considers that this application should be determined by the Planning Committee as the determination is to be made based upon Heads of Terms, which are not consistent with adopted policy owing to the schemes viability position. The scheme and its viability resulting in no contributions being proposed by the applicant.

### **2.0 Application Site and Proposal**

- 2.1 The application site is located within the settlement boundary of Kirton and consists of an elongated rectangular shaped parcel of land that occupies approximately 1.2 hectares. The access for the proposed development would be taken from Station Road that is located to the north of the site
- 2.2 The site is currently has outline planning permission for up to 30 dwellings.
- 2.3 The northern boundary of the site borders Station road with the southern boundary of the plot bordering Wash Road. To the east is Graves Park with its associated social club, which is a private area of open space comprising football pitches and a cricket pitch. South of Graves Park is an employment site that fronts on to Wash Road and on the opposite side of Wash Road (to the south) is the Duckworth Land Rover showroom. To the west of the site is a building currently used as a place of worship. This building called 'The Junction' also has planning permission for it to be redeveloped into a community hub providing a place of worship, library service and cafeteria.
- 2.4 A number of trees along the northern and western boundaries are included within Tree Preservation Orders (Kirton no.1 and Kirton and Frampton no.1)
- 2.5 Given the current planning consent for residential development, the site is recognised as a housing commitment in the SELLP.
- 2.6 This application seeks full planning permission for the erection of 31 dwellings with associated access and infrastructure following the demolition of a single dwelling located close to the southern boundary of the plot.
- 2.7 The development would consist of 31 two-storey market dwellings that include:
- 11 x 3-beds
  - 20 x 2-beds
- 2.8 The application is supported by the plans and the following technical documents:
- Design and access statement
  - Drainage strategy and accompanying report
  - Maintenance Strategy Report
  - Written Scheme of Investigation for archaeological evaluation
  - Report on archaeological evaluation

- Tree constraints and protection report
- Kirton tree root investigation
- Flood risk assessment
- Viability Appraisal
- Geo Environmental report

### **3.0 Relevant History**

- 3.1 B/18/0457 - Erection of 31 dwellings including demolition of existing dwelling – Withdrawn 29/03/2019
- 3.2 B/15/0503 - Demolition of existing dwelling fronting Wash Lane and Outline Application for up to 30 dwellings with consideration given to access off Station Road only (all other matters reserved for later consideration) – Refused on 03/03/2016 but allowed on appeal on 28/03/2017. A copy of the Inspectors decision is attached as Appendix 1 and more details in relation to this decision and the implications of this upon the current application are given in the evaluation section of this report.

### **4.0 Relevant Policy**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies are considered to be most relevant to the determination:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 5 – Meeting Physical Infrastructure and Service Needs
- Policy 6 – Developer Contributions
- Policy 10 – Meeting Assessed Housing Needs
- Policy 11 – Distribution of New Housing
- Policy 17 – Providing a Mix of Housing
- Policy 18 – Affordable Housing
- Policy 28 – The Natural 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 System
- Policy 36 – Vehicle and Cycle Parking
- Appendix 6 - Parking standards
- Appendix 8 - Developer contributions for education
- Appendix 9 - Developer contributions for health care facilities

#### **National Planning Policy Framework (2019)**

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision Making
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 8 - Promoting Healthy and Safe Communities

- Section 9 - Promoting sustainable transport
- Section 11 - Making Effective Use of Land
- Section 12 - Achieving Well-designed Places
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

## **5.0 Representations**

5.1 As a result of the publicity two letters of objection/concerns were received from the occupiers of the following properties:

- Station Road – no's 43A and 66

5.2 A summary of their concerns are as follows:

- Impact on public footpath that leads to light controlled pedestrian crossing
- Highway safety impact for vehicle users and pedestrians
- Increase in volume of traffic
- Loss of amenity from due to the removal of three Lime trees that are covered by a tree preservation order
- Sewerage blockages and effluent problems exist and this housing development will exacerbate the issue
- Access into site should be off Wash Road and not Station Road as proposed with this scheme

## **6.0 Consultations**

6.1 Kirton Parish council – Raise concerns over access into the site where the carriageway narrows and possible backing up of traffic from the A16. Concerns are also raised over the absence of any affordable housing proposed within the scheme. The loss of TPO trees to create the access is also not considered acceptable.

