

[5] Full Planning Permission

S/152/02014/ 23

APPLICANT: Towey Homes Limited,

VALID: 02/11/2023

AGENT: Boyer

PROPOSAL: Planning Permission - Erection of 83 dwellings with landscaping, associated works, the construction of surface water attenuation basin and vehicular access.

LOCATION: LAND REAR OF, PAGE CLOSE, SIBSEY

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 This application is considered appropriate for consideration by the Planning Committee given the range of issues for consideration including, specifically, a need to consider implications arising from viability considerations for the proposed development.

2.0 THE SITE AND SURROUNDINGS

2.1 The site is located to the northern end of Sibsey which is defined as a Large Village in the East Lindsey Local Plan. It is in Flood Zone 1 - Low Risk. The southern part of the site which lies directly behind Paige Close is allocated in the Local Plan (housing site SIB406 refers). Records indicate three trees which are protected by a Tree Preservation Order along part of the front eastern roadside boundary although only one remains and another is in very poor health. The site is to the eastern side of the Main Road A16 partly behind some properties which front the road. There is a footway to the front of the site leading into the village. Part of the site falls within the 40mph speed limit as you enter the village. It is currently a flat grass field with access adjacent to the Paige Close properties. There is a mix of boundary treatments defining the rear boundaries to the properties which front Main Road. These are mainly comprised of 1.8 metre tall close boarded fencing but with some landscaping. One boundary is open. The properties are a mix of two and one storey with ground and first floor windows over looking the site. To the side southern boundary has taller established landscaping. The western and southern boundaries remain open to agricultural fields.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The application seeks planning permission for the erection of 83 dwellings together with associated landscaping and work including the construction of a surface water attenuation basin and vehicular access.

3.2 The proposed development would comprise a mix of detached, semi-detached and three row terrace houses and offering a range of 2 to 4 bedrooms (eleven x 2-bed units, forty four x 3-bed units and twenty-four x 4-bed units). A two storey block of 4 one bed roomed maisonettes is also proposed. The proposed access would be off Main Road, located to the north-east with the existing access closed off. The internal layout would

effectively provide perimeter block arrangements of dwellings with the access road principally aligned in a north-east/south-west direction and spurs accessing the site to the north and south. Dwellings would front the road to both sides, other than at the periphery to the site, where dwellings would be accessed off private drives with external outlook from the site across the adjacent open fields. An attenuation pond is proposed to the south-west of the site with a further area of public open space to the north-west providing opportunity for an appropriately scaled play area (Local Equipped Area of Play - LEAP).

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, site notice and neighbours have been notified in writing.

Consultees

4.3 PARISH COUNCIL - Not received at the time of preparing this report.

4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Following review of the application, the Highway Authority and Lead Local Flood Authority raised various points regarding the design and layout. Subsequently advised no objection subject to: Closing of existing access; PROW connection; bus stop provision; pedestrian crossing upgrades; minimum infrastructure construction; contribution towards new traffic regulation order to move the speed limit; surface water drainage scheme; construction management plan and travel plan including bus pass contribution and monitoring fee.

4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received at the time of preparing this report.

4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received at the time of preparing this report.

4.7 ENVIRONMENTAL SERVICES (Contamination) - No response received at the time of preparing this report.

4.8 ELDC WASTE SERVICES - Advised that the refuse freighter will not drive onto any of the private drives/roads on this development nor will the waste collectors "walk out" bins from properties situated on these private drives/roads. For the avoidance of doubt it is expected that all residents will present their bins on the public highway for collection.

