

[06] Outline Planning Permission

N/092/02375/ 23

APPLICANT: KCS Development Ltd,

VALID: 05/12/2023 **AGENT:** Stantec,

PROPOSAL: Outline erection of up to 50no. dwellings and associated infrastructure (with means of access, landscaping and layout to be considered).

LOCATION: LAND SOUTH OF, CHESTNUT DRIVE, LOUTH

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject of local concern and a call in request by Cllr Mossop. That request was on the grounds that *'the site is not allocated in the ELDC Local Plan for Louth/Keddington and as such is a windfall site. The site has been described as 'infill' by the applicants. However, looking at the allocated sites in the Settlement proposals, it sits between the two sites LO311 and LO 326 (or5) creating a pleasant block of open space on the edge of the settlement adding to the more rural, edge of town feel to Park Row. The windfall site is for 50 houses which is considerably large and would merit it being considered as an allocated site in the future given proper consultation through the process given to a revised Local Plan. Objections from neighbouring new-build properties describe the problems that have occurred since their completion such as waterlogged gardens and poor mains foul water drainage. Objection from Louth Town Council. There is no Keddington Parish meeting. Until boundary changes take place, the properties will benefit from Louth Town Council services without any contributions from the residents through their Council Tax. This renders the application premature'*.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is located to the east of Louth which is defined as a town in the East Lindsey Local Plan. The site falls within the Keddington parish but is more closely related to Louth. It is within Flood Zone 1 - Low Risk and comprises of a grass agricultural field. There are the residential streets of Eastfield Rise and Abbey Park to the north. To the east is Park Row which has dwellings leading down to and opposite the site and currently provides access to the field. To the west is Chestnut Drive and to the south a residential development some of which is complete with the remainder under construction. There are scattered trees and hedges to the southern, western and northern boundaries and a post and wire fence runs alongside Park Row to the eastern boundary. There are houses which mainly back on to the site. Those to the north on Abbey Park are close to the boundary to the site and there are low gaps in the landscaping along this boundary. Houses along Chestnut Drive have longer rear gardens but again there are low gaps in the boundary landscaping. The

newer houses along Acorn Avenue are orientated either sideways or at an angle to the site and there is a mix of landscaping and close boarded fencing along this boundary. These dwellings sit on slightly higher ground.

3.0 DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks outline erection of up to 50no. dwellings and associated infrastructure. Means of access, landscaping and layout are to be considered as part of the proposal.
- 3.2 To reiterate, the application is in outline form, but access, landscaping and layout are all being considered leaving the scale and appearance of the dwellings outstanding. Dwellings are shown to be set out around the boundary of the site facing inwards with a central circular section of dwellings and the road sweeps round this. To the northeast an attenuation basin is proposed with landscaping around it including a Local Area for Play (LAP). The site access is proposed from Acorn Drive and a pedestrian and cycle link is also proposed on to Park Row. Existing boundary hedges and trees are shown to be retained and further hedge planting is shown to fill the gaps. A sustainable drainage system is included with swales around the central section. The layout approach and density (approximately 26 dwellings per hectare) is similar to that on the new estate to the south. Landscaping mainly consists of hedges and trees with areas of ornamental shrub planting.

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 notices around the site and neighbours have been notified in writing.

Consultees

- 4.3 LOUTH TOWN COUNCIL -Louth Town Council object on the grounds of:
1) Traffic - the level of vehicle movements which will be generated by this development will exacerbate existing problems on existing infrastructure, especially Eastfield Road and may detrimentally impact Louth's Emergency Services located here. As the site is over a mile from the Town Centre it is envisaged that most local trips required for school runs, medical visits, shopping and leisure will be by car. The consequent generation of traffic will then also add to traffic volumes in the town

centre and on car parking availability. 2). Access and Highway Safety - there is concern that the additional traffic will cause road safety issues to be exacerbated. 3) Drainage - there are concerns regarding more hard landscaping in this area which will make it difficult to deal with the disposal of surface water. The possible future levels of the Lud are also a consideration as it is known that it cannot cope with any more increased discharge. Further, it is known that there are a number of aquifers in this area and hard landscaping may cause flooding problems or move current flooding problems to move to a new area. 4) The Council felt that this application had been made prematurely. It was of the opinion that a review of ward boundaries is required to ensure that new residents contribute fairly to local services and amenities as this development, although currently technically outside of the Louth boundary, will form part of the development already built which is within the boundary and all residents of the new section will use Louth infrastructure and facilities, without contributing correctly to their upkeep, if the boundary is not redrawn. If permission is granted the Council would like to see a condition that public green space, large enough for sports and games to be played on such as Rounders and Football is included.