6.2 County Highways Authority and Lead Local Flood Authority – No objections subject to conditions

6.3 Lincolnshire Wildlife Trust – No response received

6.4 Housing Strategy (Affordable Housing) – Accept the findings of the independent report that clarified that no affordable housing provision can be made due to viability challenges for the site.

6.5 Black Sluice Internal Drainage Board – No objections but advice given on discharging surface water into Board maintained watercourses and that licenses are likely to be required for this service. Advice is also given on the 9m Byelaw and consent would be required for any encroachment in to this area.

6.6 Environment Agency – No objections subject to conditions.

6.7 NHS England – Do not request a financial contribution for this proposal

6.8 Lincolnshire County Council (Education) - Request a financial contribution of £50,974.00 towards a general teaching classroom at Thomas Middlecott Secondary School

- 6.9 Anglian Water Services – Does not formerly object but advice given on consents that may be required to connect to Anglian Water owned assets
- 6.10 Environmental Health – No objections but advise that electric vehicle (EV) re-charging points should be provided for each property to help reduce air pollution
- 6.11 National Grid – Advise applicants that there are low to medium gas pipes within the vicinity. Advice provided for the applicant.
- 6.12 Heritage Lincolnshire – Acknowledge that trial trenching has been carried out and that the assessment has demonstrated that the presence of archaeological remains at the northern end of the site. However, a condition is still required for further excavation in accordance with a written scheme of investigation.

## **7.0 Planning Issues and Discussions**

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

- Planning History & the ‘fallback’ position
- Principle of development
- The proposal’s impact on the character and appearance of the area
- Impact on protected trees
- Highway safety and car parking
- Flood risk and drainage
- Impact on neighbour’s amenity
- Developer contributions
- Contamination
- Other matters
- Planning Conditions

### Planning History & the ‘fallback’ position

7.2 As stated earlier in this report, there is an established planning history for this site, which is relevant in the consideration of this current proposal. The Inspectors decision (see appendix 1) provides for an existing planning permission, which could still be lawfully implemented. This therefore provides for what is known as a ‘fallback’ position, and is therefore a significant material planning consideration.

7.3 In particular, Officers draw attention to the following matters, which were considered within the Appeal and found acceptable by the Inspector:

- Highway safety –
- Planning obligations –
- Impact on Trees including those covered by TPO –

7.4 In conclusion, and as an outcome from the Appeal, the development was allowed, and thus the principle of development for 30 residential units on the site was accepted.

- 7.5 Whilst the policy position for the development has moved on (with the adoption of the SELLP) and this new proposal must be considered afresh, on its own merits, against the current policies of the SELLP, Officers advise that significant material weight must continue to be attributed to the earlier Appeal decision given that the approved scheme could still be implemented (subject to agreement of details). This is particularly relevant for the technical matters relating to highway safety and impact on trees, which have been raised by various parties in relation to the current proposal, with those matters having previously been found to be acceptable.

#### Principle of development

- 7.6 Policy 1 of the SELLP, which identifies Kirton as a main service centre, would generally support the redevelopment of the site for housing as it is located within the settlement boundary of Kirton and will help support Kirton's role as a main service centre. The site also has the benefit of extant outline planning consent for up to 30 dwellings, and is identified as a housing commitment within the SELLP. The scheme would have the potential to provide a significant level of housing within a sustainable location. This would contribute positively to housing delivery 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.
- 7.7 It is therefore considered that, subject to all other matters being acceptable, the principle of residential development on this site would be supported.