- 4.9 ENVIRONMENT AGENCY - No comments.
- 4.10 LCC EDUCATION - Requested a contribution of £1,184,058.84.
Further comments received following viability assessment- Object to a proposed reduced contribution of £236,707.20 which will not mitigate the impact of the development on the local education services.
Further comments received following further review of viability- Requested a reduced contribution of £785,164.38 following recalculation.
Following on-going discussion, formal comment on a further revised contribution of £667,400.00 is awaited
- 4.11 LINCS POLICE - Advisory comments regarding security and crime prevention.
- 4.12 ANGLIAN WATER SERVICES - The foul drainage from this development is in the catchment of Sibsey Water Recycling Centre which will have available capacity for these flows.
- 4.13 NHS - Request contribution of £50,215.00.
Further comments received following viability assessment - Object to proposed reduced contribution of £9,862.80 due to viability assessment which will not mitigate the impact of the development on the local health services.
Further comments received following further review of viability - Appreciate a need for affordable housing within this area however on this occasion still request a contribution of £42,600.00 to align with a pro-rata approach for securing mitigation as per LCC Education.
- 4.14 HOUSING STRATEGY - Note that no affordable housing provision has been proposed as part of the application on viability grounds and that a viability assessment has been submitted. Understand that this is in the process of being independently verified and once the independent assessment has been reviewed will then be in a position to comment on the affordable housing requirements. For information purposes, the normal affordable housing requirement in Sibsey would be 30% with a mix of tenures between affordable or social rented and First Homes. To summarise, the Local Housing Authority is currently unable to support this application until we have had the opportunity to review the outcome of the viability appraisal.
Further comments received following viability assessment - Considers a reduced provision/mix as reasonable, accepting the viability position. Note that the revised appraisal allows for increased monetary contributions and a significantly reduced affordable housing number. Wonders if it would be possible to increase the affordable number slightly and reduce the other contributions to allow a more even split. Suggests 14 affordable units comprising of 10 rent and 4 first homes and an appropriately reduced monetary contribution. On this basis, suggests the following mix:
10 rent: (4 x 1 bed, 4 x 2 bed, 2 x 3 bed)
4 First Homes (2 x 2 bed, 2 x 3 x bed)
(Affordable housing amended on the basis of these comments).

- 4.15 HERITAGE LINCOLNSHIRE (ARCHAEOLOGY) - Advise that Sibsey is mentioned in the Domesday Book of c.1086, and the postulated extent of the medieval settlement is mapped by the HER as extending into the proposal site. Medieval remains have been identified during archaeological investigations at several sites in Sibsey. These include geophysical survey and trial trenching to the east of the present course of the A16, where medieval settlement remains were identified within approximately 270m of the proposal site. The site of Porch House is recorded by the HER within the proposal site. This now demolished building is recorded as having been of 16th or 17th century date, with some possible 14th century worked stone noted within demolition rubble possibly indicating an earlier origin. An associated farmstead was also located within the proposal site. The farm buildings are now demolished, and the site is recorded by the HER as a 19th century farmstead. Buildings, ponds and boundaries are depicted here on the first edition 25" Ordnance Survey map published in 1888, which also shows the wider proposal site divided by east-west boundaries. A similar arrangement of buildings and boundaries is depicted on the 1812 Enclosure Map, indicating an early 19th century or earlier date for the farmstead. A WWII pillbox is recorded by the HER within the proposal site, but a recent heritage statement has concluded that this has likely been removed and the area under arable cultivation. It is therefore considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains so it is recommended that an archaeological evaluation be carried out. Formally recommends that an archaeological mitigation strategy be implemented. This should initially include a geophysical survey, to be followed by a programme of archaeological trial trenching to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation. Conditions can set out the stages of investigation to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation; that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site; the evidence (and any archive generated) is made publicly accessible in accordance with the National Planning Policy Framework.
- 4.16 DRAINAGE BOARD - A riparian watercourse exists at the northwest corner of the site and to which the Land Drainage Act applies: Under the terms of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. Please note the Board will not consent any permanent or temporary construction within the 9 metres BYELAW easement. Please refer to the Board's Nine Metre Easement Policy for further information: <https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution

(SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information: <https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>

The Board do not fully support the use of subbase reservoirs and questions their suitability as an effective long term SUDS solution.

