

# Development Management Delegated Decision Report

B/21/0475



SUMMARY OF APPLICATION			
Application Reference	B/21/0475		
Application Type	Major - Outline Planning Permission		
Proposal	Outline application for the erection of 35 no. dwellings (with layout and access to be considered) and construction of car park for use by Old Leake Primary School		
Location	Land north of Old Main Road, Old Leake, Boston, PE22 9HR		
Applicant	Messrs A. & J. Daubney		
Agent	Neil Dowlman Architecture Ltd		
Received Date:	27-Oct-2021	Consultation Expiry Date:	23-Dec-2021
Valid Date:	28-Oct-2021	Statutory Expiry Date:	26-Jan-2021
Date of Site Visit:	05-Nov-2021	Extension of Time Date:	30-Sept-2022
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Councillor. A. Spencer	28.02.2022	No response	
Councillor. M. Cooper	28.02.2022	No response	
Recommendation	Approved with Conditions		
Report by:	Lauren Birkwood		
Date:	28 <sup>th</sup> February 2022		



## **OFFICER REPORT**

### **1.0 SITE AND SURROUNDINGS:**

- 1.1 The site relates to a parcel of agricultural land that measures some 1.90 hectares in size. The plot, which appears relatively level, is situated outside the settlement boundary of Old Leake; however, it does border the settlement along its southern, western and north-western (in part) boundaries.
- 1.2 To the north and east are open fields with residential development to the south on the opposite side of Old Main Road. The 'Old Farm House' and its associated land and buildings lie to the west of the site.
- 1.3 The site is currently used for agricultural purposes (Grade I) and the whole of the site appears devoid of buildings. A number of mature/semi mature trees exist along the southern boundary where the site fronts Old Main Road and there are scattered trees along parts of the north-western boundary. A watercourse appears to run along almost the whole perimeter of the site.

### **2.0 DETAILS OF PROPOSAL:**

- 2.4 This proposal seeks outline planning permission with consideration given to layout and access (matters relating to scale, appearance and landscaping are reserved for later consideration) for up to 35 dwellings (including 7 affordable units) and associated works.
- 2.5 The indicative plan also show the provision of a car park for the use of the primary school with 26 spaces.

### **3.0 RELEVANT HISTORY:**

- 3.1 B/17/0513 - Outline application for the erection of up to 35 no. dwellings (with layout and access to be considered) and construction of car park for use by Old Leake Primary School. Approved 14.12.2018

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

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

The following policies are relevant to this application:

Policy 1: Spatial Strategy  
Policy 2: Development Management  
Policy 3: Design of New Development  
Policy 4: Approach to Flood Risk  
Policy 5: Meeting Physical Infrastructure and Service Needs  
Policy 6: Developer Contributions  
Policy 10: Meeting Assessed Housing Requirements  
Policy 11: Distribution of New Housing  
Policy 17: Providing a Mix of Housing  
Policy 18: Affordable Housing  
Policy 28: The Natural Environment  
Policy 30: Pollution  
Policy 31: Climate Change and Renewable and Low Carbon Energy

Policy 32: Community, health and Wellbeing  
Policy 36: Vehicle & Cycle Parking

#### 4.2 National Planning Policy Framework (NPPF)

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

Chapter 1. Introduction  
Chapter 2. Achieving sustainable development  
Chapter 4. Decision-making  
Chapter 5. Delivering a sufficient supply of homes  
Chapter 8. Promoting healthy and safe communities  
Chapter 9. Promoting sustainable transport  
Chapter 11. Making effective use of land  
Chapter 12. Achieving well-designed places  
Chapter 14. Meeting the challenge of climate change, flooding and coastal change  
Chapter 15. Conserving and enhancing the natural environment

