

Development Management Delegated Decision Report

B/22/0264



SUMMARY OF APPLICATION				
Application Reference	B/22/0264			
Application Type	Major - Outline Planning Permission			
Proposal	Outline application with some matters (Appearance & Landscaping) reserved for later approval for the demolition of existing public house and the erection of 3 apartment blocks with 32 apartments and associated infrastructure including a new vehicle access from Lister Way, car parking and amenity space			
Location	36 Fydell Street, Boston PE21 8LF			
Applicant	Mrs Dhedhi, Alrahmin Trust			
Agent	Mr S Machen, Barmach Ltd			
Received Date:	30-Jun-2022	Consultation / Publicity Expiry Date:	06-Jan-2023	
Valid Date:	30-Jun-2022	Statutory Expiry Date:	29-Sep-2022	
Date of Site Visit:	27-Jul-2022	Extension of Time Date:	27-Jan-2023	
Objections received?	Yes			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
	Cllr Goodale	20-Jan	None	Yes
Recommendation	Approve with Conditions			
Report by:	Lauren Birkwood			
Date:	19-Jan-2023			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site occupies about 0.39 hectares and is located at the junction of Fydell Street and Lister Way. The site includes a vacant public house (The New Castle) and associated land. It also includes land to the side of the public house, adjacent to Lister Way. There is a public right of way (known as Gas Works Path) along the southern boundary of the site and beyond that lies Asda Supermarket.

To the north, on the opposite side of Fydell Street lies two storey terraced residential properties that front directly onto the footpath. To the east, adjacent to the public house lies land which is used for storage purposes. To the west, on the opposite side of Lister Way lies Boston Tyres and Auto-centre and beyond that lies residential properties. Further to the south west, next to the mini roundabout, lies new commercial units including Tool-station and Formula1 autos.

DETAILS OF PROPOSAL:

This application is for outline permission the erection of three residential blocks, each will be a mixture of two and three storey's that follow the perimeter of the site. Matters such as access, scale and layout are included in this application for consideration. The three blocks will provide in total 32 apartments. Four flats will be provided within block one, ten flats within block two and eighteen flats within block three.

It is proposed to provide amenity space within a central area, to the rear of the blocks to serve the future residents. 39no off-street parking places are proposed to the rear of the block along with cycle racks and bin storage. The public house would be demolished to facilitate the proposed development.

RELEVANT HISTORY:

B/16/0424 - Conversion of a public house to 4 apartments, and the erection of 5.no attached 3 storey apartments - Approved 6 March 2017

B/18/0370 - Erection of 3 no. three storey apartment blocks consisting of 55 no. flats including some amenity facilities, following demolition of existing public house – Refused and dismissed at appeal 9th July 2020

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- 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 29 – The Historic Environment
- Policy 30 - Pollution
- Policy 31 - Climate change and renewable and low carbon energy
- Policy 32 - Community, health and well being
- Policy 36 - Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 :Achieving sustainable development
- 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
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Heritage Lincolnshire - Considering the wider planning balance, if demolition is required, then an historic building recording condition is required to make a full and proper record of the building prior to works commencing.

Lincolnshire County Council – No objections subject to conditions.

Black Sluice Internal Drainage Board – No objections subject to conditions.

Anglian Water – No objections subject to conditions.

Service Manager Affordable and Accessible Homes – Affordable housing required.

Environment Agency – No objections subject to safeguarding conditions.

Environmental Health Officer – No objections subject to conditions.

NHS Lincolnshire – Financial contribution required.

Cadent Gas – No objections.

Definitive Map Officer – No comments.

THIRD PARTY REPRESENTATIONS RECEIVED:

The following recipients commented on the application:

29 Fydell Street, Boston
2 and 5 Witham Gardens, Boston
31 Irby Street, Boston
10 Bartol Crescent, Boston
80 Tattershall Road, Boston
The Limes, Meer Booth Road, Antons Gowt, Boston

The recipients have concerns regarding the following:

- Foul drainage issues
- Flooding issues
- Overall waste concerns
- Noise impacts
- Anti-social behaviour
- Parking and traffic issues
- Out of keeping with the area
- Landscaping and ecological issues

EVALUATION:

The key considerations in regards to this application are:

- Principle of development
- Impact on highway safety and car parking
- Impact on residential amenity
- Impact on the character and appearance of the area
- Flood risk and drainage
- Developer contributions and affordable housing
- Heritage impacts
- Loss of public house as a community facility
- Landscaping and ecology

Principle of Development

The proposal site is situated within the development boundary of Boston and as such, Policies 1 and 2 of the South East Lincolnshire Local Plan 2019 applies. These policies support development within Boston in regard to suitability and sustainability, and development that has regard to design and residential amenity considerations, access,

heritage, drainage, landscaping and flood risk. Other relevant policies set out in the Local Plan are 3, 4, 6, 10, 11, 17, 18 and 29.