While the Board understands Flood Risk Mitigation Policy seeks to ensure safe development and set the requirements for finished floor levels. The Board objects to ground level raising which increases the risk to those existing properties surrounding the site. Mitigation must be provided to eliminate this risk.

If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

SUDS/drainage response sent to LCC.

Neighbours

- 4.17 1 representation received:
- Request Swift bricks be incorporated into the development
- 4.18 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT PLANNING HISTORY

- 5.1 S/152/02224/19 - Outline erection of up to 80no. dwellings (with means of access to be considered). Approved 18/06/2020 - now expired.

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 (confirms Sibsey as a Large Village)

SP2 - Sustainable Development

SP3 - Housing Growth and the Location of Inland Growth (confirms that housing growth will be located in the identified inland towns and Large Villages including Sibsey.

SP7 - Affordable and Low Cost Housing

SP10 - Design

SP11 - Historic Environment

SP16 - Inland Flood Risk

SP22 - Transport and Accessibility
SP24 - Biodiversity and Geodiversity
SP25 - Green Infrastructure
SP26 - Open Space, Sport and Recreation
SP28 - Infrastructure and S106 obligations
SPDPD1 - Housing (confirms that the District housing supply will be delivered through identified allocations)

National Planning Policy Framework (NPPF)

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 this Location**
 - **Impact on the Character of the Area**
 - **Impact on the Amenity of Neighbours**
 - **Highway safety and Capacity**
 - **Surface and Foul Water Disposal**
 - **S.106 matters including Affordable Housing and Other Contributions**
 - **Other matters - Impact on TPO's, Archaeology and Biodiversity Net Gain**

Principle of the Development in this Location

- 7.2 The site is located to the northern end of Sibsey which is defined as a large village in the East Lindsey Local Plan. The southern half of the application site is further identified as a housing allocation within the East Lindsey Settlement Proposals Development Plan Document. Relevant planning policy, with specific reference to SP3 and SPDPD1, supports the principle for residential development for such allocations in terms of ensuring delivery of the Councils housing needs. Furthermore, as can be seen from the site history above an outline application for the same, larger site area was approved in 2020 under the same policies (albeit this has now expired).
- 7.3 In considering further the principles for development of the larger site, the East Lindsey Housing Strategy is significantly focussed on the delivery of confirmed allocations with their non-delivery having the potential to weaken the Councils' 5-year housing land supply position. Significant weight should therefore be given to the delivery of the allocated site. Furthermore, it is also relevant to note the policy support given in SP3 for the release of windfall sites in the Large Villages when considered to be an 'appropriate location'. Such windfall support is given in the context of the allocations provision not being regarded as a 'ceiling' or limit to further development. To qualify as an 'appropriate location' the policy requires (amongst other things) that the site, if developed would retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; not significantly harm the character and appearance of the

surrounding countryside or the rural setting of the village and be connected to the settlement by way of a footway. This site fully satisfies those considerations as an 'appropriate location' and in such circumstances, the principle for its development is supported by adopted policy. That assessment and adopted policy position was accepted in the grant of the previous outline permission S/152/02224/19 for 80 dwellings on the site.

- 7.4 As members are aware, the NPPF sets out the Government's planning policies for England and how these should be applied. It is also confirmed as a material consideration in planning decisions. The NPPF was recently updated (December 2024) and amongst other things advised that *'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed'*. Furthermore, *'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance'*. The revised NPPF and associated Planning Practice Guidance (PPG) confirms a new standard method of calculation for determining local housing need requirements.
- Together with the issue of the revised NPPF and the publication of the Government's response to the consultation of the proposed reforms, clarification was given of revised indicative local housing needs based on the revised standard calculation methodology. For East Lindsey, that indicative figure suggests an increase in requirement to 1009 per annum (the current Local Plan requirement is for 558 dwellings per year). That revised, and likely significant housing need increase is therefore, also considered as a material consideration, giving further emphasis on a need to ensure a healthy supply of deliverable housing sites. In such circumstances, the principle for development of this site in ensuring an on-going supply of deliverable housing land is considered acceptable.

