



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

5 September 2024



### S24/0617

|                                   |   |
|-----------------------------------|---|
| Proposal:                         | Outline planning application for up to 80 dwellings, including vehicular access, pedestrian and cycle links, public open space, landscaping, drainage and associated works (All matters reserved except access) |
| Location:                         | Land South of A15 West of Peterborough Road, Market Deeping   |
| Applicant:                        | c/o Agent   |
| Agent:                            | Bidwells, 199 Avebury Boulevard, Central Milton Keynes  |
| Application Type:                 | Outline planning permission (All matters reserved except access)  |
| Reason for Referral to Committee: | Section 106 Agreement containing financial contributions  |
| Key Issues:                       | Principle of Development<br>Impacts on the character of the area<br>Impacts on others' private amenity<br>Highway safety/parking<br>Drainage/flood risk<br>Sustainability                                       |
| Technical Documents:              | Biodiversity Net Gain Metric<br>Baseline Habitat Plan<br>Flood Risk Assessment<br>GEO Environmental Study<br>Land Use Parameter Plan<br>Master Strategy Plan (Rev B) (Indicative Only)                          |

#### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Market and West Deeping**

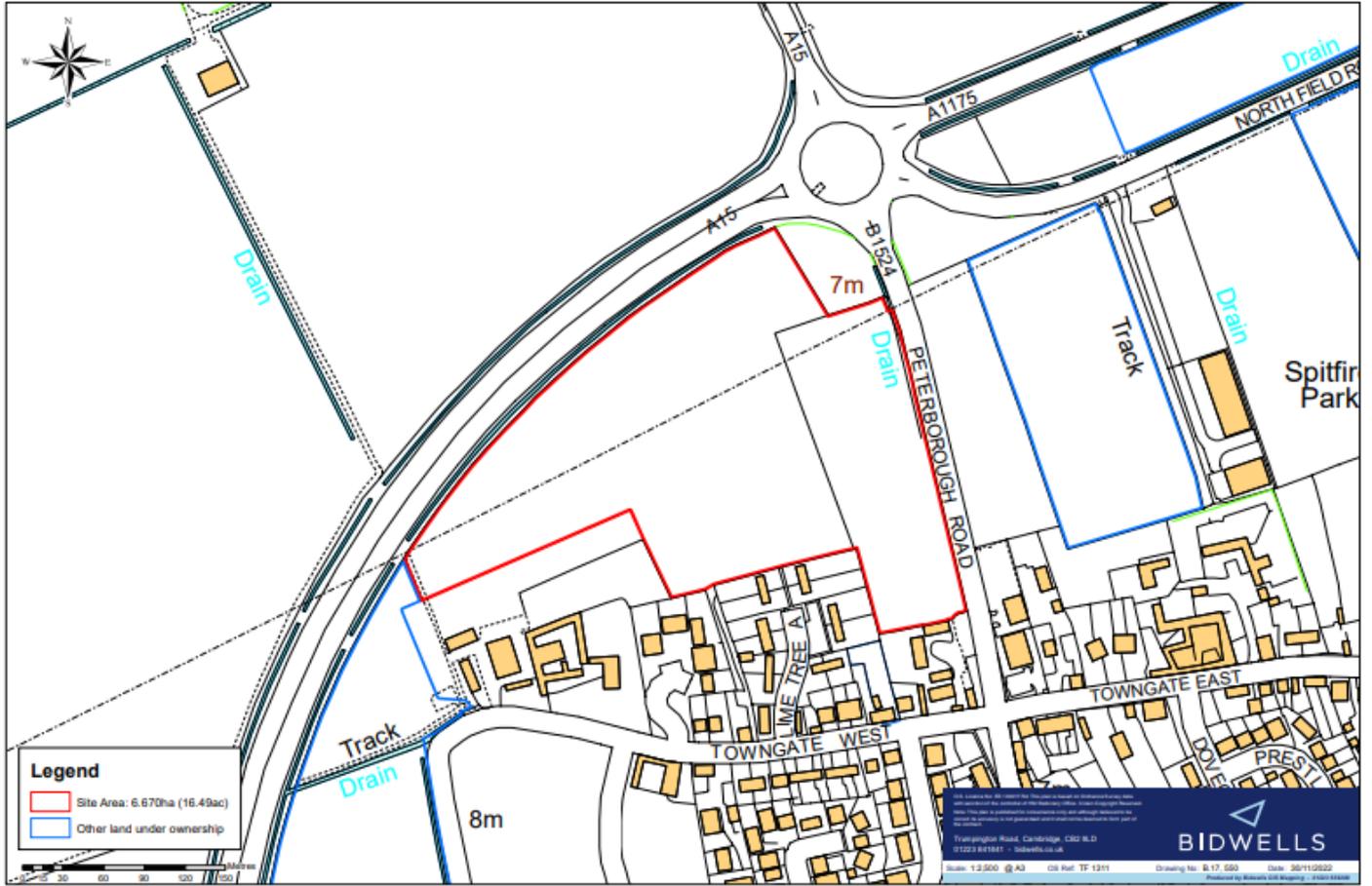
**Reviewed by:**

Adam Murray – Principal Development Management Planner

23 August 2024

## **Recommendation (s) to the decision maker (s)**

To authorise the Assistant Director – Planning to GRANT planning permission – subject to conditions and subject to the completion of a Section 106 Agreement.



## 1 Description of Site

- 1.1 The application site is located to the north-west edge of Market Deeping, to the south of the A15 and to the west of Peterborough Road. The site comprises 6.7ha and is currently used as arable and scrub grassland. The site is split into two fields, the western field is used for agricultural (arable) purposes and the eastern field is part scrub land. Existing boundaries comprise hedgerow and trees. The Deepings Neighbourhood Plan proposes that the route of the 'Deeping Green Walk' would cross from Peterborough Road to the east of the site through to the adjacent field to the south-west.
