

[08] Full Planning Permission

S/114/01809/ 22 **APPLICANT:** Gleeson Homes,

VALID: 07/11/2022 **AGENT:**

PROPOSAL: Planning Permission - Erection of 27 no. dwellings and construction of a vehicular access.

LOCATION: LAND EAST OF SHERATON, MAIN STREET, MAREHAM LE FEN

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The proposal has attracted opposition locally and has been called in to Committee by local Ward Members Councillor Foster and Councillor Avison. The call-in request is following objections received from local residents and includes the following reasons:- site not allocated for housing development in the adopted Local Plan; lack of local services and adverse impacts on those local services and facilities in the village by an enlarged local population; additional pressures on the A155 which carries heavy traffic particularly in the summer months and issues with speeding; and the proposed development is not in keeping with other houses in the village.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site lies at the western edge of Mareham le Fen and measures about 1.01 hectares. It is long and thin in shape. It is a former arable field and slopes very gently downwards from north-east to south. The site accommodates a construction compound at about its mid-point used in connection with the land to the east which is currently being developed for 62 dwellings by the applicant. The main part of the village lies beyond to the east. To the south is the A155 and an agricultural farmyard. To the south-west is a short access track serving two properties - Kaywill Cottage (storey and a half cottage) which fronts Main Street and Sheraton (a bungalow) which faces the application site. Beyond the track to the west is agricultural land which continues across the northern site boundary beyond a dry dyke.

2.2 Main Street is the A155 which links the A153 with the A16. It is a 2-lane road with a footway on this side of the carriageway up to the adjoining site. A footway on the western side of the road starts to the west of the application site. The A155 has a speed limit of 30 mph in the location of the site access to the adjoining housing estate, but this changes to 60 mph to the immediate west.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The application is for the erection of 27 dwellings; 23 of which would be served by an extension to the vehicular access into the adjoining residential site which connects with Main Street to the

south-east. The 4 frontage properties would be served by a separate private drive connecting directly to Main Street. An area of open space is proposed in a mid-site position and across the site frontage. The dwellings would be a mix of houses and bungalows. Drainage would go to existing networks.

- 3.2 The application has been amended since first submitted to reduce the total number of dwellings proposed from 30 to 27; to include more bungalows and to make some changes to layout and landscaping, including moving built development further away from Sheraton.
- 3.3 The application has been accompanied by a Planning Statement; a Transport Statement; an Interim Travel Plan; an Ecology Assessment; a Flood Risk Assessment; a Drainage Strategy; a Ground Investigation and a Noise Assessment.

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing.

Consultees

- 4.3 MAREHAM LE FEN PARISH COUNCIL - Object. If allowed windfall development would result in 143 new dwellings in the village rather than the extra 113 proposed in the Local Plan - 33% growth compared to 25% growth which is difficult to justify. Development would not be within settlement boundary. Supports residents comments. The village grew organically over centuries now losing its charm and feel as a rural village. PC would prefer not to see faster growth of "urban style estates" in this rural setting. PC has early-stage local infrastructure projects that would need S106 funding, but at too early stage to quantify sums required. Proposed dwellings are unattractive, densely packed and suburban in nature and so inconsistent with village rural charm. Speeding issues and bend on A155 - additional accesses will make this more dangerous. Brownfield sites in the village should be used first and greenfield land left for agriculture - contrary to national policy. Lack of infrastructure to support growth in village - sewerage, low-pressure water supply, erratic electricity supply, flood risk. Drainage not been sufficiently improved. Need better landscaping on western boundary to soften entry into village. Concerns about increase in number of refuse bins left at kerb edge of Main Street

and potential danger to pedestrians and motorists particularly if blown over. Amended plans do not overcome objections. Very strong concerns about drainage issues on this site and the flood risk this site will add to the village and neighbouring properties. Problems with recent flooding events in the village. Risks of flooding events appear to be rapidly increasing. Need strong mitigation measures put in place to improve infrastructure to remove excess water from the site safely without adding to similar drainage issues in the village.