#### 4.3 National Planning Practice Guidance (PPG)

#### **5.0 CONSULTATION RESPONSES:**

- **Witham Fourth Internal Drainage Board** – Boards consent required to discharge surface water to a watercourse and to culvert, pipe or bridge the watercourse. Noted that there are two possible points to the boards watercourse. Preference is for the attenuated discharge point to be to the north riparian system then into an IDB system avoiding already developed area. The Board would consider adopting the section of riparian watercourse subject to commuted maintenance and liability fee. Requested that they are informed of any changes to surface water disposal method.
- **Old Leake Parish Council** – Strongly object due to village infrastructure not being able to cope with the demand now. Until investment from Anglian Water, electricity suppliers and the drainage board to improve the site for development the site should not be progressed for housing development. Do not consider the LPA has sufficient information or supporting documents from relevant surveys to form a clear picture other than numbers what the development aims to achieve. Consider it would be irresponsible for a LPA to approve such a site with so many ground root problematic issues.
- **Environment Agency** – No objections raised, subject to a condition being imposed to require the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures detailed within such. Also advise that a flood warning and evacuation plan should be produced for the development, due to the potential flood risk and danger posed by the site becoming isolated by surrounding flood waters. The FWEF should address the residual risks of flooding at the site and confirm the approach that will be taken for the evacuation of the area.
- **Housing Strategy** – Supports application subject to a S106 agreement to secure 7 affordable properties with the standard affordable housing requirements relating to letting,

sales and perpetuity, along with a requirement to finalise size and type of the affordable properties with the council.

There is an identified affordable housing need in Old Leake, therefore, in accordance with the Local Plan requirements, 20% of the dwellings should be affordable with a tenure split of 75% rented affordable and 25% shared ownership/intermediate housing. D&A statement states that 7 affordable properties are to be provided which would satisfy such requirements.

D&A statement states that the affordable housing would be delivered as x2 1bed, x3 2bed, and x2 3bed but there is no indication of the tenure split between affordable rented and shared ownership. Latest survey of households on the Boston Common Housing Register identified a strong need in the area for one and two bedroom affordable rented properties, and for shared ownership there is a need for two and three bedroom properties. Therefore recommended that a mix of x2 1 bed/2 person flats/houses, x3 2 bed/3 person houses for affordable rent, and x2 3 bed/4 person houses for shared ownership.

Following discussion and agreement on affordable housing contribution with the Council, the applicant should engage a Registered Housing Provider, who would need to acquire and manage the affordable housing, to ensure that the design and quality standards are complied with and that the development is included in their pipeline of developments/affordable housing acquisitions. To comply with the nationally described space standards, in order to provide one bed-space, a single bedroom should have a floor area of at least 7.5m<sup>2</sup> and be at least 2.15m wide.

- **Environmental Health** – No objections but makes the following observations and request for conditions if approved:
  - Electric vehicle charging points should be provided for each dwelling.
  - Neighbouring properties may be impacted from the construction activities on the site, recommended that compliance with a construction environmental management plan is secured.
  - Condition to be imposed to require the LPA to be notified and a method statement submitted, if contamination not previously identified is found within the site.
- **NHS – Lincolnshire Clinical Commissioning Group** – Requested financial contribution of £23,100 to address additional demand/pressures on GP Services within the area. The contribution could support the provision of additional space at Parkside and/or Old Leake Medical Centre, and/or the provision of additional services.
- **Anglian Water Services** – No Anglian Water assets within the development site boundary.

Confirmed foul drainage from the development is in the catchment of Old Leake-Skipmarch Lane Water Recycling Centre which will have available capacity for the flows. Recommended condition for a scheme of on-site foul water drainage works, including connection point and discharge rate.

Confirmed development will lead to an unacceptable risk of flooding downstream, therefore Anglian Water will need to plan effectively for the proposed development, if permission is granted. AW will need to work with the applicant to ensure that infrastructure improvements are delivered in line with the development. Therefore request a condition requiring a phasing plan and/or on-site drainage strategy.

Preferred method of surface water disposal is to a SuDS, with connection to the sewer as the last option. From information submitted the surface water management does not relate to AW operated assets and therefore unable to comment on suitability. LPA should seek the advice of the LLFA, IDB and the EA.