#### The proposal's impact on the character and appearance of the area

- 7.8 This proposal will see the erection of 31 dwellings in the form of terraces of three and four dwellings. All dwellings will be accessed via a new adoptable estate road taken from Station Road with each dwelling having a suitable sized private garden area. Parking areas are predominantly positioned along the new access road with a few of the plots having a parking courtyard.
- 7.9 The density for the proposed development based on 31 dwellings equates to approximately 26 dwellings per hectare, which in general density terms is acceptable for this area and is considered appropriate.
- 7.10 The layout of the proposal is influenced significantly by the characteristics and constraints of the site. The elongated shaped plot would see the dwellings evenly dispersed with an area for SUDs/amenity space running along almost the full length of the eastern boundary, beyond which a number of mature trees exist along the border with Graves Park that are covered by a Tree Preservation Order (Kirton and Frampton no.1). A single Ash tree also exists close to the western boundary that would remain as part of this proposal. Further trees covered by a Tree Preservation Order are positioned along the northern boundary of the site with two of these trees having to be removed to form the vehicular access into the site. All of the dwellings are of traditional form, and would be constructed of brick under tiled roof with pronounced fenestration detailing that would be high and narrow and which attempt to give the development a modern/current feel. Each of the units would be provided with sufficient amenity space, and appropriate levels of parking.

It is acknowledged that the parking would dominate the frontage of some of the units, however, the development would still provide for relatively attractive street scenes when viewed from within the development, and in any event, this development would be read as a single new development (as opposed to having to try and blend with existing forms). This approach is therefore considered acceptable in this instance.

- 7.11 The site would alter the appearance of the area by introducing development on previously undeveloped land, which would then see visual changes when viewed from the north, east and west. In addition, the general arrangement of dwellings is considered somewhat uncharacteristic in spatial terms. However, it is considered that in view of the extant planning consent (B/15/0503 – an application for housing that was allowed on appeal) there is a general acceptance that the site is suitable for development and that development on this site would be acceptable in spatial and visual terms. Any change to the area is unlikely to cause significant harm in terms of the impact on the character and appearance of the area, and any harm that would result must be weighed in the planning balance against other positive aspects of the scheme.
- 7.12 Based on the above assessment it is considered that the number of dwellings proposed (31 units) appears acceptable for this site that has extant planning permission, and it is considered that the proposal is unlikely to adversely impact the general character and appearance of the area. For these reasons, the proposal appears to accord with Policies 2 and 3 of the SELLP and the intentions of Section 12 'Achieving Well-designed Places' of the NPPF.

#### Impact on protected trees

- 7.13 According to the submitted arboricultural report the access will require the removal of two mature trees (ref: T1 and T2 of submitted report) and occasional small to medium sized trees, but this is proposed to be mitigated by the planting of a number of new trees. A number of measures are also proposed to protect retained trees within the site and those outside of ownership of the site where construction may impact on the roots of these trees.
- 7.14 The previous application allowed by the Inspector (B/15/0503) considered the removal of the same two trees proposed within this application. The Inspector concluded that the loss of the two trees specified would not have a significant impact on the overall amenity value provided by the group of trees. It is considered that the two trees proposed to be removed are justified by the planning merits of this proposal and it is considered that, subject to conditions relating to replanting of further trees within the site and appropriate use of root protection measures during construction, the proposal is, on balance, acceptable. The proposal would accord with policies 2, 3 and 28 of the SELLP.

### Highway safety and car parking

- 7.15 The main vehicular access into the site would be built to adoptable standards and, once completed, the road network will be adopted by the Local Highways Authority. A new 2 metre wide footway on the western side of the road would run the full length of the access in to the site and this new footway would connect to the existing footway on Station road. No objections have been raised by the Local Highway Authority subject to a number of conditions. It is therefore concluded that this arrangement would be acceptable in relation to matters such as visibility and general highway safety. Whilst concerns have been raised by various parties in relation to highway safety, Officers consider that a refusal on these grounds would not be sustainable given the comments of the Highway Authority and the previous findings within the Appeal decision.
- 7.16 Policy 36 'Vehicle and Cycle Parking' provides minimum parking standards for various types of development. Annex 6 of the SELLP provides details on the level of car parking and cycle parking expected within new residential developments. It indicates that two parking spaces should be provided to serve properties of up to three bedrooms and that a garage can count as one space if it has an internal dimensions of 2.6m by 5.6m with an additional 1m at its end to park cycles.
- 7.17 All dwellings appear to have adhered to the minimum parking levels set out in Annex 6 and the overall level of parking offered throughout the scheme and its layout is considered, on balance, acceptable and appears to be in accordance with Policy 36 of the SELLP and associated Annex 6.