- 4.4 NHS - requests a financial contribution of £605 per dwelling (total £15,335) towards mitigating the impacts of the development on health care facilities.
- 4.5 WITHAM 4th IDB - the site is in the Board's extended area. The Boards' consent requirements are set out. The Board do not fully support use of subbase reservoirs and questions their suitability as an effective long term SUDs solution. Concerned about impact of ground raising on properties surrounding the site. Site is discharging to a new surface water drainage scheme that has already been agreed with the Board. Needs SUDs and suggests an attenuation rate of 1.4 litres/second per hectare. Management/maintenance of sw system needs to be considered as does downstream flow.
- 4.6 ENVIRONMENT AGENCY - no comments to make as outside consultation checklist criteria.
- 4.7 ANGLIAN WATER - AW assets are in close proximity to the site. Foul drainage is in the catchment of the Mareham le Fen Water Recycling Centre that will have capacity for these flows. The sewerage system currently has capacity to accept these flows. The proposed method of surface water disposal does not relate to AW operated assets. Need to seek advice of IDB or LLFA and potentially the EA.
- 4.8 HERITAGE LINCOLNSHIRE - site is located in an area of archaeological interest (medieval roof tile kiln and waste dump). There is the potential therefore for archaeological remains to be present on the application site. Conditions are requested to deal with this.
- 4.9 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - does not wish to object. The proposed development would not be expected to have an unacceptable impact on highway safety or a severe residual cumulative impact on the local highway network or increase surface water flood risk. Conditions are requested in relation to timing of access building and phasing; the submission of a Construction Management Plan.
- 4.10 LCC CORPORATE PROPERTY TEAM -requests a financial contribution of £102,012 towards off-setting the impact of the

development on local secondary education facilities in the Tattershall area.

- 4.11 ELDC Housing Strategy - need in Mareham le Fen for 1, 2 and 3-bedroomed properties for affordable housing. Documentation says 6 affordable housing units will be provided, but no details of size or tenure given. Local Plan requires provision of 9 units - 6 for affordable rent, 2 as First Homes and 1 as Shared Ownership. Size of property required set out. Need S106 agreement to secure affordable housing occupancy in perpetuity.
- 4.12 ELDC WASTE SERVICES - Four new properties will need to present bins on Main Street on day of collection as refuse freighter will not enter small accessway to their properties.
- 4.13 ENVIRONMENTAL SERVICES (Contamination) - Initially asked for details of the past history of the site and the potential for contamination to be present within the site. Following the submission of a ground investigation report noted the contents and conclusions of the report and advised the imposition of a condition to deal with any unidentified contamination.

Neighbours

- 4.14 36 objections (11 separate addresses) have been received on the grounds of:
- too many dwellings;
 - ELDC can demonstrate 5-year supply already so no need for further windfall site;
 - ELDC has passed housing delivery test so no need for extra dwellings;
 - Mareham has already exceeded its housing quota;
 - windfall site - allocated land available;
 - will undermine site allocations and planning process;
 - Local Plan is flawed as no limitation is provided on windfall development;
 - It cannot be right that an approved windfall site becomes the new settlement limit to allow further windfall development;
 - Due to policy weakness views of local community should be used to determine what is appropriate for their village;
 - another site available for housing within village limits;
 - site is outside village limits/boundary;
 - site in open countryside;
 - should not be called phase two as new site;
 - site should be put forward for inclusion in forthcoming Local Plan;
 - site should be used for agriculture;
 - Gleeson houses already built are unattractive, characterless and not in keeping with the village;
 - amended plans don't overcome character harm;
 - proposal is bland, repetitive, lacking character and identity;
 - Sheraton is in open countryside and development is too close;
 - amended plans still harmful to amenities of Sheraton;
 - reduced numbers still too many;