- 1.2 The application site includes allocated site DEP1-H1: Towngate West (SKLP254), plus the surrounding land to the north and west between the allocation and the A15 to the north. The allocation is shown below:



1.3

## 2 Description of Proposal

- 2.1 The proposal is for Outline Planning Permission for the erection of up to 80 dwellings, including vehicular access, pedestrian and cycle links, public open space, landscaping, drainage and associated works (All matters reserved except for access).
- 2.2 The Proposed (indicative) Masterplan Strategy (ref: UDS73162-A3-0201 Rev B) provides details of the proposed layout to show how residential development can be accommodated and delivered on site. This is a requirement under the criteria of Policy DEP1-H1, which states a "comprehensive masterplan" is required for the site. The residential dwellings and built form have been contained to the allocated area of the site, with the wider area of the site offering open space, drainage and biodiversity net gain features.
- 2.3 The site is proposed to be accessed off Peterborough Road via a 5.5m wide vehicular access point with footways either side. Three pedestrian access points are also proposed to be included.

## 3 Relevant History

- 3.1 There is no planning history relating to this site.

## 4 Policy Considerations

- 4.1 **SKDC Local Plan 2011 – 2036**

Policy SD1 'The Principles of Sustainable Development in South Kesteven'  
Policy SP1 'Spatial Strategy'  
Policy SP2 'Settlement Hierarchy'  
Policy SP3 'Infill Development'  
Policy SB1 'Sustainable Building'  
Policy H1 Housing Allocation  
Policy H2 Affordable Housing Contributions  
Policy H4 Meeting All Housing Needs  
Policy EN5 'Water Environment and Flood Risk Management'  
Policy EN2 'Protecting Biodiversity and Geodiversity'  
Policy DE1 'Promoting Good Design'  
Policy ID2 'Transport and Strategic Transport Infrastructure'

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

Chapter 4 'Decision Making'  
Chapter 5 'Delivering a sufficient supply of homes'  
Chapter 6 'Promoting sustainable transport'  
Chapter 12 'Achieving well-designed and beautiful places'  
Chapter 14 'Meeting the challenge of climate change, flooding and coastal change'  
Chapter 15 'Conserving and enhancing the natural environment'

