



Appeal Decisions

Site visit made on 22 August 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/A2525/W/23/3328841

Land to the rear of 36 Lime Walk, Long Sutton PE12 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stinders Homes SPV1 Ltd/PJK Magpie Close Ltd against the decision of South Holland District Council.
 - The application Ref is H11-0994-22.
 - The development proposed is residential development of 56 dwellings adjacent site already granted outline planning permission for 70 dwellings.
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Appeal Ref: APP/A2525/W/23/3339842

Land to the rear of 36 Lime Walk, Long Sutton PE12 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by PJK Magpie Close Ltd against the decision of South Holland District Council.
 - The application Ref is H11-0842-23.
 - The development proposed is residential development comprising 48 dwellings.
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Decisions

Appeal A

1. Appeal A is allowed and planning permission is granted for residential development comprising 56 dwellings at Land to the rear of 36 Lime Walk, Long Sutton PE12 9HG in accordance with the terms of the application, Ref H11-0994-22, and the plans submitted with it, subject to the conditions in the attached Schedule A.

Appeal B

2. Appeal B is allowed and planning permission is granted for residential development comprising 48 dwellings at Land to the rear of 36 Lime Walk, Long Sutton PE12 9HG in accordance with the terms of the application, Ref H11-0842-23, and the plans submitted with it, subject to the conditions in the attached Schedule B.

Application for Costs

3. An application for costs has been made in respect of Appeal B. This is the subject of a separate decision.

Preliminary Matters

4. As set out above, there are two appeals on this site. I have considered each on its individual merits. However, in order to avoid duplication, I have dealt with the two schemes together, except where indicated.
5. I have amended the descriptions of development in my decisions in order to omit elements that do not relate to acts of development.
6. The evidence includes planning obligations. I will return to these later in my decision.

Main Issues

7. The main issue in relation to Appeal A is the effect of the proposal upon the character and appearance of the area.
8. The main issues in relation to Appeal B are the effect of the proposal upon the character and appearance of the area, and its effect upon a Public Right of Way.

Reasons

Character and appearance

9. The appeal site is an area of agricultural land. It is predominantly located to the rear of a residential property which fronts Lime Walk, however it does address the road to the north of this dwelling, at the point at which access would be taken in the case of Appeal B. Adjacent to the southern boundary of the site is a Public Right of Way ('PROW'), beyond which is a residential development currently under construction. I understand that this development amounts to 70 dwellings. To the east of the site is an area of allotments.
10. The southern end of Lime Walk is located in the vicinity of the heart of Long Sutton, it then stretches northwards towards the village of Lutton. The western side of the road contains linear development which addresses the road, until a point north of the appeal site, where linear development switches to the eastern side of the road. Towards its southern extent, the eastern side of the road provides access to larger residential areas. This pattern is continued by the site currently under construction. Although this means that the main built area of the settlement is expanding northwards at this point, both Lime Walk to the west, and a road and further residential development to the east provide visual containment. The appeal proposals would contribute further to this northwards expansion.
11. It is not disputed between the main parties that the site lies within the settlement limits of Long Sutton. Long Sutton is identified within Policy 1 of the South East Lincolnshire Local Plan ('SELLP') as a main service centre. The appeal site is allocated¹ for residential development in SELLP Policy 11, where it is envisaged that the site could accommodate 34 dwellings. The supporting text to SELLP Policy 11 acknowledges that stated allocation numbers are not necessarily maximum, or in some cases minimum capacities, and issues of viability, design, constraints and making efficient use of land should also be considerations in determining housing numbers.
12. Currently, the transition between the northern extent of built development of Long Sutton and the countryside beyond is abrupt. A public park and allotments

¹ Site Los008

to the southeast of the appeal site provide a limited visual buffer, but the view from Lime Walk currently reflects the wider landscape which is characterised by broadly flat areas of large arable agricultural fields, of often regular shapes and in many cases directly abutting development. In this context the extent of development along the road itself, does not serve to increase any sense of rurality.