### Flood Risk and drainage

- 7.18 The application site is located within flood zone 3 of the Environment Agency's flood zone maps and according to the EA flood hazard maps (1 in 200 year) the eastern part of the site is in a 'danger for most' area where there is potential for flood level depths to exceed 1.0 metres. The western half of the application site either falls within a 'danger for some' category or is low risk.
- 7.19 The application is accompanied by a Flood Risk Assessment (FRA) that has been assessed by the EA and they do not raise objection to the scheme subject to a compliance condition. This has been included as condition 3 within the schedule of conditions set out at the end of this report. The FRA also includes a Sequential and Exceptions Test, which is considered appropriate and in view of the extant planning permission that exists for this site, it is considered that there is no general objection to the development of the site for housing from a flood risk perspective.
- 7.20 Based on the above assessment it is considered that, subject to conditions, the proposal would accord with Policy 4 of the SELLP and the intentions of Section 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

### Impact on neighbour's amenity

- 7.21 The nearest dwellings that may be impacted by the development are the two properties that are located either side of the proposed new access into the site off Station road. However, plots 1-3 are to be set on a similar building line to 41A Station Road and are proposed to have a similar orientation.



The gable end of plot 3 would be approximately 5 metres away from the gable end of the existing neighbouring property but as the relationship between the new building and the existing built form would be 'gable end to gable end' this relationship is considered acceptable.

- 7.22 The other residential property that lies adjacent to the eastern boundary (at the northern end) would be over 55 metres away from the nearest new dwelling. It is considered that this separation distance is more than adequate. It is therefore unlikely that any harmful dominance, visual intrusion, loss of light or loss of privacy through overlooking would occur as a result of the new development. To conclude, it is considered that the relationship between the existing dwellings along Station Road and the proposed dwellings to the north of the site is acceptable.
- 7.23 Plots 24-31, which are to be located to the south of the plot and fronting on to Wash Road, would have views of the Duckworth Landrover site on the opposite side of Wash Road to the south. Again, the separation distance to this employment site is considered appropriate and in terms of the amenity of future occupants of the proposed dwellings, this relationship is considered acceptable.
- 7.24 To conclude, it is considered that the development would be acceptable in relation to the impact on neighbouring amenity, the proposal would therefore accord with Policies 2 and 3 of the SELLP.

#### Developer contributions

- 7.25 By way of background, the previous appeal decision (B/15/0503) included a signed legal agreement that included a 30% contribution of the 30 dwellings (9 units) to be made available as affordable units. This planning obligation was based upon the requirement within the former interim policy on affordable housing that dated back to 2006. This document, along with the former Boston Borough Local Plan (1999), does not now hold any weight when determining applications as they have been replaced by the SELLP. As this is a new submission, it must be considered against the current development plan – the SELLP.
- 7.26 Policy 6 'Developer Contributions' of the SELLP sets out the obligations for major developments that may be required to mitigate impacts of new development on local services and infrastructure, and Policy 18 'Affordable Housing' sets out the trigger points and levels of affordable housing that would normally be expected for such developments. Appendix 8 'Developer Contributions for Education Facilities' and appendix 9 'Developer Contributions for Health Care Facilities' also have to be considered.
- 7.27 This scheme would normally attract 20% of the units to be affordable homes (6 units) and a financial request has also been made in respect of Education:
- A request has been made by Lincolnshire Education Services for a financial contribution of £50,974 towards a general teaching classroom at Thomas Middlecott Secondary School
- 7.28 Having considered the above, the applicants have submitted a viability statement that attempts to demonstrate that the proposed scheme would not be viable with the planning obligations identified above.