- site too dense for countryside location;
- example of urban sprawl;
- site visually intrusive into countryside;
- village on the edge of the Wolds
- bend is too dangerous, accidents here;
- speed limit ignored now;
- roadworks nearly all year and pedestrians not catered for;
- infrastructure can't cope;
- lack of facilities in the village - doctors, dentist, buses;
- turning village into a town;
- site already prone to flooding;
- new Gleasons development caused/added to flooding problems this year;
- problems with drainage, sewerage and flooding now;
- newly dug attenuation pond already collapsing and unfit for purpose;
- not fair to keep postponing committee meetings;
- Gleasons removed commemorative tree and will likely remove the public footpath;
- loss of wildlife and open space
- if approved, density should be reduced
- if approved, more appropriate design should be produced;

4.15 The Ward Councillor has been made aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 S/114/01016/22 - EIA screening opinion with respect to erection of 29 no. dwellings. EIA not required. Opinion given on 11 October 2022.

5.2 Adjoining site
S/114/00355/20 - Erection of 62 dwellings with access, landscaping and drainage. Approved 24 June 2021.

6.0 PLANNING POLICY & BACKGROUND DOCUMENTS

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - Sets the hierarchy of settlements

SP3 - Deals with housing growth within the district and includes the housing windfall policy for towns and large villages.

SP7 - Sets out the Council's policy on affordable and low cost housing.

SP10 - Seeks to ensure well-designed sustainable developments which maintain and enhance the character of the towns, villages and countryside.
SP11 - Historic Environment.
SP16 - Deals with inland flood risk and drainage.
SP22 - Deals with transport and accessibility for all modes of travel.
SP23 - Deals with landscape character.
SP24 - Seeks to protect and enhance biodiversity and geodiversity (both designated areas and others), seeks to minimise habitat fragmentation and seeks to maximise opportunities for connection between natural habitats.
SP25 - Encourages the provision, retention and linking up of green infrastructure
SP26 - Covers open space, sport and recreation.
SP28 - Deals with infrastructure and S106 obligations.

National Planning Policy Framework
Planning Practice Guidance
Noise Policy Statement for England
East Lindsey Landscape Character Assessment

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- **Principle**
- **Housing Mix, Design and Residential Amenities**
- **Highways**
- **Contamination, Drainage and Flood Risk**
- **Ecology**
- **Heritage Assets**
- **Section106 Contributions**

Principle

7.2 The East Lindsey Local Plan advises that Mareham le Fen is a large village (SP1) in the inland part of the district. Strategic Policy 3 (SP3) in the Local Plan sets out the Council's minimum housing requirement over the plan period (2017-2031) of 7819 houses: a figure which includes existing commitments as well as allocations. Table B in the Plan sets out how the allocation figure would be divided up between the inland towns and large villages and shows that land to accommodate 113 dwellings would be provided in Mareham le Fen. The Development Plan Document allocates three separate sites in the village to meet this allocation. The application site is not one of the allocated sites.

7.3 The Local Plan recognises that the allocations and existing commitments represent a minimum housing figure and that other suitable sites may come forward during the plan period. In order to determine whether or not such non-allocated sites are suitable

for housing the Council has devised a windfall policy - SP3, to deal with such sites in towns and large villages. This policy advises that housing will be supported in appropriate locations where it lies "within the settlement or outside of, but immediately adjacent to the developed footprint". The policy gives a definition of both "appropriate location" and "developed footprint", basically they are sites that relate to the town or village rather than the countryside both physically and in terms of character, whose development would not harm either, nor would it include sport and recreation sites, but importantly would not conflict with Local Plan policies or national planning policy when taken as a whole.