13. Therefore, although both proposals would also lead to a similarly abrupt edge to the area of built development, they would effectively move this point further to the north, rather than erode any existing transition into the countryside. Although the schemes would not allow for significant levels of landscaping to be provided at the northern extent, the effect of this would be no more harmful than the existing settlement edge provided by the earlier phase of development.
14. It is stated that the allocation of the appeal site for 34 dwellings was, in part, a reflection of the need to provide a form of visual transition between the built-up area and the countryside by means of introducing a lower density form of development to the north of the other allocated housing site². Be this as it may, there is no substantive evidence before me which substantiates the need for such a transitional area in visual terms. Nor has it been shown that the allocation is subject to specific restrictions on this basis.
15. Therefore, while I acknowledge that the allocation envisaged a lower level of density, and that the two allocated sites should be brought forward in sequence, it has not been shown that the quantum of development proposed in both appeals, whether 48 or 56 dwellings, and arranged in the layouts proposed with dwellings close to the northern boundary, would be unacceptably harmful.
16. In the case of Appeal B, the Council is concerned that an additional access taken from Lime Walk would lead to a proliferation of such accesses and would be contrary to the allocation, which states that there should be a vehicular connection to the earlier phase, to the south. However, this is described within the allocation as an 'ideal' as opposed to a requirement. Furthermore, the creation of an additional access from Lime Walk would not be unacceptably urbanising, particularly when considered in the context of other development along the road, including commercial premises.
17. Accordingly, the proposals would not result in unacceptable harm to the character or appearance of the area. They would accord with SELLP Policies 2 and 3, which together and amongst other factors state that development will be permitted where considerations are met in relation to scale, density, layout and character and appearance of the area, and the relationship to existing development and land uses, and quality of design.
18. The Council has also cited conflict with SELLP Policy 1 in relation to Appeal A, however this policy relates to the strategic development strategy for the area, and makes no specific reference to the effect of a proposal upon the character and appearance of the area, or acceptable densities for housing allocations. It has not, therefore, been determinative in my conclusions on this main issue.

Public Right of Way – Appeal B only

19. As set out above, a PROW adjoins the southern boundary of the appeal site and separates it from a residential development currently under construction.

² Los026

Although construction work at the adjoining site is ongoing, I was able to appreciate the relationship of dwellings within that site to the footpath.

20. The PROW currently affords views across the appeal site to countryside beyond. As a result of the proposal, along with the completion of the adjacent development, the PROW would be surrounded by residential developments. Its character would fundamentally change from a rural field path to a route between housing developments. However, its integrity would be retained and, it is stated, its width maintained or increased to between 4 and 6 metres.
21. I saw that some plots within the adjacent development would face towards the PROW, and in doing so would provide an element of natural surveillance. The proposed layout for the Appeal B scheme would result in dwellings presenting a mix of gables and rear elevations to the PROW. Although it is possible that short sections of the PROW would not be subject to natural surveillance, the number of dwellings that would present elevations towards it means that a significant length of it would be overlooked.
22. Even if future occupiers were to increase the height of boundary treatments adjacent to the path, the proximity of the dwellings themselves, and first storey rear windows within them would continue to provide natural surveillance. Moreover, the PROW is straight and flat in nature, with good visibility in either direction. Combined with the natural surveillance that would exist from dwellings, along with the width of the route, it would not have a character that would feel narrow and enclosed or be likely to lead to an unacceptable level of fear of crime.
23. The proposal subject of Appeal B would not lead to unacceptable harm to the PROW with particular regard to the fear of crime. It would therefore be in accordance with SELLP Policies 2 and 3, which together and amongst other factors state that developments should meet considerations in relation to layout and quality of design, and secure community safety and crime prevention.

Other Matters

Planning obligations

24. The appeals are accompanied by unilateral undertakings ('the UUs') by the appellant in relation to the provision of affordable housing and financial contributions towards education and healthcare facilities, as well as fees for monitoring the obligations.
25. SELLP Policy 18 sets out that the proposal should provide 25% affordable housing provision. The UUs, in making provision for 14 (Appeal A) and 12 (Appeal B) affordable units respectively, would meet this requirement.
26. With regard to the financial contribution towards education facilities, the stated figures of £255,030 (Appeal A) and £178,521 (Appeal B) align with those requested by Leicestershire County Council and have been calculated in accordance with a stated methodology. Equally, the sums of £36,960 (Appeal A) and £31,680 (Appeal B) towards additional healthcare facilities align with the sums requested by NHS Lincolnshire Integrated Care Board and which have also been calculated in accordance with a stated methodology. All of these contributions would seek to mitigate the effect of the proposed developments upon local infrastructure, in accordance with SELLP Policy 6.