In terms of the National Planning Policy Framework 2021, the site is located in a suitable sustainable urban location and would help to provide a mix of housing types in the town to meet a range of housing needs and aspirations in Boston. The principle of the development is therefore considered to be acceptable and it falls to consider the site specific issues.

Furthermore, as indicated above, part of the site is subject to a previous planning approval for residential development including the conversion of the public house into 4 apartment and the erection of 5 three storey residential units. Therefore, the principle of erecting dwellings on this site is acceptable.

Impact on highways safety and car parking

The proposed development is for 32 apartments with access and parking arrangements to be considered. Assessment at this stage relates to whether a safe and suitable access can be achieved and that the adjacent highway network can accept the increase in vehicular movements which would arise from the proposal.

The details provided show that a vehicular access would be created onto Lister Way (to the west). The vehicular access will serve delivery and service vehicles, and vehicles of the residents. The access and driveway will lead into the central courtyard area where parking, bin storage, and cycle and scooter storage to serve the apartments is available. It is also intended to provide additional pedestrian accesses off Fyde Street and Gas Works Path to serve this development.

Policy 36 of the SELLP requires within the curtilage (for houses or flats), 2 spaces for dwellings up to three bedrooms and 3 spaces for dwellings with 4 or more bedrooms. This policy also indicates that 'all new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum parking standards adopted by the Local Planning Authorities (in appendix 6) unless a high quality design can demonstrate that a lower standard of provision delivers the requirements set out in 1-4 below'.

It is noted that the previous planning application was refused on the basis that no car parking was available within the site. Under this application 39 no car parking spaces would be provided, 32 for residents and 7 for visitors. This equates to 1 parking space per flat, which are made up of 1 and 2 bedroom units. In addition, provision has been made for cycle storage within the development and good cycle and pedestrian connectivity to Boston, including both the bus station and train station which are within 700m of the site.

Lincolnshire County Council have confirmed:

"It is acknowledged that the submitted layout provides only one on-site car parking space per unit of accommodation with a further seven spaces for visitors and that this is below the guidance provided within the South East Lincolnshire Local Plan. However, the proposed apartments are within the centre of Boston, where a wide range of services, facilities, employment opportunities and public transport options can be easily accessed

on foot. It would not therefore be essential for those living in the apartments to have use of a motor vehicle to go about their daily lives. Also, sheltered, secure cycle parking is proposed to be provided within the development so it would be possible for residents may be able to make some of their journeys, to destinations that may be beyond convenient walking distance, other than by motor vehicle. Traffic Regulations are in place to prevent vehicles being parked on the roads and streets within the immediate vicinity of the site. Furthermore, it is also considered that residents and/or visitors who are not able to find an unoccupied parking space within the site would be more inclined to park informally on the grassed areas to be provided on the development site or within the car park of the adjacent supermarket or that of the new retail facility on the opposite side of the roundabout.”

Subject to conditions, it is considered that the proposal would have not a detrimental impact in terms of parking and vehicle movements and therefore accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan 2019, and the requirements outlined in the NPPF 2021.

Impact on Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 seeks to ensure high quality developments that protect the amenities and operations of other land uses, including neighbouring occupiers. This applies to both the future occupiers of the apartments and the amenities of the existing neighbouring residential properties.

There are neighbouring residential properties on the opposite side of Fydell Street which are two storey, semi- detached or terraced properties. There are other dwellings to the east and west of the site along Fydell Street. It is proposed to erect a two storey block of apartments on the site to the south of these neighbouring properties directly opposite the site. The nearest proposed block (building b) will be about 13m from the neighbouring properties to the north. The northern elevation of the proposed block that will face these neighbouring properties includes windows at ground and first floors and therefore this may cause some overlooking between existing and future residents. The development may also have some effect on sunlight and daylight of the windows serving the neighbouring residents, especially during the winter months. However, Building B has been orientated to angle away from the properties opposite, increasing separation distances and reducing face-to-face impacts, with the windows nearest existing properties serving bedrooms, reducing the potential for overlooking. The layout plan also allows space for landscaping, which can be secured at Reserved Matters stage, to further soften the development and reduce overlooking.