- 7.4 The Council is currently able to demonstrate a 5-year supply of housing and has passed the latest Housing Delivery Test.
- 7.5 The adjoining land to the east of the application site was approved for housing as a windfall site in 2021 and it is being built out by the applicant for 62 dwellings, with some already occupied. The current application site sits alongside that site and is mostly proposed to be served from it in terms of access and drainage. The applicant views the current proposal as a "phase two" to that earlier approval. To the west of the application site is a short track serving two dwellings. There is built development across Main Street in the form of large agricultural type buildings. There is open countryside beyond the two bungalows to the west and also to the north. The development of this site for housing would continue the depth development of the village further westwards. The character of the application site is influenced by the adjoining built development and so in principle it could meet the definition of an acceptable windfall site.
- 7.6 Several of the objectors have mentioned the use of greenfield sites before brownfield land; the presence of allocated sites that have not yet been commenced and the acceptability of having a windfall site next to another windfall site. Concerns have also been expressed about the lack of a limit on windfall development. In response it is noted that in the Council's Housing Strategy there is no Local Plan policy requirement to develop brownfield land before greenfield land, but in any case it would be very difficult to provide the Council's housing requirement on brownfield land only due to a significant lack of such land within the District thus the use of greenfield land is expected to form a large part in the provision of future housing growth. It is the case that housing numbers required over the plan period and the sites specifically allocated for housing development represent the minimum provision required over the plan period and as a large village in the inland part of the District Mareham le Fen would be expected to receive additional growth over the Plan period by way of windfall sites. With a lack of policy restriction relating to the number of new dwellings to be secured by way of windfall development, those parts of SP3 that deal with location and wider character become the important criteria by which to judge windfall development and

in this case it is considered that the development of this site would meet those criteria.

Housing Mix, Design and Residential Amenities

- 7.7 The site is currently open agricultural land next to the village. It has no landscape designation and in terms of visual amenities is influenced by its village edge location, the housing estate currently being built on the adjoining land, the A155 and the existing farm yard on the opposite side of Main Road which consists of a large number of farm buildings of varying sizes and materials set behind a concrete apron. The East Lindsey Landscape Character Assessment (LCA) shows the site to lie within landscape character area H1 - Mareham to Little Steeping Fenside Woodland and Farmland. This is characterised by rolling landscape at the foot of the Wolds with wide open views extending to landmark churches and windmills towards the south of the character area. Away from the A155 it is noted to be a very tranquil and idyllic rural landscape. The LCA advises that new developments should be concentrated around existing settlements to prevent further loss of the remaining rural landscape. The character area has a moderate sensitivity to change. Taking all this into account it would be possible to develop this site for housing without harming the landscaped character of the area.
- 7.8 The proposed scheme would contain 27 dwellings. There would be a mix of bungalows and detached and semi-detached houses. They would range in size from 2-bedroomed units up to 4-bedroomed units. There would be 6 different dwelling types and all would be constructed in brick and tile with gabled roofs. All would be of a simple design. Hanging porches and 2-storey projecting gables would also feature on some of the dwellings. The house types proposed are very similar to some of the house types used on the adjoining site, which would help to tie the two sites together, although there would be a higher percentage of the smallest house types used on this site. The applicant has agreed to provide 30% of the new dwellings (8 units) as units of affordable housing thus meeting the policy requirements of SP7 in principle. The specific units and their tenure would still need to be agreed with the Council, but that could be done at a later stage, although it is noted that the Council request of one-bedroomed units to meet a local demand would not be provided on this site as part of this development.
- 7.9 Each dwelling would have a small front garden with a much larger private rear garden. Some would have a side drive and all would have off-street car parking and some would have garages. The dwellings would all face the road that served them. The front 4 units (all bungalows) would face towards Main Street which would run parallel with their shared private drive. There would be a small linear landscaped area between this shared drive and Main Street. Other bands of open space would be formed along the western site

boundary in front of the adjoining bungalow, Sheraton, and alongside the eastern dividing boundary with the adjoining estate. There would be an acceptable separation distance between the proposed dwellings and following an amendment to the site layout there would now be an acceptable separation distance between the proposed dwellings and the dwellings being built on phase 1.