27. Overall, I am satisfied that the provision of these measures and financial contributions are necessary to make the developments acceptable in planning terms, are directly related to the developments, and fairly and reasonably related in scale and kind. They would, therefore, meet the relevant tests.
28. The UUs include the provision of £2,500 towards the cost of monitoring each obligation, however, the Council has indicated that it would expect £2,915.
29. Planning Practice Guidance ('PPG') states that authorities can charge a monitoring fee to cover the cost of monitoring and reporting on the delivery of relevant planning obligations. It also states that in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
30. There is no substantive evidence before me relating to any justification for either the level of monitoring fees proposed within the UUs, or the higher figure requested by the Council. In such circumstances, I cannot be certain that either contribution would be proportionate, or fairly or reasonably related in scale to the development. Therefore, these elements of the UUs would not meet the relevant tests, and I have not taken them into account in reaching my decision.
31. For these reasons, the obligations in respect of monitoring fees do not satisfy the tests set out in Paragraph 57 of the National Planning Policy Framework ('the Framework') and in Community Infrastructure Levy Regulation 122. I am therefore unable to take them into account in determining this appeal. I conclude, however, that the remaining obligations that would be secured through the UUs would meet the statutory tests and as such, they are material considerations in this appeal. Hence, the proposal would not conflict with SELLP Policies 6 and 18.

Interested parties

32. Concerns have been raised by interested parties in relation to a number of issues. In relation to existing infrastructure, the provided planning obligation would provide mitigation for the effects of the proposals with regard to access to education and healthcare facilities. There is no substantive evidence before me which would indicate that the proposals would have other, unmitigated effects.
33. I am also satisfied that the provided planning obligations provide sufficient surety in terms of longer-term responsibilities. Any potential future issues of non-compliance or renegotiation would be matters to be considered by the local planning authority in the future and would not warrant the restriction of planning permission in the first instance.
34. The proposals would lead to the loss of agricultural land, however there is no indication that it comprises best and most versatile agricultural land for the purposes of the Framework. As the appeal site forms a housing allocation within the SELLP, its loss from the supply of agricultural land would have been considered as part of that process. Accordingly, there is no substantive evidence before me to indicate that the loss of the appeal site would be unacceptably harmful to the supply of agricultural land.
35. The proposals would lead to an increase in traffic using the local road network, and it is possible that this would be noticeable. However, there is no evidence before me which demonstrates that the proposals would operate unsafely or lead to severe impacts upon the highway network. Neither the Council nor the Highway Authority has raised concerns in this regard, and I have no reason to reach a different conclusion.

36. I acknowledge that construction work can generate noise and disturbance for existing occupiers of nearby dwellings. However, I consider that working practices within the appeal site could be adequately controlled by means of suitably worded planning conditions.
37. It is also stated that the proposals would result in local residents being unable to access the housing market. However, there is no evidence before me which would substantiate this concern.

Conditions

38. I have had regard to the various planning conditions that have been suggested by the Council. Where necessary, I have amended the conditions in order to ensure that they meet the relevant tests as set out at Paragraph 56 of the Framework.
39. In addition to the standard time limit conditions, I have attached conditions requiring adherence with the approved plans, and to agree schedules of materials and finished floor levels in the interests of clarity and securing a satisfactory form of development in the interests of the character and appearance of the area. Conditions relating to landscaping schemes and details of boundary treatments, along with the maintenance of landscaping are also required in the interests of the character and appearance of the area.
40. I have attached the suggested conditions in relation to the erection of a retaining wall and boundary fence adjacent to 36 Lime Walk in the interests of the living conditions of occupiers of this property and the character and appearance of the area.
41. Conditions relating to the provision and future maintenance of public open spaces, along with details and provisions of bin collection areas are required in the interests of the character and appearance of the area and the living conditions of future occupiers.
42. Further conditions relating to the further investigation of potential land contamination are required in order to ensure suitable living conditions for future occupiers, while a construction management plan is required in the interests of the living conditions of occupiers of nearby properties. These conditions are required to be pre-commencement so that land contamination risks can be understood before any groundworks commence and that construction is appropriately managed from the outset.
43. I have also attached conditions relating to foul and surface drainage in the interests of flood risk and to ensure that sewage is adequately managed. Conditions relating to biodiversity net gain and restriction water consumption are also necessary in the interests of enhancing the natural environment and mitigating climate change.
44. I have not attached the suggested conditions in relation to providing wheel washes, as they would duplicate requirements set out in the conditions in relation to construction management plans and are therefore unnecessary.