- 7.29 Government guidance (NPPG) provides comments on Viability issues, which highlights:
- It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
  - The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.
- 7.30 The applicant's viability study includes a variety of inputs including the gross development value (revenue), build costs, professional fees, marketing/legal costs, finance, developer's profit and site value, most of which appear to be generally reasonable in the context of the scheme.
- 7.31 The submitted viability assessment has been independently assessed and it was concluded that the scheme would be unviable if the requested level of 20% affordable housing contribution was met along with the provision of the financial contributions suggested. Other scenarios of reducing the level of affordable housing and/or providing nil contributions towards education also resulted in the scheme being unviable. Clearly therefore, there are significant viability challenges relating to the development of this site generally, and there is some doubt as to the deliverability of the proposed scheme. It is also noted that both the Councils assessment and that on behalf of the applicant indicate that the Appeal scheme would also be undeliverable in viability terms.
- 7.32 Given the findings of the Councils independent assessment of the applicant's viability assessment, the viability challenges to development on this site - which primarily relates to flood risk, piled foundations and the relocation of the overhead line - are acknowledged and understood. The conclusion of the appraisal is that the assumptions made within the applicant's viability assessment are generally reasonable and that the scheme would be unviable if any provision of affordable housing was provided, or any contribution towards education was made. It is therefore accepted that the scheme cannot meet the requirements as identified earlier in this section without rendering the development unviable. A balanced judgement therefore has to be made that would not prejudice the site coming forward to deliver additional market housing, on a site which benefits from an existing permission, and which would contribute positively towards the overall supply of housing within the Borough.
- 7.33 Whilst the scheme would fail to make a contribution in respect of affordable housing provision and any financial contribution towards education, and would therefore not be compliant with policy 6 (and appendices 8 and 9), the viability of the site has been fully considered (independently). Given the conclusions of the independent assessment, it is important to ensure that delivery of this site, and much needed housing on this consented site, is not prejudiced by the viability issues. This is in line with the national Planning Practice Guidance (PPG).

- 7.34 The weight to be attributed to the viability position is a matter for the decision-taker. Officers consider that a balanced judgement has to be made on the delivery of housing for this site, against the potential of the site being unviable for residential development. It is Officer's opinion that the proposal cannot offer any contributions towards affordable housing or education. Given the viability challenge for this site it is considered that the proposed 31 market houses should be taken as a positive benefit of the scheme as it would contribute to housing delivery rates within the Borough.

#### Contamination

- 7.35 A Geo Environmental Report has been submitted as part of this application and no objections are raised by Environmental Health subject to a condition being imposed that deals with any previously unidentified contamination on the site. It is therefore considered that the proposal is in accordance with policy 30 of the SELLP.

#### Other matters

- 7.36 Policy 30 'Pollution' and 31 'Climate change and renewable and low carbon energy' of the SELLP set out a range of measures that developers would normally be expected to comply with such as electric charging points, energy efficient boilers and the need to comply with water efficiency standards. These measures aim to help reduce the carbon footprint of developments making them more sustainable in line with the guidance contained in the NPPF. This development would be a modern development, designed to provide a high quality scheme meeting the expectations of future residents and building regulations. With regard to the imposition of further measures, it is considered that this can be sufficiently dealt with by the way of planning conditions requiring the submission of further details.

#### Planning Conditions

- 7.37 In addition to the standard conditions which limits the life span of the planning permission and the approved plans, conditions are recommended which relate to drainage and flood risk, highway works, tree protection, landscaping and biodiversity enhancements.
- 7.38 A further condition requiring a construction management plan should be imposed. This would require the submission of details of where construction materials will be stored, the siting of welfare facilities, working hours etc. in order to protect the amenities of the occupiers of nearby dwellings during the construction of the development.