#### 4.3 **Neighbourhood Plan**

The Deepings Neighbourhood Plan (Made 29 June 2021)

#### 4.4 **Supplementary Planning Document:**

Design Guidelines for Rutland and South Kesteven (November 2021)

### **5 Representations received**

#### 5.1 **LCC Highways & SuDS Support**

- 5.1.1 The principle of development is acceptable. As this is an outline application with only access to be considered, the layout has not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning, drainage and layout as detailed within the Lincolnshire County Council Design Approach.
- 5.1.2 The site is located to the Northwest of Market Deeping at the edge of the town, the speed limit along the majority of the site frontage is a national speed limit, drooping down to a 30mph speed limit towards the proposed entrance, the site does benefit from a footway / cycleway along the front, however, this is very narrow and not to modern day specification.
- 5.1.3 Market Deeping Cycling and Walking Network Plan puts a strong emphasis on improving the footway and cycleway network within the Town and this should be a key focus of any development proposals coming forward. As such, the Highway Authority are requesting a S106 contribution of £50,000 towards implement parts of the plan and a condition to improve the frontage footway cycleway to modern day standards, this could be widening the current footway cycleway or rerouting it through the development.

5.1.4 Furthermore, the crossing point on Peterborough Road needs upgrading, the Highway Authority have investigated the provision of a controlled crossing as this would be desirable for the community, however it didn't meet the adopted LCC policy criteria at this time. Therefore, the Highway Authority are requesting a condition to improve this crossing point into an island crossing, this will aid the safe crossing of pedestrians and cycles, not only for the existing users of this network, for the increased use generated from the development and the Deepings walking loop to the service station.

5.1.5 As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The applicant hasn't yet provided a suitable drainage strategy for the site backed with relevant testing. As this is an outline application with only access to be considered, please make the applicant aware of the requirements for SuDs, that include water cleansing, when a reserved matters application is made, we expect a fully compliant drainage strategy to be submitted should not utilise the use of pipes and gullies as a means of managing the surface water.

5.1.6 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and it is expected that a suitable drainage strategy to manage surface water, backed up with relevant testing should be obtainable, therefore removing surface water flood risk and therefore the Highway Authority does not wish to object to this planning application.

5.2 **Lincolnshire County Council (Education)**

5.2.1 The level of contribution sought in this case is in line with the below table:

| Type                 | Places to be mitigated | Contribution per place* | Sub-total       | Local multiplier** | Lincolnshire contribution per place | Total contribution requested |
|----------------------|------------------------|-------------------------|-----------------|--------------------|-------------------------------------|------------------------------|
| Secondary extension  | 6                      | £26,717                 | £160,302        | 2.00               | £27,251.34                          | £163,508.04                  |
| Sixth-form extension | 4                      | £26,717                 | £106,868        | 2.00               | £27,251.34                          | £109,005.36                  |
| <b>Total</b>         | -                      | -                       | <b>£267,170</b> | -                  |                                     | <b>£272,513.40</b>           |

5.3 **NHS Integrated Care Board**

5.3.1 The contribution requested for the development is £52,800.00 (£660 x 80 dwellings).

5.4 **Deepings Neighbourhood Plan Group**

5.4.1 In summary we support the principles of this scheme. It has been well thought through. However, in the event of an approval, care must be taken with Conditions and a Legal agreement to help ensure that the quality extends into detailed design and implementation.

5.4.2 Density: We support the density proposed, subject to a review of the Reserved Matters submission when received.

5.4.3 Open Space: This is very welcome and will be offering certainty for the fields that are no subject of built development.

Access: If a second access is sought (as seems to be favoured by LCC Highways) then the presently shown pleasant rural/urban balance will be upset for very small highways convenience gains. East-west walking and cycling routes (aka Deepings Green Walk) Welcomed to create a new section of the Green Walk. Connection to Limit Tree Avenue is limited to cycle and pedestrian access. This is welcomed, provided care is taken to protect residents' privacy.