Further comments received - Reiterating previous objections relating to access and highway safety; site being technically outside the Louth boundary; impact on infrastructure and services; and request review of ward boundaries.

4.4 KEDDINGTON PARISH COUNCIL - Not received.

4.5 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Vehicular access will be served from Acorn Avenue, which is part of the live development site off the existing Chestnut Drive estate. As Tennyson Fields and Acorn Avenue are not yet public highway (they are subject to Section 38 Agreement), the applicant will be required to make arrangements with that developer directly to gain access to this site whilst the streets remain under their private responsibility. The entrance to the site is provided by an existing connection on Acorn Avenue. A ditch exists along this southern boundary of the site, which has been culverted at the point of the proposed new road. This culvert was not part of the Section 38 Agreement for the live development site and will need including in the Section 38 for this proposal. A pedestrian connection is proposed to Park Row. There are no opportunities for pedestrian connections to Abbey Park or Eastfield Rise. The site benefits from good pedestrian infrastructure to various community services and facilities within easy walking distance, such as schools, shops, places of worship, the GP surgery and leisure and recreational facilities. The area is also served by the Louth Nipper providing regular services to the town centre. St Bernards School on Wood Lane does not have a formal footway and students, parents/guardians, staff and visitors are required to walk in the road. Request that the applicant provide a 2m footway on Wood Lane between St Bernards Avenue and the school entrance to provide safe and sustainable access to the school for residents of the site. A Transport Statement was submitted to support this application. It demonstrates that there is significant capacity on the highway network surrounding the

site to accommodate the anticipated movements from this development at peak times for future year traffic forecasts. The applicant has recommended that they adopt the Travel Plan measures imposed on the wider development site, which we encourage and support. On-site surface water drainage will be provided by roadside swales and an attenuation basin. The basin will discharge to a riparian watercourse at the north-western corner of the site, which runs alongside Eastfield Rise to discharge to an Anglian Water surface water sewer in Eastfield Road. The discharge rate will be restricted to 7.56l/s, which is lesser than the greenfield run-off rate for the site (8.69l/s). Anglian Water have agreed the discharge rate to their sewer in principle. The ditches around the site perimeter will be subject to a maintenance schedule. As the roadside swales will be under drained, trees cannot be planted within them to avoid root ingress to the pipes.

Site layout comments

- Grass service margins are required for shared surfaces, such as between plots 3 and 12.
- Shared surfaces must be block paved, not asphalt.
- Any requirement for knee rail fencing around the attenuation basin should be designed out.
- Footways are not required around turning heads.
- raise concerns with the layout of the on-plot car parking arrangements, namely the tandem spaces. In accordance with LCC guidance on car parking, consider tandem car parking spaces to count as one car parking space. Consequently, advise that on-plot car parking spaces be delivered side-by-side rather than in tandem.

Comments from the Executive Councillor: Highways and Transport

The member would like to note concerns with the layout of the on-plot car parking arrangements, namely the tandem spaces. In accordance with LCC guidance on car parking, LCC only consider tandem car parking spaces to count as one car parking space. LCC advise that on-plot car parking spaces be delivered side-by-side rather than in tandem.

In the event of planning permission being granted suggests that conditions should be included to secure construction management plan; new footway to Wood Lane to school; implementation of Travel Plan; and surface water drainage scheme.

Further comments received following negotiated amendments - Confirms that the applicant has addressed the layout comments included in previous response. For information, advises that trees cannot be planted in the swales as they are under drained and would be at risk of root ingress, which would affect the operation of the drainage system.

