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## Appeal Decision

Site visit made on 2 May 2018

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> May 2018**

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**Appeal Ref: APP/Z2505/W/17/3186249**

**Land off St Swithins Close, Bicker, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs G Barkworth against the decision of Boston Borough Council.
  - The application Ref B/16/0463, dated 9 November 2016, was refused by notice dated 17 May 2017.
  - The development proposed is a residential development of up to 40 dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 40 dwellings at Land off St Swithins Close, Bicker, Lincolnshire, in accordance with the terms of the application, Ref: B/16/0463, dated 9 November 2016, subject to the conditions in the attached schedule.

### Preliminary Matters

2. An application for costs was made by Mr & Mrs G Barkworth against Boston Borough Council. This application will be the subject of a separate Decision.
3. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis and treated the drawings as being an illustration of how the proposal could be configured rather than a firm proposal.
4. Following discussions at the hearing it was agreed that the submitted planning obligation required refinement and the appellant was given until the 11 May 2018 to make the changes discussed in consultation with the Council. An amended unilateral undertaking was duly received within the deadline.

### Main Issues

5. The main issues in this appeal are:
  - Whether the proposed development would be in a suitable location with particular reference to local policies concerned with housing in rural areas and the accessibility of services and facilities;
  - The effect of the proposed development on the character and appearance of the area; and
  - If there is a conflict with the development plan, whether this would be outweighed by other material considerations.

## **Reasons**

### ***Local policies concerned with housing in rural areas***

6. In order to conserve the countryside, protect the best and most versatile agricultural land, avoid the high costs of servicing new development in scattered locations and prevent the coalescence of settlements, saved Policy C01 of the Boston Borough Local Plan 1999 (LP) states that development will not be permitted in the countryside unless it is supported by other local plan policies.
7. The appeal site encompasses part of a larger agricultural field outside the settlement boundaries of Bicker. It is therefore within the countryside for the purposes of applying the saved policies in the LP and I have not been directed to any other policies therein which would lend support to the principle of the proposal. As such, the proposal would be in conflict with Policy C01 of the LP and thus harmfully undermine the strategy for rural housing it sets out.
8. The Council's second reason for refusal also refers to Policy H4 of the Interim Local Plan 2006 (ILP). This policy sets out a number of criteria against which residential proposals in 'other villages'<sup>1</sup> should be assessed. The appeal scheme is not for a proven local need and is therefore in conflict with Policy H4. The interim plan was adopted by the Council for development management purposes and has not been formally discontinued. However, it has not gone through the stages of adoption that a formal development plan would and consequently it does not have the same status. Significantly, it was not prepared with an eye on delivering the Council's objectively assessed housing needs. Thus, I afford any conflict with Policy H4 very limited weight.

### ***The accessibility of services and facilities***

9. Bicker is a small village with a limited range of services. Most notably it does not include a school<sup>2</sup>. For a more comprehensive range of services and facilities it would be necessary for future occupants of the proposed development to travel further afield to the nearby villages such as Donington and Swineshead or the larger towns of Spalding and Boston.
10. Donington is the nearest settlement with a wide range of services that includes primary and secondary schools. It is located approximately one and half miles from the appeal site and there is a pavement along the A52 that links Bicker and Donnington. Consequently, it would be possible for the occupants of the appeal scheme to walk or cycle to this neighbouring village and access the services it offers. However, the distance is sufficiently great to ensure walking is unlikely to be a regular mode of transport and the speed of traffic and busy nature of the A52 may perturb both cyclists and pedestrians. The appellants are not advancing off site highway works, such as a cycle path, that would remedy this. As such, accessing services and facilities outside the village by walking or cycling is unlikely to be a regular alternative to travel by a private motorised vehicle.
11. As such, future occupants of the appeal scheme would be predisposed to use private motorised transport to access most everyday services and facilities and this would result in higher associated carbon emissions than a development

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<sup>1</sup> Bicker is an 'other village' in the rural settlement hierarchy set out in Table H4 of the ILP