Impact on the Character of the Area

- 7.5 SP10 of the Council's Local Plan relates to the design of new development. It sets out criteria by which the Council will support well-designed sustainable development which maintains and enhances the character of the district's towns, villages and countryside. This advice is reiterated in the National Planning Policy Framework in paragraph 135. The layout for this proposal follows the principles of the layout from the previous outline approval. It would provide a form of development that would ensure full integration with the existing village form as well as providing due reference to its immediate open countryside and established neighbour context. The proposal provides a mix of two storey houses and a two-storey block of four flats. Clause 4 of SP10 states that development should provide on-site landscaping to integrate the development into its wider surroundings and make provision for open space. Indicative landscaping is shown on the layout plan which includes tree lined streets and areas of planted green space which complement the layout and would provide an attractive development. In line with SP25 suitable areas of open space and landscaped areas are also included. In accordance with the requirements of

SP26, the development would allow for an appropriate standard of play area to be provided strategically within the scheme which can be secured by condition. The layout is therefore considered acceptable and would satisfy requirements of adopted design policies and the NPPF. Conditions can ensure appropriate materials are used in the buildings to compliment the character of the area and for an appropriate landscaping scheme to help assimilate the development and provide attractive streets and areas of public open space. Clause 9 of SP10 relates to the water consumption standard for water scarce areas. In accordance with normal development management practice, this can be secured by condition. Refuse bin collection points have been shown on the private drives however these will need to be directly adjacent to the adopted public highway. That detail can be secured by condition.

Impact on the Amenity of Neighbours

- 7.6 SP10 of the East Lindsey Local Plan and paragraph 135 of the NPPF recognise that new development should promote health and well-being with a high standard of amenity for existing and future users. The layout confirms that the proposed dwellings would be able to benefit from acceptable levels of private amenity provision and also provide for suitable relationships with existing neighbouring residential dwellings. The proposed layout would have a row of houses backing on to the properties in Page Close. However, distances from the proposed houses to the rear boundaries of these existing properties varies between 13.39 m and 17.26m and the distances between the rear elevations of the proposed houses and existing properties is a minimum of 21.5m. The proposed house on Plot 26 is closer to the rear boundary of the properties known Avocet Lodge and East View however this house would be sideways on to the rear boundary of these two existing boundaries with only a bathroom window at first floor. It is concluded therefore that the proposed and existing dwellings would have an acceptable relationship and not result in a significant loss of privacy or be overbearing on the existing neighbours. Amenity relationships and provision for the proposed new dwellings is also considered acceptable. It should be noted that the existing access which is directly adjacent the properties on Page Close would be closed off and the access to the proposed estate would be further away to the north. Closure of the existing access can be secured by condition.

Highway safety and Capacity

- 7.7 SP22 of the Local Plan sets out that the Council will support development in or adjoining towns, large and medium villages where it is accessible to key facilities. The Highway Authority has considered the detail of the proposal and finds that it is acceptable in terms of the internal layout and design. It is proposed to close off the existing access point directly adjacent to properties on Paige Close and provide a new access further north. The new access would fall outside of the current 40 mph speed limit. LCC Highways Authority require a Traffic Regulation Order to extend the speed limit and move the signs, the cost of this can be secured through a S106 Legal Agreement - the