- 4.6 ENVIRONMENTAL SERVICES (Environmental Protection) - Not received at the time of preparing this report.
- 4.7 ENVIRONMENTAL SERVICES (Drainage) - Not received at the time of preparing this report.
- 4.8 ENVIRONMENTAL SERVICES (Contamination) - Confirms this department

has received and reviewed the following report submitted with the application and has the following comments to make. Ground Investigation Associates Limited, Phase 1 Geo-Environmental Desk Study, Ref: 22069-1, Dated: 31 May 2022. The site is approximately 2.08 ha. The earliest maps, dating back to the 1880s, depict the site as an undeveloped field with clear boundaries that are similar to the present day. There is a possible trackway within the eastern boundary of the site. The southeast of the site seems to have had a small pond, part of which is shown on the maps. The site remained largely unchanged until the 1960s when a small building appeared on the western part of the southern boundary. However, part of the pond in the southeast is no longer visible on the maps, indicating that it may have been infilled. On 23 May 2022, a site walkover was conducted. It was observed that there is evidence of materials like brick and concrete used in the surfacing of the area. A few vegetated piles were noticed in the south-eastern part of the site, containing demolition debris like concrete cobbles, boulders and soil found on the surface. The preliminary conceptual site model has identified a low to moderate risk to human health, with the report stating:

"Made Ground materials were observed on the ground surface associated with the existing vehicular trackway running within the eastern boundary of the site, albeit these visually comprised brick and concrete (i.e., chemically inert materials)."

The report has also stated:

"Localised Made Ground/pond infill material may be present in the southeast of the site, adjacent to the site boundary."

With this in mind, the applicant should submit an intrusive site investigation demonstrating that the site is suitable for use; this shall include a full suite of metals and non-metals, PAHs, TPHs, and asbestos. Taking into account the above advice, the applicant should submit a Phase 2 report for this department's consideration prior to the application being determined in accordance with National Policy guidance. This will allow the council to decide whether or not a further assessment of the site is required and ensure that appropriate conditions are applied, which render the development safe and suitable for use prior to use. However, if the application is positively determined without the information required under National Planning Policy guidance, then recommends including the conditions CL1 to CL5.

- 4.9 LINCOLNSHIRE POLICE - Advisory comments regarding crime prevention.
- 4.10 LCC EDUCATION - Contribution requested £408,770.10.
- 4.11 ENVIRONMENT AGENCY - Initial objection received. Insufficient information has been provided to demonstrate that the risks of pollution posed to surface water quality can be safely managed, therefore recommend that planning permission is refused. Reasons - The application confirms the intention to connect to the mains foul sewerage network. The foul sewage flows from this development would be treated at the Louth Water Recycling Centre (WRC). We have concerns that the WRC may not have capacity to accommodate flows from this

development during the lifetime of the planning permission. Whilst the Drainage Report Part 1 of 3 Appendix B has correspondence with Anglian Water Services (AWS) confirming that foul water proposal is acceptable this is dated September/November 2022. We have reason to believe that currently Louth WRC does not have capacity to treat the flows from this development. Policy SP16(9) states that 'all new development must show how it can provide adequate foul water treatment and disposal or that it can be provided in time to serve the development'. Given that there is currently no planned investment for Louth WRC we will be unable to withdraw our objection unless this situation changes.

Further comments received - The evidence available to us demonstrates that the WRC is at or near its permitted limits and that additional flows could lead to it exceeding these, which could cause pollution of the receiving watercourse. Anglian Water Services (AWS) is legally obliged to operate within permit limits and the Environment Agency will take all necessary action to ensure that the receiving watercourse is protected. AWS has not yet demonstrated how it would manage the additional flow from this development if there is no capacity at the WRC to treat it. This appears to be contrary to your Local Plan policy SP28(5). We encourage the council to liaise with AWS and ensure that acceptable plans are in place for how foul water, which cannot be treated at the WRC without causing pollution, would be managed in advance of planning permission being determined. Consequently, have decided to withdraw their objection to the proposal on the basis that concerns have been outlined, for the LPA to have regard to when deciding whether it is appropriate to grant planning permission and if that permission should include planning conditions to ensure compliance with local plan policies.