5.4.4 Affordable Housing Mix: We recommend that future housing mix refers to the forthcoming Deepings Housing Needs Study when produced around August 2024.

5.4.5 Layout: We recommend a footnote is used to draw attention to this when reserved matters are drawn up to ensure on-street parking is planned in with sufficient projecting planted bays in the street to prevent a parked-car dominated street.

5.4.6 Transport: The Transport Statement is not strong on non-vehicular access. It presents a rosy picture of pedestrian and cycle access. Local routes are well used but they are not safe, thereby their full potential is not realised. There is not the 'strong level of cycle infrastructure' alleged on page 15 of the TP. 30mph speed limit changes welcomed. We recommend: Cycle enhancements need to be included as part of Highway agreements or a s106 (see below).

5.4.7 Crossing Point: It is likely that the development will create an increase in journeys by foot/bike between the locality and the convenience store/fuel filling service station to the north. This has been observed associated with the new housing development off Northfield Road. It is noted that the convenience store located at the service station is the closest shop to the development. Additionally, it has longer opening hours than many other shops in The Deepings. The development should therefore make contributions to maximising the safety of such journeys. Improvements are needed to the crossing point adjacent to the proposed development's site on Peterborough Road which is on the route to the service station. We would offer two suggestions as to how the route between the proposed development and the service station.

A. One option would be for the footway on the east side of Peterborough Road to be extended further south and the crossing point moved further south. This would provide safer opportunities to cross the road, further away from the roundabout where visibility is more limited. This is particularly important given the current 60 mph speed limit. The safety of all the crossing points around the roundabout could be improved by some significant cutting back of vegetation which has been neglected for quite some time.

B. An alternative approach could be to instead extend the pavement on the west side of Peterborough Road to meet the roundabout and crossing points on the A15/A1175 dual carriageway to then connect with the existing path to the service station. While we would be concerned that this would involve pedestrians crossing two lanes of traffic adjacent to the roundabout, we acknowledge that pedestrians will often seek out the most direct route and so constructing this route properly may be beneficial.

We would expect and encourage a reduction in the speed limit on Peterborough Road alongside the proposed development and the site to the east of Peterborough Road which is also allocated in the local plan.

5.4.8 We recommend these S106 or condition request Conditions

- The parameters plan on page 82 of the D&A is helpful but needs to be secured with conditions.
- Important Gateway to be better identified. The parameters plan does not provide stress to the need for a high quality gateway treatment on the Peterborough Road frontage.
- Frontage. A specific scheme to show retention and improvement of the frontage hedge to Peterborough Road (accepted at page 73 of the D&A).
  - Solar power potential to be optimised in layout. Detailed submission needed to show how potential solar power installations are maximised with south facing roof slopes.
  - Completion of the Green Walk connection (cycle and pedestrian) from the site westward to meet with Public footpath MD1 and the highway at Towngate West/Millfield Road. This should be largely done prior to first occupation, or some other enforceable trigger.
  - Power lines to be underground.
  - Pumping stations or utility apparatus to be located discretely (not exposed next to play areas) and masked with landscaping.

## 5.5 **Anglian Water Services**

5.5.1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

5.5.2 The foul drainage from this development is in the catchment of Deeping Water Recycling Centre that will have available capacity for these flows.

## 5.6 **Welland and Deeping Internal Drainage Board**

5.6.1 The proposed surface water discharge meeting the Board's accepted Greenfield run-off rate of 1.4 litres per second per hectare is agreeable with the Board in principle but will require an application for consent to discharge surface water to be made to the Board prior to connection.

5.6.2 In line with current recommendations, the use of SUDS should be considered as a first approach to dealing with surface water run-off. Lincolnshire County Council, as Lead Local Flood Authority, will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them.