- **Strategic Development Officer, Corporate Property Service** – No comments in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.
- **Lincolnshire Wildlife Trust** – No comments received.
- **LCC Highways/SuDS** – No objections subject to conditions being imposed to secure: compliance with a Construction Traffic Management Plan and Method Statement; the construction of the estate road and associated footways in accordance with details to be submitted; and the provision of adequate surface water disposal. Informative notes to the applicant are also provided, relating to the standard of roads within the development and their adoption as public highways, and the installation of statutory utility connections.
- **Heritage Lincolnshire, Planning Archaeologist** – Site is within an area of archaeological interest. Recommended that the developer is required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits present within the site. The evaluation should include a geophysical survey and a programme of trial trenching.

## **6.0 THIRD PARTY REPRESENTATIONS RECEIVED:**

X4 neighbour objection letters received, raising the following concerns:

- Impacts on schools, doctors and medical centre.
- Flood risk of the site and history of flooding to surrounding properties
- Lack of regard for environment, privacy and aesthetics during other developments
- Impacts on traffic and highway safety, development will generate additional traffic along a narrow road, which is also a bus route. Concerns regarding location of accesses onto existing road and existing parking issues. Consider speed limit within the village should be limited to 20mph, and that speed bumps and double yellow lines should be marked along the roads down from both schools.
- No consideration of character and design of properties, or the character of Old Leake
- Ongoing and previous developments causing traffic flow and congestion to be bad
- Proposed school car park will not offset increased volume of traffic

- Impacts on trees and the countryside, and loss of wildlife habitat
- Impacts on water and electricity supply, stated that there are already frequent outages and insufficient water supply
- Impacts on existing sewage system which is stated to already be inadequate to cater for all properties.
- Privacy impacts to Old Farm House. Requested adequate spacing, no overlooking and sufficient boundary treatment is provided.
- Noise disturbance from increased number of dwellings in the area.
- Security, responsibility and maintenance of proposed school car park.

## **7.0 EVALUATION:**

The issues to be considered with regard to this application are set out below.

- Principle of the development
- Effect on character and appearance of area;
- Access, parking and highway safety;
- Effect on amenity;
- Flood Risk and drainage;
- Local environment implications;
- Biodiversity and ecology; and,
- Other matters.

### **7.1 Principle of the development**

The proposed site is in a countryside location, but is in close proximity to the developed footprint of Old Leake, which is within the 'Minor Service Centres' category of Policy 1. The settlement boundary of Old Leake runs along the south side of Old Main Road and the western and north-western (in part) boundaries of the application site. Policy 1 permits development within the Minor Service Centres that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development in such locations will normally be limited to allocated and committed sites, and infill. Policy 1 also states that development in the countryside will be permitted providing that it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits (Policy 1(d)). Boston Borough Council's 'Assessment of 5-year housing land supply as at 30th September 2021' identifies that 5.7 years' supply of deliverable housing sites is available; and the Housing Delivery Test 2020 Measurement for Boston Borough identifies that the new housing delivered over the previous 3 years amounted to 156% of that required. In accordance with the provisions of Paragraph 11 of the NPPF, the Local Plan's Policies can therefore be given full weight in considering this proposal.

As per Policy 1(d), the first consideration is whether such a proposal is necessary to its location. In terms of the market housing proposed (28 dwellings) no justification has been provided as to why such is necessary to this particular location/site, which is within the countryside. However, it is acknowledged that Policy 11 of the Local Plan requires 100 dwellings to be provided in Old Leake, but that no allocations are made within the village. Two committed sites are identified on the Inset Map for Old Leake, providing 52 dwellings

in total, and the most recent housing land supply assessment suggests that 16 dwellings are likely to be delivered based on previously granted permissions, although this is not certain. This gives a total of 68 dwellings. The proposed development would therefore contribute to the housing need of Old Leake. Additionally, there is an identified need for affordable housing in Old Leake, and this proposed development would contribute 7 affordable dwellings towards this. Policy 19 provides criteria for rural housing exception sites, relating to sites situated outside of, but **adjoining** the defined settlement boundaries identified by Policy 1. However, Policy 19 also requires it to be demonstrated that such schemes would meet an identified local need for affordable housing, Starter Homes or specialist housing that cannot be met within the settlement boundaries. Whilst the development would help to meet an identified local need for affordable housing, it has not been demonstrated that such cannot be met within the settlement boundaries.