### **8.0 Planning Balance**

- 8.1 Section 38(6) of the Act requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well-defined in case law that the development plan (in this case the SELLP) should be taken as a whole and it is for the decision-maker to weigh up the extent to which proposals are in accordance with/conflict with policies of the development plan and their objectives, along with all relevant material considerations. The weight attributed to each of these factors within this exercise is known as the 'planning balance'.

- 8.2 This site has the benefit of extant planning permission (ref: B/15/0503) and is a housing commitment within the settlement boundary of Kirton. Therefore, the principle of residential development on this site is not disputed. It therefore accords with Policy 1. The scheme would also make a significant contribution to boosting the supply of housing within the Borough.
- 8.3 The layout of the development appears well thought out with the overall scheme being unlikely to cause undue harm to the general character and appearance of the area. The proposed dwellings appear to have suitably sized gardens and good levels of parking and the scheme would provide a quality living environment for future occupiers of the dwellings. The scheme would result in visual and spatial change to the area, however these effects are considered minor in nature given that the land has been previously found as being acceptable for development by virtue of its previous consent, and that the scheme would appropriately assimilate into the existing spatial character of the area. As such, the proposals therefore comply with policies 2, and 3 of the SELLP.
- 8.4 The environmental impacts of this development in relation to highway impact, flood risk and general sustainability are considered acceptable and can be appropriately mitigated through the imposition of recommended conditions. Therefore, the scheme would comply with policies 2, 3, 4, 30 and 31 of the SELLP.
- 8.5 The viability of the proposal against the requirements of policies 6 and 18, have been challenged and independently assessed. The outcome being that the scheme would be unviable if these policy requirements were met. In this instance, a balanced decision in reference to the obligations required to mitigate the impact of the development is considered appropriate given the viability challenges. Notwithstanding the conflict of this proposal with policies 6 and 18, it is considered that the benefits of this scheme in terms of provision of housing supply outweigh the lack of contributions offered. When taken as a whole, it is considered that the proposals would be generally in accordance with the aims of the development plan, in particular those policies identified within this report.
- 8.6 The Appeal decision for this site is a significant material planning consideration in the decision. Furthermore, whilst there are material considerations within this report which both weigh in favour of and against the scheme, overall, none of these are considered sufficient to outweigh the policy position established by the development plan as a whole and in general terms, it is considered that the benefits of the scheme would outweigh the negatives identified.
- 8.7 To conclude, when taken as a whole, it is Officers opinion that the scheme would be acceptable in the planning balance subject to the imposing of conditions as recommended.

## **9.0 Summary and Conclusion**

- 9.1 The proposal would result in the residential development of this site for 31 dwellings, which would provide a significant contribution to the housing supply within the Borough. The site is suitable for residential development and the primary issues in the determination of the application have been fully assessed as identified above and found to be acceptable or would be acceptable subject to the imposition of the conditions recommended below. It is therefore recommended that the application be approved.

## 10.0 Recommendation

- 10.1 It is recommended that Committee **GRANT** planning permission subject to the following conditions and reasons.

### CONDITIONS AND INFORMATIVES

1. 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 51 of the Planning and Compulsory Purchase Act 2004.

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

- Ref: 1308-4\_PL\_LP01 Rev A – ‘Location Plan’
- Ref: 1308-4\_PL\_SP02 Rev B – ‘Proposed Site Plan’
- Ref: 1308-4\_PL\_SP03 Rev B – ‘Proposed Site Plan in context’
- Ref: 1308-4\_PL\_SP04 – ‘Access Detail Plan’
- Ref: 1308-4\_PL\_GA01 – ‘Proposed Plans and Elevations (house type 1)’
- Ref: 1308-4\_PL\_GA02 – ‘Proposed Plans and Elevations (house type 3)’
- Ref: 1308-4\_PL\_GA03 – ‘Proposed Plans and Elevations (house type 4)’
- Ref: 1308-4\_PL\_GA04 – ‘Proposed Plans and Elevations (house type 5)’
- Ref: 1308-4\_PL\_GA05 – ‘Proposed Plans and Elevations (house type 6)’
- Ref: 1308-4\_PL\_GA06 – ‘Proposed Plans and Elevations (house type 7)’
- Ref: 1308-4\_PL\_EL01 – ‘Proposed Elevations (house type 2)’
- Ref: 1308-4\_PL\_PL01 – ‘Proposed Plans (house type 2)’
- Ref: 1308-4\_PL\_PL02 – ‘Proposed Roof Plans’

And read in conjunction with the various recommendations of the supporting documents which accompany the application unless varied by other conditions attached to and forming part of this decision.