- 4.12 NHS - Request contribution on £30,250.00.
- 4.13 ELDC WASTE SERVICES - All residents of those properties that are accessed via " private drives" will have to present their wheelie bins for emptying on the nearest public highway. The refuse collection vehicle will not enter on to the private drives nor will the refuse collection operatives.
- 4.14 HERITAGE LINCOLNSHIRE - The site is not within the Louth Conservation Area but may affect the experience of the entrance and egress from Louth. This site is entirely screened from the CA and there are no designated heritage assets nearby. The site is enclosed on nearly every side by modern, late C20 and C21 development on Chestnut Drive, Park Row and Abbey Park. It is set back from Eastfield Road, which becomes Eastgate and is one of the main roads leading into the centre of Louth, it is not thought that the development would be visible from this road. There are no historic field patterns that would be significantly disrupted as a result of development. It has been confirmed that it is an area of low archaeological potential. As such there are no heritage assets / setting issues. Notwithstanding this, there would have to be consideration taken to ensure the layout of the site is permeable. This would ensure connectivity between the existing roads to avoid building yet another cul-de-sac.

- 4.15 HOUSING STRATEGY - 15 affordable housing units have been proposed which would meet the 30% planning policy requirement for Louth. 70% of these properties should be provided as affordable rented properties and 30% First Homes. The proposed application includes 11 rented units and 4 First Homes which would be an acceptable tenure split. The details of this affordable housing provision should be secured within a Section 106 Agreement. The affordable property types identified are 2 x 1 bed 2 person, 2 x 2 bed 3 person, 4 x 2 bed 4 person, 2 x 3 bed 5 person and 1 x 4 bed 5 person for affordable rent and 2 x 2 bed 4 person and 2 x 3 bed 5 person for First Homes which would meet the requirements for Louth. The affordable housing is dispersed across the site which would meet requirements. On balance the proposed location of the units is acceptable. Registered Providers require the affordable rented properties to meet a minimum of 85% of National Design Space Standards. Single bedrooms should also be suitable for an adult to occupy and should therefore have a floor area of at least 6.5m² to comply with section 326 of the Housing Act 1985. To summarise, the Local Housing Authority supports this application subject to the affordable housing provision being secured within a Section 106 agreement.
- 4.16 DRAINAGE BOARD - Advisory comments regarding consent required from Drainage Board.
- 4.17 HERITAGE LINCOLNSHIRE (ARCHAEOLOGY) - No archaeological comment.

Neighbours

- 4.18 14 representations received raising the following concerns /issues:
- Kitchen window very close to boundary and would be impacted by a high fence and if no fence would result in loss of privacy;
 - Light to window could easily be blocked in the future by fence or planting;
 - Increase in traffic from single access point;
 - Impact from construction traffic;
 - Affordable housing could de-value property;
 - Loss of vegetation along boundary will result in loss of privacy;
 - Concern over additional traffic/pedestrians/cyclist along Park Row and over running verges;
 - Damage to Park Row road surface and increase in pedestrians down a narrow lane would be dangerous with traffic as no footway;
 - Noise and disturbance from children playing along Park Row and possible dog fouling;
 - Cramming in development;
 - Flood risk and drainage issues;
 - Impact on doctors/dentists which are already oversubscribed;
 - Tree over hanging site could be damaged;
 - Noise and disturbance from development;
 - Impact on wildlife;
 - Who will maintain boundary fences/treatments?;
 - Flooding has occurred in the area;
 - Problems with sewerage systems in the area;

- Request for Swift boxes.

4.19 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 No relevant site history.

6.0 PLANNING POLICY

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 – A Sustainable Pattern of Places

SP2 – Sustainable Development

SP3 – Housing Growth and Location of Inland Growth

SP7 – Affordable and Low Cost Housing

SP10 – Design

SP16 – Inland Flood Risk

SP22 - Transport and Accessibility

SP24 - Biodiversity and Geodiversity

SP26 – Open Space, Sports and Recreation

SP28 – Infrastructure and S106 Obligations

National Planning Policy Framework

Background Papers

National Planning Policy Guidance

Strategic Flood Risk 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 of the Development in Terms of Sustainability.**
- **Impact of the Development on the Character of Area.**
- **Impact of the Development on the Amenity of the Neighbours.**
- **Highway Safety and Capacity.**
- **Flood Risk and Drainage.**
- **Ecology.**
- **Impact of the Development on Local Health and Education Services.**

- **Contamination.**

Principle of the Development in Terms of Sustainability.