The second consideration, set out in Policy 1(d), is whether it has been demonstrated that the proposal meets the sustainable development needs of the area in terms of economic, community/social, or environmental benefits.

In respect of economic benefits, the proposal would likely make a small contribution to the local economy through the build of the properties and through the additional residents supporting local services/facilities within Old Leake and surrounding villages.

In terms of community/social benefits, the development would contribute 7no. affordable homes towards an identified local need, would provide additional parking space for the adjacent school, and would also provide 28 market dwellings. Whilst the LPA can demonstrate a 5 year housing supply, it is acknowledged that this is a target and not a ceiling; windfall housing developments, such as this, can contribute to the Government's aim to deliver more housing and to the housing need of the district. Additionally, whilst the application site is situated outside of the village envelope, it is considered to be a sustainable location for residential development, due to its connectivity to the developed footprint of Old Leake, which lies directly south and west of the site, and its wider connectivity to services and facilities. The site is within a 10 minute walk from a number of public houses and restaurants, a village shop, two schools, a church, and a community centre. There are also a number of bus stops within a 10 minute walk, including stops directly south of the site. There appears to be a number of bus routes available, which operate continuously throughout the day, including to Skegness and Boston. The site is also in close proximity to the main road network, being approximately 500m from the A52. Providing an appropriate on-site layout/design is achieved, the proposal could provide a socially sustainable residential development. There are also environmental benefits to the location of the site, which would provide occupants with access to sustainable transport options.

The development of the site would also result in the loss of 1.90 hectares of Grade 1 Agricultural Land, which the NPPF seeks to protect. However, It is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land in this district is high quality agricultural land and many of the sites allocated for housing within the SELLP are on agricultural land. It is considered that the loss of grade 1 agricultural land counts against this application in the planning balance but it is not considered that it will pose a major constraint to this development.

Additionally, whilst the site is not allocated for housing in the Local Plan, the South East Lincolnshire SHLAA (July 2018) states that the site is suitable for development, providing issues identified with environmental impacts and site characteristics are addressed.

Furthermore, outline planning permission was previously granted for 35 dwellings on the site, reference: B/17/0513, which forms a material consideration.

## **7.2 Effect on character and appearance of area**

The applicant has submitted a proposed site plan, showing the layout and access which are to be considered as part of this application (appearance, scale and landscaping are reserved for later consideration). The application site area is 1.90 hectares and the proposal is for 35 giving a density of approximately 18-19dph. The SHLAA suggests that a density of 30dph is appropriate for sites within Old Leake, however, this site is adjacent to the developed footprint of Old Leake, where character impacts are particularly important. The lower density will allow additional space for landscaping, the sustainable drainage system (which is likely to consist of soft-engineering elements, including swales and ponds), open space, and the car park for the school. The open space provision is located close to the south-western corner of the site with the dedicated parking area for the school to the south east of this.

As with all new developments that are built on agricultural land there will be some impact to the character and appearance of the area. In this instance, the addition of up to 35 dwellings, together with the associated activity in terms of pedestrian and vehicular movements, and the loss of open countryside, is considered to result in some harm to this part of Old Leake. However, such harm can be minimised through the design and layout of the proposed development. The proposed layout appears well-thought through and reflects the layout of other developments in the surrounding area. The density allows for spacious plots appropriate to the edge of settlement location and the retention of the mature/semi mature trees will assist in assimilating the development into its surroundings, as will the provision of new landscaping, particularly along the north eastern boundary, which would be secured at reserved matters stage.

The development will also provide links to existing pedestrian routes, promoting sustainable transport, and will provide public open space and a Local Area of Play for residents, in accordance with the aims of Policy 32, which supports development that contributes to the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being.

It is considered that, subject to an appropriate on-site design being achieved at reserved matters stage, the proposed development could be carried out without significantly harming the character and appearance of the area. As such the proposed development would be in general accordance with SELLP Policy 2 and 3, and the guidance contained within the NPPF.

## **7.3 Access, parking and highway safety**

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

SELLP Policy 3 states that developments will be permitted where the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking is secured. Appendix 6 supports Policy 36 and sets out the standard for car parking in new developments.