Conclusion

45. For the reasons give above, the proposals subject to both Appeals A and B would be in accordance with the development plan. There are no material considerations, including the Framework, that indicate that a decision should be

taken other than in accordance with it. I therefore conclude that both appeals should succeed.

C Harding

INSPECTOR

*****Schedule of Conditions – Appeal A*****

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Site Location Plan – 1419/102 Rev P1
Phase 2 - House Type Schedule - 4149/111 Rev P6
Phase 2 - Site Plan - 4149/202 Rev P8
Phase 2 - Typical Site Sections - 4149/205 Rev P2
Topographical Survey - 22-47-01
Preliminary Drainage Strategy Phase 2 - 8939-103-001 Rev A
Phase 2 Finished Floor Levels and Highway Contour Strategy - 8939-104-001
House Type 1 – Plans and Elevations - 4149/1000
House Type 2 – Plans and Elevations - 4149/2000
House Type 3 – Plans and Elevations - 4149/3000 Rev P1
House Type 4 – Plans and Elevations - 4141/4000
House Type 5 – Plans and Elevations - 4149/5000 Rev P1
House Type 8 – Plans and Elevations - 4141/8000
Flood Risk Assessment by H A Architectural dated October 2022
Preliminary Ecological Appraisal by Reports 4 Planning (Report Ref. 225773PEA) dated 27 June 2022
Pre-Development Tree Survey BS5837:2012 by Reports 4 Planning (Report Ref. 225773ARB) dated 27 June 2022
Phase 1 Land Contamination Assessment by Reports 4 Planning (Report Ref. 225773CLR) dated 27 June 2022

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a 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 drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction;
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

4. No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

5. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
6. Prior to construction above ground level, a scheme for on-site foul water drainage works, including connection points and discharge rates, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.
7. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the local planning authority prior to construction above ground level.

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 1.4 litres per second per hectare;

- provide details of the timetable for and 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 details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

8. Prior to any development above ground level a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the materials so approved.
9. Prior to any development above ground level, a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance, shall be submitted to and approved in writing by the local planning authority. The scheme should include native hedge planting along the north-eastern boundary of the site. The approved scheme shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated 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.
10. Prior to any development above ground level, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site, calculated using the Biodiversity Metric 3.1 (or any successor) shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. The development shall be undertaken and thereafter maintained in accordance with the approved details.
11. Prior to any development above ground level, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the local planning authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the local planning authority, and shall thereafter be so maintained.
12. Prior to its installation, details of the proposed boundary treatment or screening, including a schedule of fencing levels, heights and materials, details of the size and species of any hedging and cross-sectional drawings, shall be submitted to and approved in writing by the local planning authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

13. Prior to occupation of any dwelling, a concrete retaining wall and 1.8m high close boarded timber fencing shall be erected along the western boundary of the site adjoining No. 36 Lime Walk in accordance with details on dwg. no. 4149/205 Rev P2. It shall thereafter be so maintained.
14. Prior to the occupation of any dwelling hereby permitted, a management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the local planning authority. The management of these areas shall be carried out in accordance with the details so approved.
15. Prior to the occupation of any dwelling hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be maintained in accordance with the approved details.
16. Refuse and recycling collection points shall be provided in accordance with details shown on the approved plans before any dwelling to which they relate is occupied and shall thereafter be so maintained.
17. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, including the following measures:
 - Finished floor levels shall be set at 3.45m AOD;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

The mitigation measures shall be fully implemented prior to occupation.

18. Notwithstanding any submitted details finished floor levels shall be set at 3.45m AOD and ground levels shall be at least 150mm below finished floor levels. The development shall be constructed and retained in accordance with the details so approved.
19. 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 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.