<sup>2</sup> Other than a private preparatory school

- positioned closer to facilities and services. This would be harmful environmental impact arising from a residential development at the appeal site. Moreover, residents would lack resilience to fluctuating fuel costs.
12. Deiseal and petrol cars are set to be phased out in the future and this would probably decrease any related carbon emissions emitted by the vehicles used by the residents of the appeal scheme when they travel. However, this is currently a long term target and consequently it is not a determinative matter in this appeal. Electric cars<sup>3</sup> may become more prevalent in the medium term but this cannot be relied upon. Moreover, there is no indication from the appellants that the appeal scheme is proposing a charging point for electric vehicles. As such, these points would not mitigate the harm I have identified.
  13. My findings are consistent with a recent appeal decision<sup>4</sup> where the Inspector found that a proposal for four houses on the periphery of Bicker would undermine the encouragement given to sustainable transport. The appeal scheme is for forty homes and therefore the impact would be significantly greater. However, the previous Inspector was not provided with details of public transport and the proposal he was considering would have been located at a site poorly placed for walking to the facilities that are available in Bicker.
  14. Unlike the previous Inspector I have been provided with details of local bus routes and services. I was advised at the hearing that the bus service has been curtailed recently but it still currently stops seven times a day at various points in the village. The appeal site is located a comfortable walk from the bus stops. The frequency of stops means that the service may support some commuters travelling to the larger villages and towns nearby. However, the coverage is intermittent and bus travel could prove relatively expensive to commuting by private vehicle. I have not been provided with details of any not for profit or community services.
  15. Nevertheless, although commuting by bus may not be an attractive alternative to traveling by car in all instances it would provide opportunities for future residents of the appeal scheme to access facilities outside the village, including a partial service on a Saturday. Travel packs could be provided to future occupants to facilitate the use of the bus service.
  16. Moreover, although the level of services in the village is limited, it does include a post office and general store, a village hall, two churches, a public house and various employment sites. There is also a playing field and allotments in the village and these provide some recreational opportunities. The appeal site is located a short, level and safe walk from these services and facilities. Thus, future occupants of the proposed development would not be entirely reliant on private motorised transport in order to access some basic everyday services and facilities.
  17. Due to the presence of a reasonably regular bus service and some everyday facilities within the village, I do not consider the appeal site is as poorly related to services and facilities as the Council has suggested in its submissions. Residents would not be entirely car reliant and even if a car is used the journeys to Donnington would be short.

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<sup>3</sup> Low emission vehicles are identified in the National Planning Policy Framework as form of sustainable transport

<sup>4</sup> APP/Z2505/W/16/3165718

18. The relative accessibility of residents of Bicker to services and facilities is also a matter that must be considered. In a survey<sup>5</sup> undertaken to inform the emerging local plan Bicker came seventh out of twenty three settlements in the Borough in terms of 'sustainability' and twentieth out of approximately seventy one when taken together with those settlements in South Holland District. As such, Bicker is relatively well placed to take some new housing.
19. Nevertheless, forty homes would be a significant number and I am mindful of Paragraph 34 of the National Planning Policy Framework, which states that decisions should ensure developments that generate significant movements are located where the need to travel is minimised and the use of sustainable transport modes maximised. Even when taking account of the appeal sites rural situation, where sustainable transport options are going to be more limited than urban locations, the appeal scheme, due to its size, would result in a significant number of movements<sup>6</sup> and a large proportion of these are likely to be from private motorised transport.
20. As such, I conclude that the position of the appeal scheme relative to everyday services and facilities would result a high number of movements by the least sustainable mode of transport - private motorised transport. This would harmfully undermine the local and national policy objectives to minimise carbon emissions by maximising sustainable modes of transport. However, this impact would be off set to an extent by the presence of some local services, the proximity of Donnington and the extent of the local bus service. As such, the harm would be moderate. Nevertheless, a conflict with Policy C01, and its aim to prevent development in scattered locations, would still occur.

***The effect on the character and appearance of the area***

21. The appeal site is located to the east of St Swithins Close, a small housing estate developed as a rural exceptions site. To the west of the appeal site is Milkinghill Lane, a narrow country lane that morphs into a public footpath in the vicinity of a modest bungalow. To the west of Milkinghill Lane there is a collection of small fields and allotments and beyond this the properties in Gauntlet Road. North of the allotments there is a scattering of buildings that have a semi industrial appearance including an MOT testing centre.
22. The appeal site is a flat and open agricultural field devoid of any landscape feature of note such as a hedge or trees. The surrounding landscape is also flat. This provides extensive views but these are often interrupted by shelter belts and hedges. The appeal site is typical of the fenland character of the wider landscape but is not, of itself, of any particular merit other than contributing to the semi-rural character of Milkinghill Lane. Although this contribution is limited by the presence of St Swithins Close, which is quite a stark feature due to the suburban form, lack of landscaping and the colour of the cladding on some of the properties.
23. The appeal scheme is for the erection of up to forty homes. This would significantly urbanise the appeal site. The impact on views from Milkinghill Lane and the allotments would be particularly pronounced as the open views looking north out of the village over open countryside would be replaced by a large body of houses. In addition, much of the proposed development would

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<sup>5</sup> South East Lincolnshire – An assessment of settlements and their sustainability credential June 2015

<sup>6</sup> A Transport Assessment or Statement has not been submitted to suggest otherwise.