- 7.10 Whilst areas of open space are shown within this development none are shown to accommodate a children's equipped play area. However, there is a group within the village that is fund raising to provide a village play area for all the children in the village to use. This group has secured planning permission to provide this facility on land next to the village hall which is a relatively short walk away from the application site. The applicant contributed £12,000 funding towards this project under phase one and has agreed to contribute again this time in lieu of an on-site provision. Whilst the exact amount has not yet been agreed it is expected to be in the region of about £6000. This can be secured through a S106 agreement.
- 7.11 A noise report has been submitted with the application. The site was monitored and the results of this monitoring show that noise on the site in the day-time mainly comes from vehicular traffic on the A155 and in connection with RAF Coningsby, but at night-time it is just from the road albeit at reduced levels. The Report concludes that all dwellings proposed would meet the guidelines in relation to internal and external noise levels with normal double glazing and trickle ventilation, except for the 4 dwellings proposed that would face towards Main Street. Their indoor levels would be within the "*Lowest Observable Adverse Affect Level (LOAEL)*" as set out in the Noise Policy Statement for England and the Planning Practice Guidance. Where residential development falls into this LOAEL category the guidance effectively advises that mitigation measures are needed to reduce internal noise to an acceptable level. The noise report advises that this reduction can be achieved by having acoustic trickle ventilation on front facing windows. This could be secured by condition thus meeting the guidance and the requirements of paragraph 191 in the NPPF.
- 7.12 The proposed overall site density would be just under 27 dwellings per hectare which is similar to the phase one development. However, the site is long and thin and whilst the proposed site density is similar to that shown on phase 1, most of the dwellings are shown in a single line backing onto the western and northern boundaries of the site which would result in a poor relationship with the open countryside beyond, where it would be usual to have a lower density of development to soften the impact. This is in contrast to phase 1 which had a lesser number of dwellings along the countryside boundary and had some dwellings facing outwards to take advantage of the countryside views on offer. In addition a relatively high number of the dwellings along the boundaries have car parking spaces in front of the dwelling rather

than having a side drive and this results in less space around and between dwellings giving the new estate a cramped feel. This would be most obvious when arriving at the village from the west and it is considered would have a harmful impact on the character of the area which provides the rural setting to the village. The raising of land levels would exacerbate this.

- 7.13 There are 2 existing non-Gleeson Homes properties that are next to the western boundary of the application site. Both properties are separated from the application site by a relatively narrow access track that serves them and the agricultural land beyond. The first is Kaywill Cottage that fronts Main Street. This property sits further forward in the street scene than the proposed front row of bungalows on the application site and it has its garage and some land between it and the side elevation of the nearest bungalow. The relationship between Kaywill Cottage and the proposed development is acceptable, even when allowing for the proposed land raising to provide an acceptable drainage system.
- 7.14 Sheraton is the second property served off the track and it is a bungalow which faces towards the track and the application site. Whilst this bungalow has a good-sized back garden its main living room is situated at the front of the property with a large picture window looking out over a small front garden and well manicured hedge, over the track and towards the application site. When the application was first submitted the plans showed 2 bungalows close to Sheraton with 2-storey dwellings just beyond them. It was felt that this would have had an unacceptable and significant impact on the outlook from Sheraton, particularly when considering the possibility of a one metre land raising needed for drainage purposes. The revised plan before members today shows the bungalows pulled slightly further away from Sheraton with the resulting open space shown to be landscaped. Whilst this is an improvement over the original submission it is considered that this change is not sufficient to overcome the significantly harmful impact on the amenities of the occupants of Sheraton. In addition the resulting open space appears contrived, adds little to the aesthetics of the estate and is not of a shape that makes it useful for future residents of the estate to use.
- 7.15 SP10 in the Local Plan and Section 12 in the NPPF call for good design. Both expect new developments to be of a high design quality that is sympathetic to local character and provides a strong sense of place. They also expect them to provide a high standard of amenity for existing and future residents. It is considered that a layout and density could be achieved on this site that would be acceptable in terms of design and impact on the character of this village entrance and also on the amenities of Sheraton. Unfortunately, the scheme before Members today for the reasons set out above would not achieve this and so would be contrary to SP10 in the Local Plan and paragraph 135 in the NPPF.