Given the context of the site and its surroundings, and that the block of apartments would be lower than that of the previous permission, it is not considered that the amenities of the existing or future occupiers will be substantially harmed by this arrangement.

The proposed development will provide high quality accommodation, within easy walking distance from the town centre. The site does however lie close to a main road and the service yard that serves Asda supermarket. Noise from traffic travelling along the main road and from service vehicles travelling to and from the service yard may cause some disturbance to the future occupiers of the apartments especially during unsociable hours. The Council's Environmental Health Officer has made the following comments:

“A noise assessment has been submitted which both assesses the noise and makes recommendations in terms of the mitigation. The assessment highlighted the noise impact on the southern and eastern elevations of block C from existing noise source was highly significant. Therefore, the acoustic consultants have made a number of recommendations at section 6 of the acoustic report which if implement in full will result in internal noise levels being made acceptable. Recommendation to achieve this include no openable windows on the southern and eastern facades of block C as well as glazing specification, mechanical ventilation and roof and ceiling specifications. The other blocks in the development are also affected by noise but to a lesser extent nonetheless protection by design and mitigation is still required and is also specified in section 6 of the noise report. If planning are minded to support this application it is imperative that conditions are attached to any consent that require the implementation of the noise consultants recommendations in full. As the recommendations are physical in nature this condition needs to ensure that they are maintained in future.”

On this basis, a condition is recommended to ensure the development accords strictly with the Noise Assessment provided and all mitigation measures stated. The proposal is therefore considered to accord with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan 2019, and the requirements outline in the NPPF 2021.

Impact on Character and Appearance of the Area

Policies 2 and 3 of the SELLP seeks, amongst other things to ensure that new development reflects the character and appearance of an area and to ensure high quality inclusive design. It adds that developments which are inappropriate to the local area or which fail to maximize opportunities for improving the character and quality of an area will not be acceptable.

The application is for outline permission with scale and layout to be considered, and appearance to be considered at reserved matters stage. The proposed mixed two and three storey apartment blocks vary in height with the lower ridge levels to the north, to reduce impacts on existing residential properties and reflect the character of Fydell Street. The ridge lines increase to the south as the character of the Lister Way alters and the design is considered to respond to this. The size and shape of the individual footprints of each block also varies considerably and the three blocks have been arranged around the perimeter of site, fronting directly onto Fydell Street, Lister Way and Gas Works path to the south. The blocks will be set back at varying distances from the road. The central inner courtyard will be set behind these buildings and will include parking, bin and cycle stores. The roof design of the proposed apartment blocks is also varied in order to break up the overall bulk and massing of the buildings.

The site is not within a Conservation Area and there are no Listed Buildings within the proximity of the site. It does not lie along a frontage that contributes significantly to the area and is not within a ‘sensitive’ location in design terms. The site is within an area of mixed use and the scale and nature of the buildings within the locality of the site vary considerably.

The site is however in a prominent location at the junction of Fydell Street and Lister Way and the erection of the proposed apartment blocks will be highly visible and will considerably change the overall appearance of the area. Given the location of the site,

the scale and massing of the proposed building, the proposed development will be very prominent and will have an immediate visual impact on the surrounding environment, especially given that the houses within the immediate proximity of the site are two storey. However, the design of the proposed blocks and layout is varied and of high quality and this scheme will not only provide good living accommodation for the future occupiers but will also significantly enhance part of the town which currently appears neglected and unused.

Overall, it is considered that that this development will represent a significant change to the character and appearance of the area and although it may be argued that the scale and modern design of the buildings may not be in keeping with the area, on balance it is considered in design terms, this scheme would be acceptable and of good quality. It is however recommended that conditions are imposed that requires the submission of sample of the materials to be used in the construction of the development to ensure that the buildings satisfactorily assimilates within the area. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Flood Risk and Drainage

The site is within Flood Zone 3 (high probability) and the application is accompanied by a Flood Risk Assessment. The Assessment recommends that the ground floor of the apartments should be raised 0.5m above existing ground levels.

Policy 4 of the Local Plan 2019 relates to flood risk. It indicates that developments within such areas at risk of flooding (Flood Zones 2 and 3) will be permitted, inter alia, where it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).