*****End of Schedule*****

*****Schedule of Conditions – Appeal B*****

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

Location Plan - LWLS-SH-PD-LP-1000 A
Site Layout - LWLS-SH-PD-SL-1001 B
Site Information Plan - LWLS-SH-PD-SIP-1002
Boundary and Landscaping Plan - LWLS-SH-PD-BLP-1004 A
Floor Plans & Elevations - House Type S153 - S153 01A
Floor Plans & Elevations - House Type (Terrace) S213 - S213 01
Floor Plans & Elevations - House Type S213 - S213 01B
Floor Plans & Elevations - House Type S301 V2 - HT S301V2 01
Floor Plans & Elevations - House Type S303 & 319 - S303 & S319 01
Floor Plans & Elevations - House Type S303 & 319 - S303 & S319 02
Floor Plans & Elevations - House Type S305 - S305 01A
Floor Plans & Elevations - House Type S306 - S306 01A
Floor Plans & Elevations - House Type S318 & S319 - S318 & S319 01
Floor Plans & Elevations - House Type S318 & S319 - S318 & S319 02A
Floor Plans & Elevations - S409 V2 - S409 V2 01B
Elevations - House Type S430 - S430 02

Drainage Strategy (Ref. 12700-WMS-ZZ-XX-D-C-39201-S8-P4) dated August 2023
Drainage Statement (Ref. 12700-WMS-ZZ-XX-T-C-39201-S8-P3) dated August 2023
Phase 1 Land Contamination Assessment by Reports4Planning (Ref. 225773CLR) dated 27 June 2022
Preliminary Ecological Appraisal Issue 2 by Arbtech dated 6 September 2023
Biodiversity Net Gain Assessment Issue 2 by Arbtech dated 20 September 2023
Pre-Development Tree Survey BS5837:2012 by Reports4Planning (Ref. 225773ARB) dated 27 June 2022
Flood Risk Assessment by H A Architectural dated October 2022
Planning, Design and Access Statement prepared by Barmach Ltd dated September 2023

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- the phasing of the development to include access construction;
 - the on-site parking of vehicles of site operatives and visitors;
 - the on-site loading and unloading of plant and materials;
 - the on-site storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - a 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 drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction;

- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

5. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before any individual dwelling is occupied.
6. Prior to construction above ground level, a scheme for on-site foul water drainage works, including connection points and discharge rates, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.
7. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the local planning authority.

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 1.4 litres per second per hectare;
- provide details of the timetable for and 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 details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

8. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.
9. Prior to any development above ground level, a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance, shall be submitted to and approved in writing by the local planning authority. The scheme should include native hedge planting along the north-eastern boundary of the site. The approved scheme shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated 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.
10. Prior to any development ground level, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site, calculated using the Biodiversity Metric 3.1 (or any successor) shall be submitted to, and approved in writing by, the local planning authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. The development shall be undertaken and thereafter maintained in accordance with the approved details.
11. Prior to any development above ground level, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the local planning authority, and shall thereafter be so maintained.
12. Prior to its installation, details of the proposed boundary treatment or screening, including a schedule of fencing levels, heights and materials, details

of the size and species of any hedging and cross-sectional drawings, shall be submitted to and approved in writing by the local planning authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

13. Prior to the occupation of any dwelling hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.
14. Prior to occupation of any dwelling details of the treatments, including the need for any retaining walls be erected along the western boundary of the site adjoining No. 36 Lime Walk shall be submitted to and agreed in writing with the local planning authority. The agreed treatments shall thereafter be incorporated into the scheme and maintained in perpetuity.
15. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.
16. Refuse and recycling collection points shall be provided in accordance with details shown on the approved plans before any dwelling to which they relate is occupied and shall thereafter be so maintained.
17. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, including/plus the following measures:
 - Finished floor levels shall be set at 3.45m AOD;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

The mitigation measures shall be fully implemented prior to occupation of each dwelling.

18. Notwithstanding any submitted details finished floor levels shall be set at 3.45m AOD and ground levels shall be at least 150mm below finished floor levels, unless otherwise approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.
19. 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.

*****END OF SCHEDULE*****