- 7.2 SP1 of the East Lindsey Local Plan sets out the settlement hierarchy based on the range of services, facilities and employment available in them. Settlements are defined as either towns or large, medium or small villages with the remainder of the district including hamlets being open countryside. SP2 of the East Lindsey Local Plan sets out the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF unless material considerations indicate otherwise. SP3 of the East Lindsey Local Plan sets out the overall district wide housing requirement for the plan period and outlines in broad terms where housing should be located.
- 7.3 The site is not an allocated site in East Lindsey Settlement Proposals Development Plan Document and should therefore be considered as a windfall site. As mentioned previously whilst the site is in Keddington Parish it clearly relates more closely to Louth, being set within the context of the established built form of the town. SP3 - Housing Growth and the Location of Inland Growth at Clause 4 allows for windfall sites in towns and large villages "in appropriate locations within the settlement and outside of, but immediately adjacent to the developed footprint". The policy goes on to define 'appropriate location' and 'developed footprint'. "To qualify as an 'appropriate location', the site, if developed, would:
- retain the core shape and form of the settlement;
 - not significantly harm the settlement's character and appearance; and
 - not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
 - Be connected to the settlement by way of a footpath.
- ** 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan.
*** 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:
- individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;
 - gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built-up area of the settlement;
 - outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement."
- 7.4 Whilst the site is towards the eastern edge of the town it does have residential development to the north, south, east and west with only a small portion to its south-east corner overlooking an agricultural building and field beyond. It is therefore considered that the proposal would retain the core shape and form of the town. Impact on the character of the area is discussed in detail below. There are footway links proposed on to Acorn Avenue and a pedestrian link is provided on to

Park Row. Although Park Row does not have a footway, it is not highly trafficked and would provide a suitable additional point of connectivity with the established built area. The site is within the continuous built up part of the settlement. It is therefore considered that the principle of residential development at the site would be acceptable.

- 7.5 Although the suggestions from Councillor Mossop and the Town Council that the application should be considered as premature are noted, from a planning perspective, the adopted policy position does not preclude the approval of suitable windfall sites and does not require consideration in respect of parish boundaries. As noted above, the consideration for the 'appropriateness' of the site in principle, is dependent primarily on assessment of its context within its physical surroundings. In that respect, the suitability of the site is considered acceptable. The observation in respect of the paying of Council Tax are also appreciated, but again, it is respectfully suggested that is not a material consideration for this proposal. The potential impact on services is however, a legitimate consideration and is addressed later in this report.

Impact of the Development on the Character of Area.

- 7.6 The proposed development is for up to fifty dwellings with the layout submitted, indicating a mix of detached and semi-detached dwellings. Information submitted indicates the dwelling sizes would range from one bed to four bed dwellings. It is considered that this an acceptable mix. Fifteen of the proposed dwellings are proposed to be affordable with a mix of rented and First Homes, this meets the 30% required by SP7 and the Council's Housing Strategy section is satisfied that the mix of housing being offered would meet the affordable housing need for the area. The scale and appearance of the dwellings is not being considered at this stage but the site layout is. The layout and size of dwellings and plots is similar to that of the new development to the south and south-west. The layout would be acceptable (providing a legible arrangement of roads, open spaces and connectivity with the surrounding area) as would the relationships between proposed dwellings. The proposed dwellings all have an acceptable amount of private amenity space and private car parking. Details of soft and hard landscaping have been submitted which includes landscaping (trees and hedges) as street trees and in gardens which will enhance the overall development. Existing hedges are shown to be reinforced and a new hedge along Park Row to help retain its soft landscaped character. A condition can be included to remove permitted developments rights for fences and other hard boundary treatments, not shown on the plans, in order to help protect the retention of the hedges. It is considered that aims of SP10 in relation to design and SP25 in terms of landscaping are met. A children's Local Area for Play is proposed for an acceptable location within the scheme layout, which meets the aims of SP26. The request of the Town Council for an area of open space large enough for rounders and football is noted, but is not supported as a policy requirement and is considered unnecessary and unreasonable for a development of this size. Refuse bin collection areas are shown to be provided on the site layout plan at the top of the private drives as requested by ELDC Waste Services.