Highways

- 7.16 The main part of the proposed development would be served by an extension to the existing vehicular access that connects the adjoining residential development to Main Street. This new road would terminate in a hammer head at the northern and southern ends of the site. It would have a footway on both sides of the carriageway. A small private drive would lead from this towards the south-western end of the site. The four frontage dwellings would be served by a private drive leading directly from Main Street. A new length of footway would be provided alongside Main Street to connect with the new footway provided in front of the existing Gleeson Homes development which in turn connects with the existing footway that leads into the village centre. All dwellings would have within-curtilage parking and some would have garages.
- 7.17 The application has been accompanied by a Transport Statement (TS). This TS advises that the proposed access arrangements with Main Street and within the site are acceptable and are suitable for use by refuse vehicle. The TS calculates that the proposed development is forecast to generate an additional 32 two-way trips during the AM peak time (8am - 9am) and 26 two-way vehicular trips during the PM peak (3pm - 4pm), which equates to an increase in traffic flows on the local highway network of about one vehicle every two minutes during the AM peak hour and less during the PM peak hour. The TS concludes that when taking account of daily fluctuations in traffic flows the additional trips forecast would result in a negligible impact on the local highway network.
- 7.18 Both the TS and the Travel Plan (TP) note that the site is well situated for walking and cycling to all local amenities, with several nearby villages being within an acceptable cycling distance. They also note that the entire site lies within a 400m walking distance of the nearest bus stops in either direction. Thereby offering a realistic option for non-car travel. The TP proposes a series of measures to encourage this further by way of a Travel Plan co-ordinator and travel information packs with the aim of reducing car borne travel by 10%.
- 7.19 LCC as Highway Authority has been consulted on the application and is satisfied that the proposal would be acceptable in highway terms and would not have an unacceptable impact on highway safety or a severe residual cumulative impact on the local highway network. Conditions have been suggested to deal with phasing, building of the access and the need for a Construction Management Plan.
- 7.20 Since the TS and TP were written the scheme has been reduced by 3 dwellings and so future impacts on the road network would be slightly reduced. As part of the approval on the adjoining site

there was a requirement to extend the 30 mile an hour speed limit on the A155 further west beyond the current application site and once implemented this should help to improve road safety in the vicinity of the site. The highway concerns of the Parish Council and local residents regarding traffic volumes and dangers of the bend are noted, however, it would be extremely difficult to sustain a reason for refusal based on technical highway grounds without the support of the Highway Authority and so it is concluded that the proposed scheme would be acceptable and would comply with SP10 and SP22 in terms of highway matters.

Contamination, Drainage and Flood Risk

- 7.21 A Ground Investigation Report has been submitted and shows the site is unsuitable for soakaway drainage. It also shows that no elevated concentrations of contaminants were recorded in the samples of top soil or natural ground recorded and these materials are considered to be suitable for re-use. The report notes the presence of made ground underlying the construction compound which is being used in connection with the adjoining site and it advises that if this made ground is left in situ then it needs to be covered by clean growing medium and top soil in future garden areas. The Council's Scientific Officer is satisfied with the report and its findings and has advised the imposition of a condition to deal with any unidentified contamination found during construction works.
- 7.22 The Flood Risk Assessment (FRA) advises that the site lies within Flood Zone 1 and generally falls from north-west (7.05m AOD) to south-east (6.22m AOD). Main Street alongside the site has a slight fall towards the east (6.42m AOD to 6.21m AOD). The FRA also highlights that the southern part of the site is in an area at low to high risk from surface water flooding with the south-eastern part being at greatest risk and likely to pond in the 1:30 year return period rainfall event. The FRA notes there is a drain that runs along the northern site boundary that flows west and there are drains existing to the west of the site that generally flow north to south. Mareham Beck (IDB controlled) lies about 380m west, with Catchwater Drain being the nearest river located about 1km south-east. Local drainage appears to generally drain towards this watercourse. The new drainage system being installed on the adjoining site takes water via pipework from the site, west down Main Street to a new detention basin about 250m away on the opposite side of Main Street.
- 7.23 The FRA advises that ground investigation has shown that infiltration is unlikely to be a feasible option for draining the site due to relatively shallow groundwater. Due to the absence of usable watercourses the FRA proposes that surface water from this site is discharged into the surface water system for the adjoining development which has capacity to accept it and would meet the 1:100 year event plus 40% climate change allowance. Exceedance

flow routes are also proposed within the site itself to prevent water from accessing buildings.