The submitted Flood Risk Assessment that forms part of the application includes a sequential test. It states that the sequential test is passed because there are no sites available within the Boston Borough Council area that are at lesser flood risk. It adds that the Sequential Test does not specifically mean that such sites cannot be developed, rather that sites at less risk should be developed first.

Policy 4 requires that sequential test look for alternative sites across the Borough within the defined settlement boundaries. However, that must also be viewed within the context of the spatial strategy. As the sub-regional centre, Boston should be the primary location of a significant portion of the development within the Borough and the wider Plan area. Therefore while there may be small areas of lower risk within lower order settlements such as Wrangle or Bicker, it is considered appropriate to limit the search area to settlement boundary of Boston town.

The site is predominantly in an area of 'Danger for Some' and there are no areas of lesser risk within the town limits based on Map 1.2a in Appendix 1 of the SFRA. As such the site passes the sequential test.

The proposal is for the redevelopment of a vacant site that currently harms the character of the area. There is in principle support for windfall housing within the Plan in accordance with the spatial strategy, as such it is considered that housing is broadly capable of satisfying the exceptions test within the town. The proposal would see the development of a site that currently causes harm to the amenity of the area and as such

there are social benefits from the proposal. The proposal would provide some limited economic benefits from its development, and subject to conditions discussed below regarding landscaping and biodiversity, could provide some environmental benefits to overcome the flood risk concerns. The site is well connected to the town centre, services and employment and sustainable transport infrastructure. The Environment Agency are satisfied that, subject to the mitigation within the Flood Risk Assessment, the development would be safe for its lifetime. The proposal is therefore considered to be safe from flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

In terms of drainage of the site, the documentation provided confirms that drainage will be disposed of via the main sewer. Anglian Water have confirmed that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. They have confirmed that the Surface Water Strategy/Flood Risk Assessment submitted with the planning application relevant to Anglian Water is unacceptable. On this basis, a condition is recommended to request further surface water drainage and foul drainage details to be submitted and agreed.

Therefore, with regard to flood risk and surface water drainage, subject to conditions, it is considered that the proposal complies with policies 3 and 4 of the South East Lincolnshire Local Plan 2019.

Developer Contributions and Affordable Housing

Paragraph 58 of the National Planning Policy Framework 2021 states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. 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 the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”

Furthermore, paragraph 3.7.14 of Policy 6 of the Local Plan 2019 states:

“Where a developer can demonstrate that the viability of a development affects the provision of developer contributions, the Local Planning Authorities will balance the adverse impact of permitting the scheme on the delivery of such provision, with any identified planning benefits of the scheme. In this regard, careful consideration will need to be given to prioritising the provision of one or more items of infrastructure and/or service at the expense of others.”

The Housing Department and NHS Lincolnshire have confirmed that financial contributions are required for affordable housing and to mitigate the likely impact of this new population from the housing development in terms of number of additional consultation time required by clinicians.

A Financial Viability Assessment has been provided by the applicant which confirms that the scheme is unviable and that report demonstrates that the scheme can be considered policy compliant without the provision of any financial contributions. The Assessment has

been evaluated by an independent Viability assessor and they have confirmed that the viability testing demonstrates that the scheme does not meet the typical threshold for a viable scheme (albeit the threshold that is normally set prior to a scheme securing a planning consent), even before any planning policies are factored in. They therefore concur with the applicant that no planning contributions should apply and agree with the applicants that it is necessary to remove such obligations in order to give the scheme the best chance of coming forward.

It has been identified by the applicant and the Council that the development site has been subject to a number of arson attacks and there is a real risk of serious harm not only to the rough sleepers currently accessing the building but to those living in proximity to the site also. Therefore, as identified in Policy 6, the planning benefits of the scheme to develop the site to ensure further risks do not occur are a consideration.

On this basis, it is considered that the proposal accords with Policy 6 of the South East Lincolnshire Local Plan 2019.

Heritage Impacts

The proposal includes the demolition of a former public house, The New Castle Inn, which as part of this planning application has been identified as a non-designated heritage asset by Heritage Lincolnshire.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. This statutory duty sits above the policy objectives identified within the earlier section of this report. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm, and consider this within the policy context. Policy 29 of the Local Plan also states that, to respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets.

The application is accompanied with a Heritage Assessment which confirms that the building has limited historic and architectural interest, and any interest has been substantially lost through the deterioration of the building over time, and use by rough sleepers and vandalism, including arson attacks. Due to substantial antisocial behaviour and vandalism that has occurred since the building has been vacant, the historical value of the building has diminished.