Impact of the Development on the Amenity of the Neighbours

- 7.7 Clause 5 of SP10 of the Councils Local Plan states that development will be supported provided it does not unacceptably harm any nearby residential amenity. This advice is reiterated in the National Planning Policy Framework in paragraph 135. The separation distances between the proposed dwellings within the development site is considered to be acceptable. Between the rear of the proposed dwellings and the rear of the properties on Abbey Park is between approx. 18 and 20 metres. Plot 29 is close to the neighbouring property to the north but is orientated sideways on and no primary windows are proposed on the elevation facing the neighbour. This is similar for Plot 1 and the existing neighbouring house to the south and for the dwellings proposed adjacent to Park Row. It is considered that the issues of overlooking can be fully considered when the reserved matters for scale and appearance are submitted. Concern has been raised by a neighbour to the north of the site at 5 Abbey Park as their house is just 2 metres from the boundary hedge with a kitchen window facing to the rear and that light to this window would be compromised should a 1.8 metres high fence be erected or the hedge be allowed to grow. The plans show the existing hedge to be reinforced with native boundary treatment and as set out above it is possible to remove permitted developments rights for the erection of hard boundary treatments such as walls and fences. It is accepted that the relationship of the proposed dwellings to the existing neighbours requires careful consideration, but that amenity relationships in general terms are acceptable. However, when matters of appearance and scale are submitted for consideration, there will be need to ensure that those details further ensure there would be no significant loss of privacy or loss of light and they would not be over-bearing on the neighbours. It is accepted that there is likely to be some degree of noise and disturbance during the construction of the development however a condition can be included for a construction management to help control and limit the impact for that period. Issues regarding increase in traffic and impact on services are discussed below.

Highway Safety and Capacity

- 7.8 Access to the site would be from Acorn Avenue, the new development to the south. A pedestrian and cycle link to Park Row has also been included at the request of LCC Highway Authority in order to improve connectivity in the area. Acorn Avenue is not yet adopted but is due to be adopted shortly and will be completed to current LCC specification. LCC recommended some minor changes to the original layout which have been negotiated and secured. LCC as Highway Authority is now satisfied with these internal arrangements. This meets the requirements of SP10. Sufficient parking is shown for each dwelling either driveway or off road parking spaces to the front so SP22 is complied with. The

application has been accompanied by a Transport Statement in line with SP22 which includes elements of the Travel Plan for the wider site which can be secured by condition for this site. As highlighted by LCC Highways Authority it demonstrates that there is significant capacity on the highway network surrounding the site to accommodate the anticipated movements from this development at peak times for future year traffic forecasts. The area is also served by the Louth Nipper providing regular services to the town centre. LCC Highways Authority have stated that St Bernards School on Wood Lane does not have a formal footway and students, parents/guardians, staff and visitors are required to walk in the road. They have requested that the applicant provide a 2m footway on Wood Lane between St Bernards Avenue and the school entrance to provide safe and sustainable access to the school for residents of the site. However, given the size of this proposed development and the distance away from the school it is not considered reasonable in this case. Whilst the concerns of the Louth Town Council and neighbours are noted it is not considered that the proposal would result in a detrimental impact on highway safety or capacity.

Flood Risk and Drainage

- 7.9 The submitted Flood Risk Assessment (FRA) advises that the site lies in Flood Zone 1 - Low Risk. Soakaway tests have confirmed infiltration is not suitable as a primary solution for the disposal of surface water from the site. However, there is potential in the location of the proposed attenuation basin. Swales with an underdrain are proposed to link to the attenuation basin with a controlled discharge rate to the ditch along the northwest boundary at the existing greenfield run off rate. This solution is considered acceptable subject to a condition for full drainage details of the scheme. Foul water disposal is via the main public sewer to the Louth Water Recycling Centre (LWRC). The Environment Agency (EA) originally objected to the proposal but have since withdrawn their objection however they still have concerns regarding the capacity at LWRC. The EA have advised that evidence available to them demonstrates that the LWRC is at or near its permitted limits and that additional flows could lead to it exceeding these, which could cause pollution of the receiving watercourse. That said Anglian Water are obligated to accept the foul flows from a development with the benefit of planning permission and would therefore have to take the necessary steps to ensure there is sufficient treatment capacity. A condition can ensure that a foul drainage strategy is submitted. It is therefore considered that the proposal would meet the aims of SP16. As additional comment on this matter, it is relevant to note that national Planning Practice Guidance (PPG) advises that good design and mitigation measures can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.
- 7.10 The PPG also advises that the preparation of (Local) plans should be the

focus for ensuring that investment plans of water and sewerage companies align with development needs. It confirms that if there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants can be asked to provide information about how the proposed development will be drained and wastewater dealt with. The first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area. The guidance recognises that timescales for works to be carried out by the sewerage company do not always fit with development needs and advises that in such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out. In this particular case, although the initial concerns of the Environment Agency are noted, Anglian Water have raised no objection such that, as suggested above, imposition of a condition can ensure that an acceptable drainage strategy is produced to ensure suitable phasing of the development or/and delivery of any necessary infrastructure improvements.