- 7.24 The submitted drainage strategy shows roadside under-drained swales along the eastern side of the access road that runs through the site which connects with the earlier development's surface water sewer about half-way along their shared boundary. It is also proposed that land levels would be raised by up to a metre similar to the raising carried out on the adjoining site and this would also remove the low area on the site that is prone to ponding.
- 7.25 LCC as Lead Local Flood Authority is satisfied with the proposed drainage arrangements. The IDB has previously agreed the earlier drainage scheme, but has some concerns about the suitability of detention basins as an effective long term suds solution. The IDB also offers advice about attenuation rates.
- 7.26 Following recent exceptionally high levels and prolonged spells of rainfall there were a number of incidences of flooding in Mareham le Fen, some next to the applicant's existing site and construction compound area. A number of complaints were also received in relation to flooding and in connection with these pieces of land. As the surface water drainage from the current planning application site is proposed to be discharged into the drainage system installed for the adjoining site LCC as Lead Local Flood Authority were asked to confirm that they were still satisfied with this arrangement following these recent flooding events. LCC has advised that their comments remain unchanged, because the system on phase one is a stand alone system *"with no connections to other systems within the village and so it is very unlikely that it would have any contribution to flooding in the village."* It is also their view that if the off-site storage basin exceeds capacity then it would flood adjacent farmland rather than properties.
- 7.27 The FRA advises that for foul water there is a public sewer in Main Street and a new adoptable foul sewer is being installed on the adjoining site that will connect to this main sewer. The foul water from the current application site would be taken to this new foul sewer. Anglian Water is satisfied with what has been proposed and has confirmed that capacity exists in existing systems to accept the flows from this site.
- 7.28 Notwithstanding the strength of feeling of local residents in connection with recent flooding incidents in the village including some which would appear to involve the application site and the adjoining Gleeson Homes site it would be very difficult to argue that technically the proposed drainage arrangements are not acceptable in principle when the Lead Local Flood Authority has confirmed that they are. Conditions would need to be imposed on any approval to secure the finer details of the proposed surface water drainage scheme and that the foul water is connected to the existing foul water system on the adjoining site. With these

conditions in place the drainage arrangements can be considered to be acceptable and in accordance with SP16 in the Local Plan.

Ecology

- 7.29 An Ecology Report has been submitted with the application. This identified that the site was a narrow arable field with narrow field margins on the southern and western boundaries with a shallow, narrow ditch along the northern site boundary. The Report noted the presence of Fulsby Wood SSSI (1.1km west), Troy Wood SSSI (2.2km south-west), Shire Wood Local Wildlife Site (1.3km west) and Little Birkwood Wood Local Wildlife Site (1.8km south-east). Of these only Fulsby Wood SSSI was taken forward for further consideration as there were no connections between the site and the other designated areas. The report advises that Fulsby Wood could be accessed by an indirect footpath connection, but at a distance of 2.6 km it concluded that this is unlikely to be within the regular walking distance of most site residents, especially noting that alternative walking routes in the area exist. A pond lying about 250m away was tested for Great Crested Newts but was found to be negative. The report concludes that the development would not lead to any adverse impacts on ecology.
- 7.30 In terms of the future scheme the Ecology Report notes that it is proposed to plant a native hedge along the western site boundary totalling 242m. It also notes the proposed tree planting and wildflower grass mix to be used giving 20.48% net increase in biodiversity units against a target of 10% above the existing baseline level. The Report advises that the ditch along the northern site boundary should be retained. Since this report was produced the plans have been amended to include a further small section of landscaped open space, which would improve this score.
- 7.31 It is considered that there is no ecological reason to object to this application. The details of the proposed landscaping, the need to provide a hedge along the western site boundary and the need to retain the northern ditch could all be dealt with by condition. SP24 would be satisfied.