- appear as a stark and discordant intrusion into the countryside as the northern part of the site would extend past the northern extent of St Swithins Close.
24. Moreover, the indicative layout has a number of significant failings. Most notably the properties are shown as being inward facing around a central spine road. This would result in the backs of properties and boundary treatment facing onto the public realm and the countryside. This would create a hard edge to the development. The street scene along Milkinghill Lane would be particularly poor if such an arrangement was ultimately pursued. Hedging along Milkinghill Lane would take time to mature and may not screen the development from views at close proximity. Thus, the proposal would harm the character and appearance of the appeal site and its immediate environs.
25. However, the impact on the immediate environs and wider landscape could be lessened with a carefully considered and imaginative design that would need to be approved at the reserved matters stage. To this end a number of possible design aims, concepts and solutions were discussed in detail at the. Of particular note in this regard is the potential for structural landscaping. Landscaping around the northern part of the appeal site would soften long distance views from the north and west (particularly from Back Lane, Longhedge Drove and Cowbridge Road) and prevent a hard edge to the proposal. Such a conclusion is supported by the Landscape and Visual Impact Assessment (LVIA), the findings and methodology of which is broadly supported by the Council.
26. The appeal scheme would also been seen against the back drop of the village in views from the north and west and therefore landscaping, along with a carefully designed roof scape, including natural and dark roof materials and points of interest, which may include chimneys, would ensure the development would not appear as a stark addition to the wider landscape. The village has also been extended incrementally over time with small and medium sized housing estates<sup>7</sup> and therefore the appeal scheme would be seen as a continuation of this pattern of development.
27. The landscaping would take around five years before notably filtering views of the lower storeys of the properties in the development and perhaps ten years to filter views of the roof scape. As such, there would be a short term impact but this could be lessened by providing lower properties, such as bungalows, towards the northern end of the site. The bungalow to the west of the appeal site is surrounded by landscaping and is effectively invisible in long distance views because of this. Landscaping throughout the site would also ensure the roof scape is broken up in the longer term. Consequently, the proposal would have a harmful impact on the wider landscape in the short term but this would not be significant in the medium to long term.
28. I was also advised that the structural landscaping would need to be 3-5 metres thick to be successful. The indicative layout does not show structural landscaping at this extent and what landscaping is shown would be positioned in the rear gardens of the properties. I am not satisfied that it would be acceptable to place structural landscaping in rear gardens as future residents may manage it differently or fell it in order to create a view over the countryside or provide more light into the gardens. Moreover, screening the development in this way would appear artificial. Nevertheless, there would be

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<sup>7</sup> For example the housing in Lowgate Avenue, St Swithins Close and Thorlby Haven

scope to configure the proposal so that the structural landscaping is outside the curtilage of any of the residential properties and organically arranged.

29. The overall layout of the proposal could be amended from the indicative scheme to soften the impact of the proposal on near distance views. For example, properties can be orientated to face onto Milkinghill Lane and the allotments with softening front gardens. This would provide an active edge to the public realm and reduce what could otherwise be an insular and inward looking layout. Additionally, well-designed houses good improve the visual amenity of Milkinghill Lane by softening the stark appearance of the St Swithins Close development. A public open space could also be positioned to provide visual relief along Milkinghill Lane and reduce the number of homes that would project past the northern extent of St Swithins Close.
30. To accommodate an acceptable design it may provide necessary to reduce the overall number of homes although it is not certain that this would be the case as I have seen nothing to suggest a density of 27 dwellings per hectare would be harmfully high in this location adjacent to an existing estate. Notwithstanding this, the appellants suggested at the hearing that the ultimate number of homes could be 30-35 once the detailed design is explored and refined. The application is for *up to* forty homes so this would provide flexibility to reduce the numbers if this ultimately proves necessary.
31. I therefore conclude that there would be some initial harm to the wider landscape but as the structural landscaping matures this impact would not be sustained. However, the appeal scheme would result in notable harm to the open rural character of the appeal site and the visual amenity of its immediate environs. However, there is genuine potential for significant mitigation through design at the reserved matters stage. Consequently, the proposal would, overall, result in moderate harm to the character and appearance of the area in conflict with saved Policies G01 and G1 of the LP.