Heritage Lincolnshire has reviewed the Assessment and disagrees that the building has no historical significance, and that the building has good historic interest for its continuous use as a public house and association with surrounding 19th century development and the gas works and externally has not been heavily altered. However, they have confirmed that considering the wider planning balance, and the current on-going antisocial behaviour occurring, and if the demolition of the former public house is necessary, that a historic building recording is required to make a full and proper record of the building prior to works commencing. The public benefit of redeveloping the site is a material consideration and, on balance, it is considered that subject to a condition,

requiring the historic building recording prior to demolition works, the proposal accords with the policies set out in the Local Plan 2019 and NPPF 2021.

Loss of public house as a community facility

Paragraph 93 of Section 8 of the National Planning Policy Framework 2021 states:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.*

Policy 32 of the South East Lincolnshire Local Plan 2019 also states that development shall contribute to the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being. The loss of a community facility should be accompanied by evidence to demonstrate that it is surplus to requirements, not economically viable or unfit for purpose.

Supporting information has been provided by the applicant which confirms that the New Castle Public Inn has been vacant for 9 years and the public house was de-licensed in 2015. During this time, the building has suffered from vandalism, rough sleeping and arson creating a structure that would be unviable to refurbish and bring back into use as a public house. Furthermore, there was a previous application, granted in 2017 for the conversion of the public house into 4 flats plus associated residential development which has previously accepted the loss of the public house as a community facility. The principle of the re-development and the resultant loss of the public house has therefore already been established.

On this basis, it is considered the proposal accords with the requirements of Policy 32 and the NPPF 2021.

Landscaping and ecology

Landscaping has been identified on the drawings provided including trees and shrubbery located within the central open space and along Lister Way and Fydell Street. However, specific details in terms of specifics and management has not been provided. On this basis, a condition is recommended for further information to be provided at reserved matters stage.

No ecology information has been submitted as part of the application. It is considered that a scheme for biodiversity enhancements should be provided including bird, swift and bat boxes. Therefore, subject to a condition to provide these enhancements, the development is considered acceptable in accordance with Policies 2, 3 and 28 of the Local Plan and section 15 of the NPPF 2021.

CONCLUSION:

The site consists partly of vacant land and partly previously developed land that is located within a sustainable area, close to the town centre. In part, the principle of residential development on this site has been established as indicated above. The site is suitable for residential development and the primary issues in the determination of the application, in terms of impact on highway safety, character and appearance of the area and residential amenity are fully addressed above.

It is considered that on balance, this development, although large in scale and nature will positively improve the appearance of the area and that the benefits of the scheme marginally outweighs the adverse impact this development may have on the area, including the demolition of a non-designated heritage asset and community facility. It is therefore recommended that the application is supported in accordance with the policies set out in the South East Lincolnshire Local Plan 2019 and the NPPF 2021.

RECOMMENDATION:

Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent - Date:	
1	<p>Approval of the details of appearance and landscaping (hereinafter called the 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.</p> <p>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 2019.</p>		
2	<p>Application for approval of Reserved Matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
3	<p>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.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
4	<p>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 scale, layout and access and no more than 32 apartments. The development shall be undertaken in accordance with the details as shown on:</p> <ul style="list-style-type: none"> - LPC-267-01 Location Plan - LPC-267-101 Rev J Proposed Site Plan - LPC-267-102 Rev B Existing & Proposed Block Plans 		

	<ul style="list-style-type: none"> - LPC-267-103 Rev B Parameters Plan - LPC-267-OL1 Rev C Proposed Site Plan Overlay of Schemes - LPC-267-OL2 Building A Overlay of Schemes - LPC-267-OL3 Rev B Building B Overlay of Schemes - LPC-267-OL4 Rev C Building C Overlay of Schemes - LPC-267-200 Rev C Building A Floor Layouts & Elevations - LPC-267-300 Rev C Building B Floor Layouts - LPC-267-301 Rev E Building B Elevations - LPC-267-400 Rev E Building C Ground Floor & First Floor Layouts - LPC-267-401 Rev E Building C Second Floor & Roof Plan Layouts - LPC-267-402 Rev F Building C Elevations <p>Reason: 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 2019.</p>
5	<p>An application which seeks approval for the reserved matter of appearance pursuant to Condition 1 of this permission shall include a schedule of external materials and hard surfaced areas. The development shall thereafter be constructed in accordance with the materials so approved.</p> <p>Reason: In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
6	<p>Prior to commencement of the development hereby approved, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall be implemented in full before there are any flows into the receiving systems.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework 2021.</p>
7	<p>Prior to development above ground level, full details of the biodiversity enhancement measures across the site and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include the installation of bird, swift and bat boxes and hedgehog gaps</p> <p>The scheme shall be implemented in accordance with the approved scheme prior to first occupation of the apartments.</p> <p>Reason: In the interest of enhancing the ecology of the area in accordance with Policy 2, 28 and 31 of the South East Lincolnshire Local Plan 2019.</p>