## 5.7 **Lincolnshire Wildlife Trust**

5.7.1 We are encouraged to see the application proposes to create a 44.98% and 10.42% of habitat and hedgerow units respectively through the sizeable provision of greenspace. The outline plan features a mosaic of habitats across the site as well as corridors of habitat along vehicular and pedestrian routes. The biodiversity units stated in the metric need to be actioned via a habitat management and monitoring plan for the full 30-year period required by the Environment Act. This can be achieved through a planning condition providing permission is granted for the development.

## 5.8 **SKDC Affordable Housing Officer**

- 5.8.1 The NPPF requires all developments of 10 or more dwellings be made up of 30% affordable house.

The Strategic Housing Market Assessment (SHMA) recommends 60% affordable rent/ 40% affordable ownership (25% of all AH must be First Homes as set out in the NPPF)

The development proposes:

30% of 80 = 24 affordable housing units, which meets the SKDC Policy H2

14 units of affordable rent

10 units of affordable ownership

No objections to the proposed development, subject to appropriate housing and tenure mix.

## 5.9 **SKDC Environmental Protection Officer**

- 5.9.1 Environmental Protection has reviewed the Phase 1 ground assessment and agree with the conclusions that the land proposed for the development is low risk from its past historical uses and would not necessarily be contaminated or need any significant remediation schemes. Environmental Protection would require (for the scale of such development) and as the Phase I report recommends that a phase II intrusive ground assessment is undertaken.

- 5.9.2 Environmental protection has reviewed the acoustic report submitted for the proposed development and agree with the results from the acoustic measurements and assessment in relation to any noise mitigation proposed for the development. From the initial masterplan for the site layout the developer has left the area closest to the A15 dual carriage way as open area to include LAP, footpath and planting. This does assist in mitigating the potential of noise impact from road traffic using the A15 by pulling back the proposed residential properties into the middle and Northeastern part of the overall site. As the developer fully finalises the site masterplan then a further acoustic assessment would be needed to model the impact of noise and revise any proposed mitigation measures.

- 5.9.3 Environmental Protection would recommend that the applicant produces a construction management plan for the construction phase of the proposed development to mitigate the impact of issues such as construction noise and dust to any nearby sensitive receptors.

## 5.10 **SKDC Conservation Officer**

- 5.10.1 The proposed layout of the site will result in minimal harm to the significance of the listed buildings on Towngate West. The listed buildings were previously used for agricultural purposes but are now have a residential use. The setting of these assets will be impacted as the rural setting does add to the character and overall significance of these assets. The impact of the setting has been mitigated by the decision to locate the development on land at the eastern end of the development site and the area directly to the rear of the listed buildings will be open space, which allows an understanding of their rural location. The proposal therefore will result in minimal harm to the surrounding heritage assets and will not affect the heritage assets overall significance

## 5.11 **Historic England Comments**

- 5.11.1 We suggest that you seek the views of your specialist conservation and archaeological advisers.

## 5.12 **Market Deeping Town Council**

5.12.1 We were pleased to see the proposed greenery, footpaths, the unique design element and the respect that had been shown for the boundary along Peterborough Road.

## 5.13 **Heritage Lincolnshire**

5.13.1 It is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological 2 evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of trial trenching.

## 5.14 **Market Deeping Town Council**

5.14.1 The Planning and Highways Committee of Market Deeping Town Council considered the outline planning application and were pleased to see the proposed greenery, footpaths, the unique design element and the respect that had been shown for the boundary along Peterborough Road.

## **6 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 4 letters of representation have been received, raising the following points of relevance to planning:

- Existing neighbours' residential amenities should be protected by the installation of better fencing.
- Great care should be given to the design of the properties being proposed as the development is at the entrance to the Town. They should complement the historic character.
- Strong objection to development as it would back onto existing properties and would ruin view.
- Lime Tree Avenue – the footpath from the new development would increase security risk to occupiers, parking on cul-de-sac is already limited. The development could lead to even more car parking on Lime Tree Avenue.
- Existing services already struggling – GP surgery cannot cope, school spaces would be impacted, leisure facilities need funding.
- Open space could result in a fear of crime, loss of privacy and security to existing homeowners.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the adopted Development Plan comprises of the following documents:

1. South Kesteven Local Plan 2020-2036 (Adopted 29 June 2021); and
2. The Deepings Neighbourhood Plan 2016-2036

7.2 Furthermore, the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies DPD (Adopted June 2016) forms part of the development plan in relation to minerals planning.