***Whether the conflict with the development plan would be outweighed by other material considerations***

*The emerging South Lincolnshire Local Plan (SELLP)*

32. The Council are currently in the process of preparing a joint local plan (the SELLP) with South Holland District Council. Once adopted this would replace the current LP. The SELLP outlines a housing strategy which includes a settlement hierarchy. The larger service centres in the plan area are intended to take the majority of planned development whereas the smaller settlements would take a proportionate amount relative to their size and the level of services and facilities available.
33. Bicker is identified as a 'minor service centre'. These are settlements identified as 'areas of limited development opportunity' in draft Policy 2. The SELLP would permit development within the settlement boundaries of minor service centres in order to support their role and local facilities. To support this draft Policy 11 sets out an overall housing target for each village that would be achieved with housing allocations. Bicker is to be allocated 50-55 homes across three sites<sup>8</sup>. The allocations would effectively deliver 3 homes a year over the plan period. This is a minimum figure but it is unlikely that it would

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<sup>8</sup> The Policy allocates 50 homes but the three allocations added together equals 55 homes

be significantly exceeded as development in addition to the allocations would be limited to infilling given Bicker position in the settlement hierarchy.

34. Part of the appeal site is included as one of the three allocations. As such, development on the southern part of the site would not conflict with the emerging SELLP. Alternatively development on the northern half would as it would be outside the settlement boundary. Thus, the proposal as a whole would be in conflict with the emerging SELLP and therefore this is a matter that does not weigh in favour of allowing the appeal. In fact, the conflict with the SELLP is a matter weighing against the proposal.
35. Paragraph 216 of the Framework states that the weight to be afforded to an emerging plan depends, amongst other things, on the stage of preparation. The emerging SELLP has been examined and the main modifications following this are due for public consultation shortly. The SELLP is therefore at a reasonably advanced stage of preparation but there are still a number of processes to go through and therefore it may not be adopted until 2019. For this reason the Council have suggested that the SELLP should be afforded only limited weight as a material consideration as it could be subject to further revisions and modification. I share this view. As such, the SELLP is not a determinative matter in this appeal.

#### *The National Planning Policy Framework*

36. As established above, the proposal would be in conflict with the development plan. A planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration of importance.
37. The Council cannot currently demonstrate a 5 years housing land supply as required to by the Framework. A previous Inspector found<sup>9</sup> the current housing land supply to be between 1.6 years and 3.5 years and probably towards the lower end of this range. Thus, the housing supply shortfall is acute. I have seen nothing of substance to suggest this is no longer the case. In these circumstances, Paragraph 49 of the Framework establishes that relevant policies for the supply of housing should not be considered up-to-date. In turn, the fourth bullet point in Paragraph 14 of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole<sup>10</sup>.
38. As an adverse impact the proposal would be in conflict with the LP's strategy for housing in rural areas. The LP predates the Framework by some way but it is extant and consequently there is no policy vacuum. Paragraph 215 of the Framework states that due weight should be given to relevant policies in a local plan due to their consistency with the Framework. Policy C01, supported by Policy G1, seeks to protect the countryside and the general character of the area and encourages sustainable transport. These aims are consistent with Paragraphs 17, 29, 30 and 58 of the Framework.
39. However, Paragraph 47 of the Framework also requires local planning authorities to meet local housing needs. This is not currently the case given the acute shortfall in the housing land supply. If Policy C01 is applied

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<sup>9</sup> APP/Z2505/W/17/3170198

<sup>10</sup> Specific policies in the Framework do not indicate development should be restricted