8	<p>When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance.</p> <p>Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following occupation of the first dwelling of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019</p>
9	<p>The water consumption of any dwelling hereby permitted shall not exceed the requirement of 110 litres per person per day (as set out 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.</p> <p>Reason: To protect the quality and quantity of water resources available to the District, in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>Prior to occupation of any dwelling, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be installed and ready for use prior to the first occupation of the development.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan 2019 and to accord with the intentions of the National Planning Policy Framework (2021).</p>
11	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2022 Version 2 by RM Associates and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> - Finished floor levels to be set no lower than 4.3m above Ordnance Datum (AOD) - Flood resilience measures to a level of 4.6 to be incorporated into the proposed development as stated in the FRA. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>

12	<p>Prior to occupation of the development hereby approved, a waste management plan shall be submitted to and approved by the Local Planning Authority. As a minimum the plan shall include details of bin storage, collection points, odour management and complaints procedures.</p> <p>The measures within the plan shall be implemented prior to first occupation of the building and maintained in perpetuity thereafter.</p> <p>Reason: In the interests of amenity in accordance with Policies 2 and 3 and 30 of the South East Lincolnshire Local Plan 2019.</p>
13	<p>The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:</p> <p>a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.</p> <p>b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.</p> <p>Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
14	<p>Where the risk assessment (see preceding condition) 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.</p> <p>Reason: To ensure the proposed remediation plan is appropriate and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
15	<p>Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the LPA.</p> <p>Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
16	<p>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</p>

	<p>regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p>Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
17	<p>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.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
18	<p>Prior to commencement of the development hereby approved a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:</p> <ul style="list-style-type: none"> - Details of measures to minimise and control noise, vibration, dust and fumes during the development including the demolition phase. - Traffic management - On-site parking of all vehicles of site operatives and visitors - Wheel washing facilities - The location and storage of plant and materials - Measures to prevent the spread of mud on to the public highway - Hours of operation/site deliveries - Site security <p>The development shall thereafter be carried out in accordance with approved construction management plan.</p> <p>Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
19	<p>In the event that pile foundations are to be used in the construction of this development, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of neighbours are not adversely affected by noise and disturbance during the insertion of the pile foundations shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is commenced on site. The works shall be carried out in accordance with the approved statement.</p> <p>Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
20	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Noise Impact Assessment dated 9th June 2022 by Independent Environmental Consultancy and the mitigation measures detailed within the Assessment. The measures shall be implemented prior to occupation and shall be retained in perpetuity thereafter.</p>

	Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.
21	<p>No demolition or development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>
22	<p>When an 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.</p> <p>Reason: To secure the satisfactory development of the application site and minimise the impact on surrounding occupiers, which would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019</p>
23	<p>Should any protected species be found during the demolition of the building on site, work shall cease immediately and details of protection and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter proceed in accordance with the measures approved.</p> <p>Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

Lincolnshire County Council:

Highway Informative:

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Highways Informative:

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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Black Sluice Internal Drainage Board:

Rainfall Run-off:

The Board notes it remains the intention of the applicant to discharge surface water into an adjacent utility combined sewer. If this is the case, then any scheme submitted should not only show that the surface water can be discharged into a public sewer as indicated in the application, but also demonstrate that the system is capable of accepting the additional flows, is not in need of repair or maintenance, and that there will be no adverse effect on any surrounding properties.

The applicant will also be responsible for ensuring that the permission from the relevant authorities are obtained prior to discharge from the site.

If the receiving utility infrastructure cannot accept the additional flows, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

Site Ground Levels:

The existing site is believed to be higher than the surrounding land, including the adjacent highway. The Board is concerned that any additional land raising or development will increase the likelihood of the adjacent land being subject to flooding to overland flows in extreme short duration storm events or prolonged periods of heavy rainfall.

The existing ground level of the site should therefore NOT be raised further above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land, property, or public highways.

Anglian Water:

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.

STATEMENT OF PROACTIVE WORKING:

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.