Heritage Assets

- 7.32 There are a number of Listed Buildings within the village of Mareham le Fen including the church of St. Helen and its churchyard cross (grade II* and grade II listed respectively), the grade II listed Royal Oak pub and a number of cottages and houses all listed at grade II. Of these the application site only lies within the setting of the church. However, due to the distance from the church and the intervening modern housing estates it is not considered that the proposed development would have any harmful impact on that setting and hence would not adversely affect the significance of the listed church. As the site would not be within the setting of any of the other listed buildings the

proposed development would not have a harmful impact on the significance of any of those other heritage assets. SP11 would thus be satisfied.

- 7.33 Heritage Lincolnshire has advised that the site is located in an area of archaeological interest (medieval roof tile kiln and waste dump) and so there is the potential, therefore, for archaeological remains to be present on the application site. Conditions have been requested to deal with this and their imposition would be acceptable. The applicant has agreed to accept a pre-commencement condition relating to this. SP11 would be satisfied.

Section 106 agreement

- 7.34 A number of contributions have been requested/are required and the applicant has agreed to them. They are:-
- a. LCC Corporate Property Services has requested £102,012 towards increasing capacity in secondary education (Tattershall Secondary planning area) to mitigate against the impacts of the development;
 - b. NHS has requested a financial contribution of £15,335 towards health care provision to enable it to accommodate new residents to mitigate against the impacts of the new development.
 - c. circa £6,000 towards the provision of the equipped village play area in lieu of play equipment on this site;
 - d. provide 8 units of affordable housing on the site, which equates to 30%.
- 7.35 The NPPF at paragraphs 55 to 57 advise that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It also sets out the applicable tests namely - 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. It is considered that a Section 106 Agreement for the monies for education facilities, health care, and to help provide the village play area in lieu of on-site provision would meet those tests. Similarly the provision of affordable housing would best be provided by a section 106 agreement to ensure it is provided in perpetuity and where appropriate the units are occupied in accordance with the Council's cascade occupation policy and this provision would meet the NPPF tests. SP28 in the Local Plan supports the provision of developer contributions towards infrastructure where that is shown to be necessary for the development to proceed.

8.0 CONCLUSION

- 8.1 The principle of a housing development on this site would be acceptable, however, the proposed layout and density would be harmful to the character of this area that lies at the entrance to the village and forms the setting to the village and it would also have an adverse impact on the residential amenities of the occupants of Sheraton. This would be contrary to SP10 of the Local Plan.
- 8.2 The proposed details in relation to highways, drainage, archaeology, noise, contamination and ecology are all acceptable subject to the imposition of conditions.
- 8.3 The applicant has agreed to provide a number of contributions to secure funding to mitigate the impacts of the development on local services and facilities and he has agreed to provide 30% of the dwellings as units of affordable housing. This could all be secured by way of a S106 agreement.
- 8.4 The Council can demonstrate a 5 year supply of housing and so the tilted balance in favour of new dwellings is not engaged. It is considered that for the reasons set out above the proposed development would be unacceptable and so would not satisfy the criteria to be considered an acceptable windfall site. As such the development would be contrary to SP10 in the Local Plan. There are no material considerations which would outweigh this conclusion.
- 8.5 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

Refuse on the grounds that:

RECOMMENDATION: Refuse

for the following reasons:

- 1 The proposal, if approved, would result in a cramped form of development with an unacceptable layout on the edge of the rural village of Mareham le Fen. This would be harmful to the character and setting of the village and harmful to the residential amenities of the occupants of the adjoining dwelling, Sheraton. To allow the application in these circumstances would be contrary to SP10 in the East Lindsey Local Plan. It would also fail to deliver good design and a high standard of amenity for existing residents as advocated by the National Planning Policy Framework. There are no material considerations that would outweigh these harms.