applicant has agreed to this. LCC Highways Authority has also requested the provision of two bus stops and pedestrian crossing improvements. The applicant has agreed to the provision of the bus stops. The pedestrian crossing improvements refer to upgrading the crossing points over Millars Gate and Dorothy Close junctions with tactile paving. The Millars Gate junction with Main Road is just to the south of the site leading into the centre of the village which occupiers of the site would have to cross to access the services and facilities in the village - the applicant has agreed to the provision of this crossing. The Dorothy Close junction is on Frithville Road leading to the village hall and is further away from the site. Whilst the Highways Authority and your planning officers consider it a reasonable and justified requirement to improve this junction with tactile paving the applicant has questioned the requirement. Nevertheless, given the above consideration, it is proposed to be secured by condition. The Highways Authority have requested a link from the application site to the existing Public Right of Way (PRoW) which is located to the west of the site. Whilst this was a requirement of the previous outline permission this applicant does not own the land between the application site and the PRoW and such a request would be reliant on a third party who has not indicated a willingness to provide the link. The changed circumstances mean that such provision is not now considered to be reasonable or practically achievable in this case. A condition can be included to secure a construction management plan as requested by the Highway Authority in order to minimise the impact of the construction of the development on the neighbours amenity and to the highway network.

Surface and Foul Water Disposal

- 7.8 SP16 of the Council's Local Plan relates to inland flood risk and requires that all new development must show how it proposes to provide adequate surface water and foul water disposal. It is proposed that foul water disposal from the development would be via the main Anglian Water foul sewer within Main Road. Anglian Water has confirmed that the Sibsey Water Recycling Centre will have available capacity for these flows. An integrated sustainable surface water drainage system is proposed. The system will incorporate swales and an attenuation basin with a restricted discharge rate into the existing watercourse so as to mimic the natural drainage regime and negate the potential for increasing flood risk off site. LCC as Lead Local Flood Authority is satisfied with the principles of the surface water system proposed and the final details of the scheme can be secured by condition.

S.106 Matters including Affordable Housing and Other Contributions

- 7.9 SP7 supports the delivery of affordable and low cost housing in the towns and large villages across the District. In the Medium and High Value Areas (as set out in the Economic Viability Assessment), on sites of 15 or more houses the Council will seek a 30% developer contribution towards the provision of affordable housing. However, clause 2 of the policy goes on to set out that this will apply unless it is demonstrated by a detailed and robust site specific assessment,

commissioned by the developer and carried out by an accredited person, that the viability of the development would be compromised such that a reduced level of contribution would be justified. For clarity, the Council's first choice for the affordable housing provision will be mixed tenure sites and on site provision, integrated through the site. The supporting text for the policy outlines that the affordable units provided on a site should be 70% rented properties and 30% shared ownership.

- 7.10 Through consultation, NHS Lincolnshire Integrated Care Board has requested a financial contribution of £50,215.00. Their consultation response outlines their calculations and details that the development would generate, based on the average of 2.2 people per dwelling in East Lindsey: an increase in patient population of 183. This figure is consequently used to calculate the increase in nurse and GP consulting time (an increase of 4.8 hours per week of GP consulting time and 1.3 hours of nurse consulting time) as demonstration that the development would place extra pressure on existing provision. Their formula results in a request of £605 per dwelling which is fully evidenced in their consultation response, as mitigation for impact on the Stickney Surgery, Old Leake Medical Practice, Parkside Medical Centre, Greyfriars Surgery, Liquorpond Surgery and The Sidings Medical Practice as the development is within their catchment areas.
- 7.11 LCC Education also responded and initially advised that the development would result in an increase of 30 primary school children, 19 secondary and 7 sixth-form children. Using their formula which is detailed in full within the consultation response, the level of contribution sought from the scheme was tabled as £1,184,058.84. This would be spent on the following: £475,524 on education provisions in Sibsey Free Primary school; £517,775.46 on education provision in Boston Secondary planning area and £190,759.38 on education provision in the Boston Secondary planning area for sixth-form provision. On recent review, the education contribution was recalculated given the time that has past since the application was first submitted. The recalculation indicates that the primary school need is now greater, however Stickney William Lovell Secondary School is now predicated to have capacity. The revised request therefore sets out that there would be an increase of 30 primary school children and 7 sixth-form children. Using their formula which is detailed in full within the consultation response, the level of contribution now sought from the scheme is £785,164.38 and would be spent on the following: £594,405 on education provisions in Sibsey Free Primary school and £785,164.38 on education provision in the Boston Secondary planning area for sixth-form provision.
- 7.12 When first submitted, the application detailed that the development would not be viable should financial contributions be required or provision of affordable housing. A Viability Report was submitted by the applicant to demonstrate this. The report details that the viability appraisal shows that a

policy compliant scheme for 83 units with 30% affordable dwellings and S106 contributions of £500,574 would show a financial deficit.