In this case the number of bedrooms per dwelling is unknown, as this application is at outline stage. However, the proposed site layout plan shows spacious plots, with large



driveway/parking areas, and/or garages. There is likely to be adequate space within the site for parking levels to accord with Appendix 6 (Policy 36) and Policy 3 of the Local Plan.

In terms of vehicle access to the site, the proposed site layout plan shows that two new accesses onto Old Main Road are proposed; the accesses are within a 30mph zone and there is good visibility in both directions. The roads and footways have been designed to an adoptable standard, being 5m and 2m wide respectively. LCC as Highways Authority do not object to the application, subject to the inclusion of a number of conditions. The development also provides a new 26 space car park for the school located to the south of the site, which will likely help ease traffic congestion around pick up/drop off times.

#### **7.4 Effect on amenity**

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

Furthermore, Paragraph 130 of the NPPF (2021) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The applicants have included layout as a consideration and therefore the estate layout drawing would be included as part of a standard compliance condition relating to approved plans if the application was to be approved.

In terms of separation distances, the western part of the development where plots 1-3 are to be located identifies a separation distance of 25-30m to the nearest existing dwelling. This is more than sufficient to ensure that privacy levels to neighbouring residents and future occupiers of these plots are acceptable; boundary treatments and landscaping will also help to ensure that privacy is retained to the existing dwelling and would be agreed at reserved matters stage. The position of the LAP, P.O.S, and the school car park, may result in an increase in noise experienced by occupants of the existing dwelling to the west. However, this will be at intermittent times of the day and is unlikely to be to a significant degree. The P.O.S closest to the existing dwelling is likely to be mostly taken up by an attenuation basin, which is unlikely to be used by residents. The main area of P.O.S is the LAP, the area surrounding this, and the area to the south. The car park is over 30m away from the neighbouring property and the LAP 27m+ away, with the site layout plan indicating a pond and landscaping between.

Rear garden depths all appear to be in excess of 10m for future occupiers of the proposed dwellings and the layout does not create other concerns that would impact on future occupier's amenity. The layout could be considered 'spacious' with green space and swales helping to give it a more open appearance.

It is considered that the layout will allow for future occupiers to enjoy a quality living environment and that the development will not harm the amenity of occupants of nearby existing dwellings to a detrimental level.

It is therefore considered the development would be in general accordance with SELLP Policy 2 and 3, and national guidance within the NPPF.

## 7.5 Flood Risk and drainage

SELLP Policy 4 states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3), such as this site, will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (through passing the sequential test), the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

For both the 1 in 200 year, and the 1 in 1000 year, overtopping event in 2115, the majority of the site is shown to be in the Danger for All Flood Hazard Zone, with predicted flood depths of 1-1.6m within the northern half of the site, and 1.6m+ within the southern half. For the 1 in 1000 year event, the area predicted to have flood depths of 1.6m+ is slightly larger than in the 1 in 200 year event. The majority of the site is not at risk of surface water flooding, however, small areas are shown to be at low risk on the Environment Agencies Surface Water Flood Risk Maps.

The Flood Risk Assessment submitted with the application aims to address the sequential and exceptions tests. The sequential test is stated to have been passed as the SHLAA identifies a need for 100 dwellings in Old Leake and only 42 dwellings can be provided on the alternative sites considered to be suitable for development, which are at lower flood risk than the application site, leaving a shortfall of 58 dwellings. However, as stated in Section 7.1 it appears that 68/100 dwellings have either been delivered in Old Leake, or are likely to be delivered in the near future through extant planning permissions, therefore leaving a shortfall of 32. Discounting the site reserved for housing under Policy 12, there does not appear to be other alternative site that can accommodate the remaining housing need, which are at lower flood risk than the application site.

In terms of the first part of the Exceptions Test, which requires wider sustainability benefits to the community to be identified that outweigh flood risks, the proposed development will provide 7 affordable and 28 market housing units, contributing to an identified local need. The development will also provide a community/social benefit through the provision of the additional car parking for Old Leake Primary and Nursery School.