- rigorously it would be very difficult for the Council to address the housing shortfall. I have seen nothing of substance to suggest the Council are likely to be able to meet its housing shortfall without releasing land in the countryside.
40. Nevertheless, the proposal would still undermine the Framework's aim to encourage sustainable patterns of travel and recognise the intrinsic character and beauty of the countryside. I have found that, subject to an acceptable design, the proposal would result in moderate harm in these respects. Consequently, the conflict with Policies C01 and G1 that would arise from the appeal scheme is afforded moderate weight.
  41. A notable benefit of the appeal scheme is that it would assist in redressing the shortfall in housing supply. Forty homes would be an important contribution and would have significant benefits in the short term to the construction industry but longer term benefits from the 'spend' of local residents and in providing housing choice. Even if the scheme ultimately delivers fewer homes once the design is finalised, the provision of housing would still be a notable benefit given the housing supply position.
  42. The emerging local plan will set out a strategy for addressing the housing supply shortfall including housing allocations. The housing allocations, which have been strategically planned, would deliver some of the benefits the appeal scheme would. Nevertheless, some of the proposed housing allocations are large and may take time to deliver. To address this drawback the SELLP may need to bring reserve sites forward early in the plan period. This emerging strategy in the SELLP tempers the benefits arising from the delivery of housing as part of the appeal scheme, which, after all, has not been strategically planned. However, the SELLP has not been adopted and I have already concluded that it is to be given limited weight. As such, its preparation does not, as yet, notably diminish the benefits that would be accrued from the appeal scheme's contribution to the housing land supply.
  43. The provision of up to forty households has the potential, in theory, to support local facilities. It is likely the residents would use the local shop, bus service and village hall. They may also use facilities in nearby villages. However, evidence has not been submitted that outlines the practical effect of this. Thus, it is unclear to what extent the new homes would support existing facilities or safeguard existing ones. This tempers the weight that can be afforded this matter as a benefit.
  44. The proposal would provide some affordable homes, perhaps up to six, and notable biodiversity enhancements through landscaping and bird and bats boxes. The proposal would also facilitate the provision of housing outside a flood zone. A point of note in a borough that is otherwise constrained by flood risk. There is also the potential to provide a mixture of property sizes but I have seen little to suggest the proposal would be addressing any particular local need in this regard.
  45. The proposal would incorporate a public open space. This would be a benefit but the extent of this is unclear in the absence of data outlining whether there is an existing local quantitative or qualitative deficit of open space. Moreover, the drainage strategy has suggested that any open space may also need to function as a dry pond that would periodically store surface water. As such, the usability of the open space as a recreational asset is questionable.



### *Planning Balance*

46. The proposal would have a number of adverse impacts. It would be at odds with the strategy for rural housing in the LP but I have afforded this limited weight given the acute housing supply shortage. The conflict with Policy H4 of the ILP is afforded very limited weight as it was not prepared to meet extant housing needs. Residents of the proposal would be predisposed to travel by private motorised transport but these journeys could be short and the residents would not be entirely car dependent. This is a matter of moderate weight against the proposal. The appeal scheme would harm the character and appearance of the appeal site and its immediate surroundings but this could be offset to an extent by a sensitive design aided by structural landscaping. The latter would, over time, limit the impact on the wider landscape. I afford this moderate weight as an adverse impact. Overall, the adverse impacts of the proposal would be matters of moderate weight against the appeal scheme.
47. Alternatively, the proposal would have a number of benefits. It would support the Council in addressing the housing supply shortage. This benefit is tempered to an extent as the Council are in the process of preparing a new local plan, which will include a strategy for addressing the shortfall, including housing allocations. However, this is still a little way off being adopted. The proposal would have other social and economic benefits but there is little evidence before me to suggest they would be significant. Consequently, the proposal would, overall, provide benefits of moderate weight.
48. Consequently, the moderate adverse impacts of the appeal scheme would not significantly and demonstrably outweigh its moderate benefits when assessed against the policies in the Framework taken as a whole. This is a matter of significant force that suggests the proposal should be allowed in spite of its conflict with the development plan.

### **Other Matters**

49. 'Access' is a reserved matter and therefore the precise position of the entrance into the site and the location and design of internal roads is not a matter before me. Although a transport assessment has not been submitted I have seen nothing of substance to suggest up to forty homes at the appeal site would result in severe impacts on the highway network's capacity or that a safe and suitable access could not be achieved. I also note that the Local Highway Authority, as independent specialists, have not objected to the proposal.
50. The proposal would result in a loss of the best and most versatile agricultural land but it is unlikely the Council's housing supply can be remedied without such a loss. The historic village centre is a conservation area but the appeal site is located away from this designated heritage asset and the appeal scheme can be designed to preserve views from Gauntlet Road. Thus, the setting of the conservation area would be preserved.

### **Conditions and Planning Obligations**

51. I have had regard to the advice in the Planning Practice Guide and the revised list of planning conditions submitted by the Council at the outset of the hearing. It is necessary to impose a commencement condition but I have reduced the period from the norm in order to speed up delivery and therefore promptly deliver the short term gains that are central to the suite of benefits

advanced by the appellants. It is unnecessary to attach a drawings condition as these are indicative and the planning permission only relates to land inside the red line on the site plan.