7.13 In accordance with policy expectations, the Council appointed a third party to assess the applicant's Viability Report. The methodology of the applicant's Viability Report was critically reviewed in the context of updated and higher contribution requests to those made for the previous outline permission. The findings of the review advised that the development would be viable with 10% affordable (8 units) and full S106 contribution (£1,234,273.84).

7.14 Further information was consequently provided by the applicant as a counter response and a revised critical assessment on behalf of this authority suggested three viable options for the consideration of the proposal in essence these were:

Option 1 - 10% affordable (8 units) revised S106 contribution of £246,570.00; or

Option 2 - 12 affordable with no contributions; or

Option 3 - No affordable and S106 contributions of £710,000.

This would provide the following. (*Contributions have been pro rata from the total amount set out below given that the need to mitigate impacts on health and education services are considered to carry equal weight in the planning balance*).

Option 1 - 10% affordable (8 units), NHS contribution £14,794.20 and Education £231,775.80.

Option 2 - 12 affordable units and no contributions.

Option 3 - No affordable and NHS contribution £42,600 and Education £667,400.

7.15 The applicant has agreed to accept the results of these findings. The viability position is therefore considered as a legitimate and material consideration for this proposal. The dilemma in considering this proposal therefore is that, should planning permission be forthcoming, viability considerations indicate that the development would not be able to fully comply with policy requirements for inclusion of affordable housing and full mitigation towards impacts on health and education impacts. Furthermore, in considering the 'planning balance', in practical terms, a decision would need to be made as to where greatest weight should lie for determining which option (if any) was most acceptable. In that respect, it is your officers opinion that (as set out above in paragraph 7.9) SP7 explicitly provides support for reduced level of affordable housing provision should it be demonstrated that the viability of the development would be compromised. A similar explicitly flexible policy position is not set out within SP28. That policy sets out the criteria for considering infrastructure and S106 obligations and requires developer contributions on major schemes to be sought towards the delivery of infrastructure where it is shown to be necessary for the development to proceed. It is therefore considered that, notwithstanding the need across the district for affordable housing, given the viability justification, the lack of affordable housing provision as part of this scheme would still be acceptable

in terms of SP7.

- 7.16 The policy requirement of SP28 for major housing schemes to 'wash it's face' in terms of addressing impacts arising from the development is not essentially 'excused' by adopted policy such that it is considered, greater weight should be given to the need in addressing those impacts. In such circumstances, your officers opinion is that both Options 1 and 2 would result in a level of harmful, unmitigated impact such that the proposed scheme should not be supported. The responses from the NHS and Education Authority as consultees also effectively confirm a similar stance in terms of adequacy of mitigation.
- 7.17 Undoubtedly, any development should ideally ensure delivery of necessary infrastructure, including through mitigation of its impact on consequential service requirements. In this case due to the viability of the site, full mitigation as originally requested by the NHS and LCC Education, even on the basis of Option 3 is not possible. Further discussion with the relevant consultees was therefore undertaken, such that as noted in the revised consultee responses, following review, it is understood that Option 3 is now considered to provide an acceptable level of mitigation.
- 7.18 On balance, therefore, it is considered that adequate mitigation for impacts on health and education can be secured through a s.106 obligation.
- 7.19 LCC Highways Authority also requested the submission of a Travel Plan and for it to potentially include a contribution for redeemable free bus passes for two residents per dwelling for one year which is expected to cost up to £160,000 and a further £5000 monitoring fee. The indicative threshold for the submission of a Travel Plan, as noted in the East Lindsey Local Plan is in respect of development greater than 80 dwellings. However, the Highway Authority's initial response did not require a Travel Plan and given that one was not requested for the previous permission, it is considered unreasonable now. Furthermore, given the viability issues set out above for this development, it would be unlikely for the requested bus pass provision to be achieved.