The Flood Risk Assessment also sets out how the development seeks to ensure that it will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall. Measures include:

- Surface water collection and attenuation system designed to cater for 1 in 100 year event, with allowance for climate change. Infiltration unlikely to be an option so preference is likely to be discharge to surrounding watercourses
- Foul water disposal to Anglian Water sewer
- Minimum floor levels of dwellings to be 3.2m AOD, which is approx 1.4m above average surrounding ground level
- All dwellings to be 2 storey
- Flood resilient construction 300mm above predicted flood depths
- Demountable barriers 600mm above finished ground floor level

The Environment Agency were consulted and raised no objections to the proposed development providing a condition is imposed to secure the mitigation measures set out in the FRA. LCC as LLFA also raised no objections on flood risk terms, subject to a condition securing full details of the surface water drainage scheme, and Witham Fourth Internal Drainage Board raised no objections to the proposal, acknowledging the two possible points for connection to the Boards watercourse.

Anglian Water confirmed that the existing water recycling centre has capacity to accept the additional flows, but also confirmed that the development will lead to an unacceptable risk of flooding downstream. Anglian Water has a duty to accept the connection to the public sewer but will need to work with the applicant to plan effectively for the proposed development and to ensure that the infrastructure improvements are delivered in line with the development. A condition is therefore necessary to request full details of the foul water drainage strategy, including a phasing/delivery plan.

## **7.6 Local environment implications**

SELLP Policy 30 requires the issue of air quality to be considered as part of any application. SELLP Policy 31 seeks to ensure that developments consider the consequences of climate change and how to address, minimise and mitigate the effects.

It is considered that the development would not give rise to a significant level of air pollution. However, it is a key theme of the NPPF that developments should enable future users to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided. It is expected that the development would generate a degree of travelling motor vehicles which would affect air quality.

It is considered appropriate mitigation measures could be secured by condition to mitigate the impact on the local environment to include measures that would actively contribute to reducing the impact on air quality and the wider causes to climate change. This would therefore satisfy SELLP Policy 30 and 31.

## **7.7 Biodiversity and ecology**

SELLP Policy 28 seeks to provide an overall net gain in biodiversity protecting the biodiversity value of land, buildings and trees, maximise opportunities to enhance natural habitats and species and incorporate beneficial biodiversity conservation features and will provide new habitat and help wildlife. Paragraph 131 of the NPPF also recognised the important contribution that trees make to the character and quality of urban environments, and their contribution to mitigating and adapting to climate change. Planning Decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments; existing trees should also be retained wherever possible.

The applicants have submitted an Ecological and Protected Species' Survey which did not identify any major ecological constraints associated with the proposal. Due to the age of the survey, a further assessment of the site has been carried out and the results submitted to the Local Planning Authority. The further assessment also found no major ecological constraints but does set out precautionary measures and enhancement measures.

Compliance with the recommendations of the protected species report/assessment can be secured by condition, as can further details of how a biodiversity uplift within the site will be achieved, satisfying Policy 28. Landscaping is a reserved matter, and will also be addressed in subsequent applications.

## **7.8 Developer Contributions**

Where a relevant determination is made which results in planning permission being granted for development a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Policy 6 of the Local Plan requires developments of 11 or more dwellings to mitigate their impacts upon infrastructure, services and the environment to ensure that developments are acceptable in planning terms.

This application states that 7 of the 35 units are to be made as affordable homes. This equates to 20% affordable housing, which is in accordance with SELLP Policy 18. The applicants will be required to enter into a Section 106 Agreement in order to secure this provision in accordance with the National Planning Practice Guidance.

NHS, Lincolnshire Clinical Commissioning Group seek a financial contribution of £23,100 to address additional demand/pressures on GP Services within the area. The contribution could support the provision of additional space at Parkside and/or Old Leake Medical Centre, and/or the provision of additional services. This shall also be secured via a Section 106 legal agreement to ensure compliance with Policy 6 and Appendix 9 of the Local Plan.

No education contribution is sought as the Strategic Development Officer, Corporate Property Services, confirmed that there is sufficient capacity in the locality for the children generated by this scheme.