Ecology

- 7.11 The site is presently used for agriculture and has residential gardens on the majority of the boundaries. The existing boundary hedges and trees are to be retained and strengthened. The proposed development would provide areas of landscaped open space, new trees and hedges and private gardens, as well as swales and an attenuation pond. The Ecology Appraisal advises that any vegetation clearance take place outside the bird nesting unless checked by an ecologist and an up to date badger survey prior to the development given the potential for badgers both of which can be secured by condition. Details of the landscaping are secured by condition. This would be in line with SP10 and SP24.

Impact of the Development on Local Health and Education Services.

- 7.12 The applicant has agreed to provide a sufficient level and mix of affordable housing which meets the aims of SP7 on this site and this can be secured by a Section 106 legal agreement. A request has been made by the NHS for the provision of a financial contribution towards the provision of additional health facilities to enable the new residents to be catered for. This sum of £30,250.00 would be put towards mitigating the impact of the development on the local health service by providing expansion of capacity within the Primary Care Network at East Lincs Medical group, James Street Family Practice and/or Marsh Medical Practice. A request has been made LCC Property Services for £408,770.10 towards local education services to accommodate secondary and sixth form provision in the area. These contributions can be secured as part of a Section 106 Agreement.

SP28 would be met in this regard.

Contamination.

- 7.13 Following the Ground Investigation Associates Limited, Phase 1 Geo-Environmental Desk Study, Ref: 22069-1, Dated: 31 May 2022 the Council's Environmental Services section has advised that the applicant should submit an intrusive site investigation demonstrating that the site is suitable for residential use including any mitigation or remediation which should include a full suite of metals and non-metals, PAHs, TPHs, and asbestos. The applicant should submit a Phase 2 report which can be secured by condition in accordance with paragraph 189 of the National Planning Policy Framework.

8.0 CONCLUSIONS

- 8.1 This application would provide up to 50 dwellings and fifteen would be affordable. This would help ELDC to meet its 5-year supply of new houses.
- 8.2 The development would provide a range of dwellings and so would provide a good mix to suit all sectors of society. The design would be appropriate for this location. The new dwellings would provide a good standard of amenity for future occupiers without causing significant harm to those living around the site.
- 8.3 The estate would be accessed off Acorn Avenue with additional pedestrian and cycle route on to Park Row which would provide a good legible network of internal roads. The development could be safely accommodated within the existing highway network. The principles of the proposed SuDs and foul water schemes are acceptable and full details can be secured by conditions.
- 8.4 A new children's play area would be created in an accessible location. With appropriate landscaping the development could be really attractive to wildlife as well as residents.
- 8.5 Despite a number of objections being received, it is considered that the scheme is acceptable subject to conditions and subject to satisfactory completion of a s.106 obligation. It would comply with policies in the East Lindsey Local Plan and with the NPPF.
- 8.6 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

Outline planning permission be granted subject to the satisfactory completion of a s.106 obligation (as outlined in the report) and the following conditions:

RECOMMENDATION: Approve

subject to the following conditions:

1. Outline Permission

Details of the scale and appearance (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this permission. No development shall commence unless approval of the reserved matters has been obtained from the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of reserved matters

The development hereby permitted must be begun no later than the expiration of two years from the final approval of all reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The development hereby permitted shall only be undertaken in accordance with the following approved plan numbers:

Plan No. 0006-001-NIE-PL-XX-DR-A-000 Rev P2

Received by the LPA on 07/03/2024.

Plan No. 414.063849.00001.002 Rev P03

Received by the LPA on 14/03/2024.

Plan No. 414.063849.00001.003 Rev P03

Received by the LPA on 14/03/2024.

Plan No. 0006-001-NIX-XX-XX-DR-A-005 Rev 9

Received by the LPA on 06/03/2024.