Other matters - Impact on TPO's, Archaeology and Ecology/Biodiversity Net Gain (BNG)

- 7.17 Records indicate that there are three trees which are protected by a Tree Preservation Order along part of the front eastern roadside boundary close to Paige Close, one remains and another in very poor health. These trees are shown to be retained on the plans and a condition can ensure they are fenced off during construction in order to protect them and their root protection area.
- 7.18 SP11 of the Council's Local Plan relates to the impact of development on heritage assets. As set above at paragraph 4.15 the site has the potential for archaeology. The conditions set out below can ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any

possible archaeological remains on the site; the evidence (and any archive generated) is made publicly accessible in accordance with the National Planning Policy Framework and SP11.

- 7.19 The application was submitted prior to BNG legislation coming into force. An Ecology Impact Assessment was submitted. The report concludes no significant impact on protected species and no mitigation is required.

8.0 CONCLUSIONS

- 8.1 The application site comprises a part allocated site within the adopted Local Plan with an additional area adjoining the allocation which satisfies locational requirements. Mindful of emerging Government policy for delivery of increased housing numbers together with a site history for grant of planning permission under the same policy context, the principle of development on the site is considered acceptable.
- 8.2 The application has demonstrated that the proposal would provide for a good quality layout and design of housing without adverse impact on neighbour amenity, local character, archaeology, ecology, highway safety and would also provide acceptable areas of play and public open space.
- 8.3 There are no technical obstacles to the development of the site.
- 8.4 However, the proposed development would not be viable should policy requirements for provision of affordable housing and financial contributions for mitigation of impacts on health and education services be necessary. Although delivery of affordable housing is undoubtedly desirable, the adopted policy position accepts reduced provision where viability justifies that position. That is the case for this proposal such that, in the evidenced circumstances, a lack of provision is not considered to weigh heavily against the proposal when considered in the balance. Equally, an originally sought full provision of contribution for mitigation of impacts on health and education has been shown as not deliverable. That would be a weakness of the development and weigh against it in determination. However, through negotiations with the applicant, the NHS and the Education authority, a level of financial contributions towards local NHS and education service provision can be secured that is now understood to be accepted as adequate by those parties. That revised position is therefore given weight and no longer represents an unacceptable outcome of the proposal.
- 8.5 On balance, notwithstanding the viability position and potential lack of affordable housing being provided, but with weight being given to the updated Government position for boosting the supply of homes, it is considered that the proposal accords with policy and objectives of the East Lindsey Local Plan and NPPF and can be supported in the terms as outlined in this report.

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.

6.0 RECOMMENDATION

Approve subject to satisfactory completion of a Section 106 obligation as outlined in the report.

RECOMMENDATION: Approve

subject to the following conditions:

1. Full planning permission
The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents, and any drawings approved subsequently in writing by the Local Planning Authority pursuant to any conditions on this decision letter.