7.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

7.4 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

### 7.5 **Principle of Development**

7.5.1 Local Plan Policy SP1 (Spatial Strategy) identifies that the focus for the majority of growth is in and around the four market towns, with Grantham being a particular focal point for development. Development proposals that make effective use of previously developed land will also be encouraged. In connection with the above, decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2.

**7.5.2** Policy SP2 (Settlement Hierarchy) identifies Stamford as one of the three market towns (in addition to Grantham) that will be the focus for new development during the plan period. It states that “*Development which maintains and supports the role of the three market towns of Stamford, Bourne and The Deepings will be allowed provided that it does not compromise their nature and character. Priority will be given to the delivery of sustainable sites within the built-up part of the town and appropriate edge of settlement extensions*”.

7.5.3 The principle of a residential development on part of the site is established through the allocation within the adopted Local Plan, although this does not apply to the whole application site. The indicative layout submitted with the application documents shows that all the dwellings would be sited inside of the allocation area, and the majority of open space would be the land between the road to the north and the allocation area, with the wider site being used for biodiversity net gain features and drainage.

7.5.4 The allocation policy DEP1-H1 states the following:

Towngate West (SKLP254) Indicative Unit Numbers: 73 Approximate Density: 23 Dwellings per hectare – lower density based on heritage/conservation constraints and to ensure a high-quality gateway development.

The following development principles accompany this allocation:

- a. A comprehensive masterplan is required for the site.
- b. Highway, footway, cycleway connections shall be provided throughout site which connect the site into the wider town.

- c. This site represents an important gateway location, with heritage and conservation features, this should be recognised in the design and layout of development proposals and proposals should seek to enhance the Peterborough Road frontage.
- d. Sensitive landscaping shall be incorporated along the western edge of the site.
- e. To ensure the development achieves good, high-quality design, a design code will be prepared for the site.
- f. This site is situated within a Minerals Safeguarding Area. Before considering a planning application or allocation for this site a Minerals Assessment will be required.

7.5.5 Local Plan Policy H1 (Housing Allocations) identifies that the residential development needs of the District will be delivered through a series of site allocations throughout the District, including at The Deepings. The current application site includes approximately 3.12 hectares of land which forms allocation site ref: DEP-H1; (set out above). To satisfy the development principles that are set out in the allocation (DEP-H1), the Applicant's Agent have provided the following supporting information:

7.5.6 (a) An Indicative Masterplan and Masterplan Principles Report (Section 7 of the Design and Access Statement).

7.5.7 (b) The indicative Masterplan shows pedestrian and cycle connections throughout the site, which provide connectivity to the wider town, including the incorporation of the Deepings Green Walk Route (Deepings Green Walk Project aims to achieve linking of publicly accessible green spaces and other routes around the town to create an attractive network). This would provide further pedestrian links to the southwest of the site and the north east onto Peterborough Road where the Green Link is proposed to continue.

The proposal would require improvements to the pedestrian crossing at this point on Peterborough Road.

7.5.8 (c) The indicative Masterplan proposes that the design and layout of the development would seek to enhance the Peterborough Road frontage through maintaining the part of the existing hedgerow along the eastern edge, creating a 'gateway' to the development using additional planting and design features.

7.5.9 (d) A design code has been prepared by the applicants to accompany this outline application. The design code that has been prepared is comprehensive and sets out how the development would achieve good, high-quality design.

7.5.10 (e) A minerals assessment has been submitted which confirms non-mineral development to be acceptable.

7.5.11 In addition to the allocated area, the remainder of the site, to the north and northwest of the of allocation, the principle of development is assessed against the spatial strategy as set out in Policy SP2. The site lies on the edge of the settlement and any land outside of the allocation would be subject to Policy SP4 of the Local Plan - Development on the Edge of Settlements.