**Reason:** To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036)

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2019 completed by RM Associates and the following mitigation measures detailed within the FRA including:

- Finished floor levels to be set no lower than 3.9m above Ordnance Datum (AOD)
- All dwellings to be at least two storey

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

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

4. Prior to the construction of any building above damp proof course, a detailed scheme for drainage and water infrastructure shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:
  - A scheme for the provision of mains foul sewerage infrastructure on and off the site
  - Details of connection point(s) and discharge rate(s)

Prior to the occupation of any dwelling within any phase of the development, the drainage and water infrastructure measures relating to that phase and dwelling must have been carried out in complete accordance with the approved scheme.

**Reason:** To prevent environmental and amenity problems arising from flooding and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019)

5. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). 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 (2011-0236).

6. Prior to the construction of any building above damp proof course, 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 (2019).

7. No development shall take place above damp proof course, 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:** No details of materials have been submitted, these details are required in the interests of the amenity of the area and to ensure that the new buildings are in keeping with the character of the area to accord with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

8. Prior to the construction of any building above damp proof course, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) boundary treatment
  - b) hard surface materials
  - c) minor structures
  - d) soft landscaping details for proposed trees and hedgerows including planting schedules (species, sizes densities etc)
  - e) existing trees to be retained/removed and details of replacements
  - f) biodiversity mitigation and enhancement measures

The approved works shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. All landscape works relating to each completed part of the development shall be carried out in accordance with the approved details within 6 months of the completion of that part of the development. 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 or quality.

**Reason:** In the interests of visual amenity and to ensure an effective landscaping scheme is delivered, including planting of trees, and to ensure that the approved scheme is implemented satisfactorily, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. Prior to the occupation of any dwelling a landscape management plan including management responsibilities for any areas of open space, private drives and shared surface parking areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the long term maintenance of the these areas and to accord with policies 2 and 3 of the South east Lincolnshire Local Plan (2011-2036).

11. The development hereby approved shall be carried out fully in accordance with the Tree constraints and Protection Report (ref:722/18d v2), and in particular Section 3 (Tree Protection Detail) containing the schedule of works for affected trees including their root protection areas.

**Reason:** To ensure that protected trees and their root systems are not unduly harmed during construction of the development and to accord with policies 2, 3 and 28 of the South East Lincolnshire Local Plan.

12. Prior to the construction of any building above damp proof course, a detailed surface water drainage scheme shall be submitted to the Local Planning Authority for agreement in writing.

The scheme shall:

- Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- 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;
- Provide attenuation details and discharge rates which shall be restricted to a level that shall be submitted to and agreed by the Local Planning Authority
- Provide details of the timetable for any phasing of implementation for the drainage scheme; and
- 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.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing, and all surface water measures relating to that phase and dwelling have been completed. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development permitted. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

13. Before each dwelling is occupied, the roads and 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 Public Highway, 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 that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

14. No dwellings shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, has been completed to binder course level.

**Reason:** To ensure construction and delivery vehicles, and the vehicles of site personnel, may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).



15. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved by, the Local Planning Authority

**Reason:** In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

16. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include;

- Phasing of the development to include access construction
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- The routes of construction traffic to and from the site
- Strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings showing the drainage systems connect to an outfall during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to or downstream of the development during construction and to ensure that traffic routes are agreed, and in the interests of protecting neighbour's amenity. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).

17. 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 with the Local Planning Authority.

**Reason:** To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

## **Informatives**

1. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
3. 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.
4. 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 contact 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.
5. 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.
6. 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.

**Mike Gildersleeves**  
**Growth Manager**