Reason: For the avoidance of doubt and the interests of proper planning.

5 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the routing and management of construction traffic
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;

- measures to control the emission of dust and dirt during construction;
- details of noise reduction measures
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site; and
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the amenity of the neighbours, the safety and free passage of those using the adjacent public highway and to ensure that the development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development during construction. This condition is imposed in accordance with SP16 and SP22 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby permitted a badger survey of the site shall be undertaken, which shall include any necessary mitigation, and be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the impact to any badgers. This condition is imposed in accordance with principles set out in Section 15 Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.

- 7 As part of the reserved application a schedule of external materials, including samples where requested, to be used in the construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 8 The development hereby permitted shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - provide flood exceedance routing for storm event greater than 1 in 100 year;
 - provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped

site;

- provide attenuation details and discharge rates which shall be restricted to 7.56 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

- 9 No development shall take place before details of the existing and proposed site and floor levels of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing ground levels of any neighbouring property. The development shall be carried in accordance with the approved levels.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with paragraph 135 of the National Planning Policy Framework.

- 10 The development hereby permitted shall not be commenced until further investigation has been carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with Paragraph 189 of the National Planning Policy Framework.

- 11 Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. No works, other than

investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority. Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme.

Reason: To ensure adequate and appropriate remediation of the site in accordance with paragraph 189 of the National Planning Policy Framework.

- 12 On completion of remediation, two copies of a validation report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To ensure that the remediation strategy has adequately mitigated against the contamination in accordance with paragraph 189 of the National Planning Policy Framework.

- 13 If during redevelopment 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 with the Local Planning Authority. On completion of the development the Local Planning Authority shall be notified in writing if no additional contamination was identified during the course of the development and the dwellings hereby permitted shall not be occupied until the Local Planning Authority has acknowledged receipt of the same.

Reason: To ensure adequate and appropriate remediation of the site in accordance with paragraph 183 and 184 of the National Planning Policy Framework.

- 14 Prior to the occupation of the first dwelling details of a scheme for provision of a Local Area for Play (LAP) within the site, as identified on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the size, and design of equipment within the LAP, its finished features, surface treatments, any boundary treatment(s) along with the timetable for its completion and the arrangements for securing its future maintenance. The LAP shall be provided in accordance with the approved scheme detail.

Reason: To ensure appropriate and accessible recreation space is provided as part of the development in accordance with SP26 of the East Lindsey Local Plan.

- 15 Prior to the occupation of the first dwelling details of the pedestrian/cycle link from the site to park Row, as identified on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include surface treatments and any boundary treatment(s) along with the timetable for its completion and the

arrangements for securing its future maintenance. The pedestrian/cycle link shall be provided in accordance with the approved scheme detail.

Reason: To ensure connectivity and accessibility of the development in accordance with SP22 of the East Lindsey Local Plan.

- 16 The scheme of landscaping and tree planting shown on drawing no. 414.063849.00001.002 Revision P03 received by the Local Planning Authority on 14th March 2024 shall be carried out in accordance with a phasing plan or timetable to be submitted to and agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 17 The wheelie bin collection points as shown on drawing no. 0006-001-NIE-XX-XX-DR-A-005 Revision P9 received by the Local Planning Authority on 6th March, 2024 shall be provided prior to the occupation of any the dwellings to which each collection point relates.

Reason: In order to provide wheelie bin collection points which will not obstruct the highway or footways. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 18 During the construction of the development no tree or shrub felling, lopping or clearance shall take place between March to the end of August unless it can be demonstrated in writing by a suitably qualified ecologist that no nesting birds or any protected species will be harmed, and agreed in writing by the Local Planning Authority.

Reason: To ensure that birds and their nests are protected during the nesting season. This condition is imposed in accordance with principles set out in Section 15 Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.

- 19 The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of SP22 of the East Lindsey Local Plan and the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

- 20 The development hereby permitted shall be constructed to Building Regulation Part G(2)(b) standards limiting water consumption to 110 litres per person per day.

Reason: To reduce demand for finite resources as the district is in a water scarce area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 21 Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure other than those shown on 414.063849.00001.003 Revision P03 shall be erected within the site or on the site's boundaries.

Reason: To ensure the Local Planning Authority retains control over the future development of the site in the interests of its architectural and visual amenity and the visual amenity of the local area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.