## **CONCLUSION:**

The proposed development will provide 28 market and 7 affordable housing units which will contribute to the housing needs of Old Leake and the District; will provide a financial contribution of £23,100 towards improvements of local GP Practices; and will provide additional car parking for the school to the south of the site, which will likely help to relieve traffic congestion on the highway, improve parking issues, and overall highway safety in the area. Subject to further design considerations at reserved matters stage, it is considered that the proposal could provide a sustainable residential development, with good connections to local services and facilities.

Whilst the provision of the health contribution and affordable housing are given limited weight in the planning balance, as these are policy requirements for all major development, it is considered that the benefits of the proposal outweigh the disbenefits which include: limited harm to the character of the area; loss of 1.9ha of Grade 1 agricultural land; and development outside the settlement boundary, within the open countryside.

The previous outline planning permission is also a material consideration which is attributed weight in the planning balance.

It is considered the proposed development would comply with the overall aims and objectives of the South East Lincolnshire Local Plan and is recommended accordingly.

### **RECOMMENDATION:**

Approved, subject to the following conditions and reasons, and a S106 agreement:

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Yes      Agreed with applicant/agent – Date:      28.02.2022
1	<p>No development shall commence until details of the appearance, landscaping and scale of the development (hereafter referred to as the ‘reserved matters’) have been submitted and approved by the Local Planning Authority.</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 four 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>The development hereby permitted shall be carried out in accordance with the application forms, the submitted Design and Access Statement and the following plans:</p> <ul style="list-style-type: none"> <li>• Site Location Plan, 1:1250, received by the LPA on 27.10.2021</li> <li>• Proposed Site Plan, B/3129-201, received by the LPA on 27.10.2021</li> </ul> <p>Reason: This condition is imposed to define the limits of the permission, for the avoidance of doubt, and in the interests of proper planning. This condition is also imposed to ensure a satisfactory form and quality of development in accordance with objectives of Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
5	<p>Submissions of reserved matters shall include a detailed scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights of planting and positions of all the trees, together with details of implementation and post-planting maintenance. The scheme shall also include details of existing trees/planting which is to be retained and how such will be protected throughout construction of the development.</p> <p>Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area, in the interests of biodiversity and to accord with Policy 3 of the South East</p>

	Lincolnshire Local Plan (2019) and Paragraph 131 and 174 of the National Planning Policy Framework (2021).
6	<p>No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:</p> <ol style="list-style-type: none"> <li>1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).</li> <li>2. Provision for site analysis</li> <li>3. A geophysical survey and a programme of trial trenching</li> <li>4. Provision for publication and dissemination of analysis and records</li> <li>5. Provision for archive deposition</li> <li>6. Nomination of a competent person/organisation to undertake the work</li> </ol> <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details, and completed in accordance with the timetable within. No other works shall take place until the site investigation has been completed, unless agreed as part of the timetable.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Paragraph 205 of the National Planning Policy Framework (2021).</p>
7	<p>Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and how the site is to be drained during the construction stage of the proposed development. It shall include;</p> <ul style="list-style-type: none"> <li>• the phasing of the development to include access construction;</li> <li>• the parking of vehicles of site operatives and visitors;</li> <li>• the loading and unloading of plant and materials;</li> <li>• the storage of plant and materials used in constructing the development;</li> <li>• wheel washing facilities;</li> <li>• 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.</li> </ul> <p>Development shall then be carried out in strict accordance with the approved Construction Traffic Management Plan and Method Statement.</p> <p><b>Reason:</b> In the interests of the safety and free passage of the public using Old Main Road and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with Policy 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework.</p>

8	<p>Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (through not restricted to) the following details:</p> <ul style="list-style-type: none"> <li>• Details of measures to minimise and control noise, vibration, dust and fumes during the development.</li> <li>• Traffic management</li> <li>• The location and storage of plant and materials</li> <li>• Measures to prevent the spread of mud on to the public highway</li> <li>• Hours of operation/site deliveries</li> <li>• Site security</li> <li>• Where pile foundations are to be used, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of the neighbours are not adversely affected by noise and disturbance during installation</li> </ul> <p>Development shall then be carried out in strict accordance with the approved CEMP.</p> <p>Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2019) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development.</p>
9	<p>None of the dwellings hereby approved shall be occupied until details of the public open space and car park, including how it is managed and maintained as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and car park and, as a minimum, shall include:</p> <ol style="list-style-type: none"> <li>i. details of the location, size, specification of the open space and how the POS will be landscaped (hard and soft) along with any play equipment or facilities;</li> <li>ii. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.</li> <li>iii. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) and the car park to include details such as: <ul style="list-style-type: none"> <li>• on-going inspections relating to performance and asset condition assessments;</li> <li>• operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and</li> </ul> </li> <li>iv. means of access and easements for maintenance purposes;</li> <li>v. a timetable for implementation.</li> </ol> <p>The POS and car park shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.</p>

	Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area and car park throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2019).
10	<p>Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason: To ensure the provision of safe and adequate means of access and connectivity from the development and in the interests of Highway Safety. This condition is imposed in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework.</p>
11	<p>Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).</p> <p>Reason: To ensure the provision of safe and adequate means of access and connectivity from the development and in the interests of Highway Safety. This condition is imposed in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework.</p>
12	<p>The development shall proceed fully in accordance with the mitigation and enhancement measures recommended within the submitted 'Update Survey', by Helen Scarborough, dated 15<sup>th</sup> July 2021.</p> <p>Reason: In the interest of enhancing the ecology of the area in compliance with Policy 2 and 28 of the South East Lincolnshire Local Plan (2019).</p>
13	<p>No above ground construction works shall take place unless and until 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. The scheme shall be implemented in accordance with the approved scheme.</p> <p>Reason: In the interest of enhancing the ecology of the area in compliance with Policy 2 and 28 of the South East Lincolnshire Local Plan (2019).</p>
14	<p>Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2019) and to accord with the intentions of the National Planning Policy Framework (2021).</p>



15	<p>The development hereby permitted shall be undertaken in accordance with a foul water drainage scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of connection points to the public sewer or watercourse, discharge rate and confirmation, where applicable, that the sewage authority has sufficient capacity to accept the flows. The scheme shall also include details of the timetable for and any phasing of implementation of the drainage scheme, as well as details relating to the long-term maintenance of such.</p> <p>The foul water drainage scheme shall be completed in accordance with the approved details and timetable/phasing scheme, and shall be retained and maintained in full accordance with such details.</p> <p>Reason: To ensure residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).</p>
16	<p>The development hereby permitted shall be undertaken in accordance with a surface water drainage strategy, based on sustainable drainage principles, which shall first have been submitted to and approved in writing by the Local Planning Authority. The strategy shall also include measures relating to the adoption or long-term maintenance of the surface water drainage system.</p> <p>The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.</p> <p>Reason: To ensure residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).</p>
17	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Report (Issue 03), carried out by George Shuttleworth Ltd, dated February 2018, including the following mitigation measures detailed within such:</p> <ul style="list-style-type: none"> <li>• Finished floor levels to be set no lower than 3.2m above Ordnance Datum (AOD)</li> <li>• The development to have at least two storeys</li> <li>• Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors</li> <li>• Flood resilience and resistance measures to be incorporated into the proposed development as stated</li> </ul> <p>The mitigation measures shall be fully implemented prior to occupation of the dwellings and shall subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Policy 4 of the South East Lincolnshire Local Plan (2019).</p>

18	<p>The water consumption of any 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).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>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 the dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).</p>
19	<p>If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan (2019).</p>

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>	
<p><b><u>STATEMENT OF PROACTIVE WORKING:</u></b></p> <p>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.</p>	
1	<p>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 approval and specification details, please contact <a href="mailto:vehiclecrossings@lincolnshire.gov.uk">vehiclecrossings@lincolnshire.gov.uk</a>.</p>
2	<p>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.</p>
3	<p>All roads within the development hereby permitted must be constructed to a satisfactory engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption</p>

	as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance please refer to <a href="https://www.lincolnshire.gov.uk">https://www.lincolnshire.gov.uk</a>
4	The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.
5	The applicants attention is drawn to the comments from Anglian Water and Witham Fourth District Internal Drainage Board, dated 3 <sup>rd</sup> November and 10 <sup>th</sup> November 2021 respectively, and the informative notes contained within such.