23-895-01 - Location Plan 11/10/2024	Received by the LPA on
23-895-02 Rev A - Planning Layout Plan 28/02/2024	Received by the LPA on
MA11502-200 D - (Finished Floor Levels Only) 28/02/2024	Received by the LPA on
23-895-10A - A Type 03/11/2024	Received by the LPA on
23-895-11A - B Type 03/11/2024	Received by the LPA on
23-895-12A - C Type 03/11/2024	Received by the LPA on
23-895-13A - D Type 03/11/2024	Received by the LPA on
23-895-14A - E Type 03/11/2024	Received by the LPA on
23-895-15A - F Type 03/11/2024	Received by the LPA on
23-895-16A - G Type 03/11/2024	Received by the LPA on
23-895-20B - H Type 03/11/2024	Received by the LPA on
23-895-17 - H Type Floor Plans	Received by the LPA on

11/10/2024	
23-895-18A - I Type	Received by the LPA on
03/11/2024	
23-895-19A - J Type	Received by the LPA on
03/11/2024	
23-895-21 - Garages	Received by the LPA on
03/11/2024	
23-895-22 - Garages	Received by the LPA on
11/10/2024	

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

- 3 No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:

- Phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- construction working hours and hours for construction deliveries;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated materials; and
- strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during the construction.

The Construction Management Plan and Method Statement shall be strictly adhered to through the construction period.

Reason: 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 and to ensure that suitable traffic routes and working hours are agreed. The condition is imposed in accordance with SP10 and SP16 of the East Lindsey Local Plan.

- 4 Prior to the commencement of the development hereby permitted all trees shown to be retained on the approved plans shall be fenced off to the limit of their Root Protection Area in accordance with BS 5837:2012. The fencing shall consist of a braced scaffold framework of not less than 2m height, with vertical tubes spaced at a maximum interval of 3m and with weldmesh panels securely fixed with wire or scaffold clamps, as outlined in the above British Standard. No works (including removal or mechanical levelling of earth), storage of materials (including soil), vehicular movements or siting of temporary buildings shall be permitted within these protected areas and the fencing shall remain in place for

the duration of the construction.

Reason: In order protect the existing landscaping in terms of the visual amenity of the area in accordance to SP10 and SP23 of the East Lindsey Local Plan.

- 5 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

- 6 The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

- 7 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site and in accordance with the National Planning Policy Framework.

- 8 Prior to the first occupation of any dwelling hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority

shall be carried out in its entirety within the first planting season following the date on which that phase of the development is completed or in line with a timetable agreed in writing with 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 the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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.

- 9 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 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 5.7 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 is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

- 10 Prior to the first occupation of any dwelling hereby permitted a plan illustrating all areas of publicly accessible open space along with a management and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority and shall thereafter be so maintained.

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

- 11 Prior to the first occupation of any dwelling hereby permitted a plan illustrating the design details of the Locally Equipped Area of Play along with a management and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority and shall thereafter be so maintained.

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

- 12 Notwithstanding the submitted drawings prior to the first occupation of any dwelling hereby permitted details of refuse bin collection points, including management and maintenance, at the end of each private drive and directly adjacent to the highway to be adopted shall be submitted to and approved in writing by the Local Planning Authority. The refuse bin collection points shall be provided prior to the occupation of any the dwellings to which each collection point relates and so maintained thereafter.

Reason: In order to provide refuse 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.

- 13 No works above ground level shall take place on any of the dwellings or garages until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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.

- 14 Within seven days of the new access being brought into use, the existing access onto Main Road shall be permanently closed and returned to footway construction with full height kerbs in accordance with the Lincolnshire County Council specification current at that time.

Reason: To remove vehicle access points in the public highway that are not required and no longer serve their intended use. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 15 No dwelling hereby permitted shall be occupied before the works to improve the public highway, by means of providing two bus stops, associated infrastructure and crossing point, have been certified complete by the Local

Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the development. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 16 No dwelling hereby permitted shall be occupied before the pedestrian crossing between the site and Sibsey Village Hall have been upgraded to tactile crossing points. The first over Millers Gate and the second over Dorothy Close, to improve the existing footway network for vision impaired pedestrians They should be provided in accordance with Lincolnshire County Council specification current at that time. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the development, without increasing flood risk to the highway and adjacent land and property. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 17 Before any dwelling hereby permitted is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 18 The dwellings shall not be occupied until the Building Regulations Optional requirement Part G(2)(b) has been complied with.

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.