52. In the interests of highway safety and the living conditions of future occupants, it is necessary to ensure roads and footways, including visibility splays, are provided at appropriate points and that a construction management plan is approved. In the interests of protecting the landscape it is necessary to protect the structural landscaping which is likely to prove essential. I have however, increased the time period from 5 to 10 years due to the time it will take for the landscaping to mature. I have also included a requirement for a landscape management plan so that the landscaping is properly managed.
53. To promote sustainable pattern of travel is necessary to ensure future occupants are provided with a travel pack. To promote biodiversity it is necessary to secure a schedule of enhancements. To address the concerns of interested parties and ensure there would be adequate foul and surface water drainage from the development it is necessary to impose those conditions suggested by the Council relating to these matters.
54. A number of pre commencement conditions are imposed in order to secure details that must be approved before construction works commence as the details may have implications for how the construction works are undertaken.
55. A planning obligation has been submitted by the appellants in the form of a unilateral undertaking, which the Council is satisfied with. In order to address local housing needs and adhere to the requirements of the Framework, it is necessary to secure affordable housing as part of the proposal. A requirement of 15% would be proportionate to the scheme as a whole.
56. It is also necessary to secure a financial contribution towards education as the County Council has provided evidence outlining the negative impacts that would materialise from not doing so. The financial contribution would be spent on specific projects outlined by the County Council and therefore this would not fall foul of the pooling restrictions. Overall, the planning obligations would adhere to the community infrastructure levy regulations and therefore they are matters I have taken into account. I have seen nothing of substance to suggest the proposal would place unreasonable burdens on other forms of infrastructure such as healthcare.

### **Conclusion**

57. The appeal scheme would be contrary to the development plan but in this instance material considerations indicate planning permission should be forthcoming in spite of this. Accordingly, for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

## **Schedule of Planning Conditions**

### *Implementation and Reserved Matters*

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby approved shall commence not later than one year from the date of approval of the last of the reserved matters to be approved.

### *Requirements Triggered Prior to Commencement*

- 4) No development shall take place until a foul and surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved foul and surface water drainage scheme and no dwelling shall be occupied until the approved scheme has been completed. The approved scheme shall be retained in accordance with the approved details.

- 5) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Construction of the permitted development shall be undertaken in accordance with the approved plan.
- 6) No development shall commence until a landscape management plan has been submitted to and approved in writing by the local planning authority. The landscape management plan shall explain how the landscaping will be cared for over a period of 10 years. The development shall be undertaken and thereafter managed in accordance with the approved management plan.
- 7) No development shall commence until a biodiversity enhancement plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken and thereafter managed in accordance with the approved enhancement plan.

### *Requirements Triggered Prior to Occupation*

- 8) No dwelling shall be occupied until the estate roads and/or footways providing access to that dwelling from an existing public highway has been constructed across the whole of its frontage to a specification submitted to and approved in writing by the Local Planning Authority.
- 9) No dwelling shall be occupied until a 'Travel Pack' has been submitted to and approved in writing by the local planning authority. The approved pack shall

thereafter be provided to the occupant(s) of the proposed development upon occupation. The Travel Pack shall include details of walking and cycling routes and footpaths, local facilities, local clubs and organisations, local bus time tables and useful contacts.

*Requirements Triggered Following commencement and through Occupation*

- 10) All landscape works shall be carried out in accordance with the approved reserved matters within 6 months of the date of the first occupation of the first dwelling. Any trees, plants and/or grassed areas which within a period of 10 years from the date of planting die, are removed, or become seriously damaged or diseased shall be replaced in the first planting season (October – March) with others of a similar size and species.

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT

Tim Waller MRTPI  
Kris Baxter  
Stephen Jowers CMLI

Waller Planning  
Studio Architecture  
Landscape Architect

### FOR THE LOCAL PLANNING AUTHORITY

Simon Rowberry BSc (Hons) (TP)  
MRTPI DipEM MBA DipBR  
John Taylor MA T&CP

Planning Manager  
  
Senior Planning Officer

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. South East Lincolnshire Local Plan 2011-2036 Publication Version
2. Draft Main Modification to the South East Lincolnshire Local Plan 2011-2036 Publication Version
3. South east Lincolnshire – An assessment of settlements and their sustainability credentials June 2015
4. Signed copy of the Statement of Common Ground
5. Bus timetable
6. Revised list of suggested planning conditions prepared by the Council

Richborough Estates