7.5.12 Policy SP4 states that proposals for development on the edge of a settlement, as defined in Policy SP2, which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria a – f below are met.

7.5.13 The proposal must:

- a. demonstrate clear evidence of substantial support from the local community\* through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;
- b. be well designed and appropriate in size / scale, layout and character to the setting and area;
- c. be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;
- d. not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;
- e. in the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and
- f. enable the delivery of essential infrastructure to support growth proposals.

7.5.14 To satisfy the criterion (a-f) as set out in Local Plan Policy SP4, the Applicant's Agent have provided the following supporting information:

7.5.15 (a) A Statement of Community Involvement (SCI) has been prepared and the documents sets out how a pre-application community consultation exercise took place. Community engagement included meetings and discussions with the Deepings Neighbourhood Plan Group, Town and Parish Councillors, Ward Members and residents. The SCI sets out that there were 32 response forms received following the public exhibition.

(b), (c) and (d) The application is for outline planning permission with all matters reserved, except for access. At up to 80 dwellings, the proposed development can be calculated as an average density of 30dph. The Masterplan is indicative at this stage; however, a land use parameters plan has been produced as part of the outline scheme which sets out where within the site the residential development would be located, to include public open space, a play space, strategic open space for biodiversity and attenuation, vehicular access, pedestrian access and green walk alignment. When allocating the site, the SKLP Policy DEP-H1 supporting text states that "It is recognised that The Deepings is an attractive and sought after residential location given the range of services and facilities available, and its proximity to Peterborough. The strategy for The Deepings focuses growth in accordance with this and the existing settlement pattern, ensuring that development is located close to existing services and facilities and does not compromise the attractiveness of the area." It is proposed that if this application for outline planning permission is recommended for approval, that a development of up to 80 dwellings within these land use parameters would, subject to details of the scale and design of the dwellings, result in a layout and density of development that would be in keeping with the character appearance and setting of the area that be adjacent to the existing pattern of development, and would not extend obtrusively into the open countryside.

(e) Policy H4 of the SKLP (Meeting All Housing Needs) requires all major proposal for residential development to provide appropriate type and sized dwellings to meet the needs of current and future households in the district. Policy H2: Affordable Housing Contributions" States that all development comprising 11 or more dwellings should make provision for 30% affordable housing. Criteria a. of the policy sets out that all affordable housing will be expected to 'include a mix of socially rented/affordable rent/ intermediate rent and

intermediate market housing'. It is proposed to provide a policy compliant up to 30% affordable housing provision which will include a mix of social rent, affordable housing and intermediate market housing and rent appropriate to the local need.

Of the proposed up to 80 dwellings on site, the proposal would offer 24 affordable dwellings. Paragraph 64 of the NPPF (2023) sets out that the type of affordable housing should be specified in policy and is expected to be met unless an agreed approach contributes to the objective of creating mixed and balanced communities.

(f) NPPF Section 3: Plan Making, para 34 states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). The following draft heads of terms are offered by the Applicants subject to further consideration:

- Affordable housing – up to 30% provision on site. The siting of specific affordable tenure is to be agreed in due course.
- Provision of on-site publicly accessible open space as per the approved parameters plan
- Off-Site Sports Provision – financial contribution
- Secondary and Sixth Form Education
- Highways – proposed cycleway/footway infrastructure affected by the development
- Healthcare – financial contribution
- BNG Monitoring financial contribution

A draft heads of terms, subject to agreement, as planning obligations is to be covered within a Section 106 Agreement.

To summarise it is the Case Officer's assessment that the development of the site, when taken as a whole, including the allocated and non-allocated areas identified within the red line would be capable of accommodating the erection of up to 80 dwellings with associated infrastructure. It is considered that the redevelopment of the site would be in accordance with the overall strategy for the District, as set out in Policies SP1, SP2, SP4 and DEP-H1 of the adopted South Kesteven Local Plan and Policy DNP1 of the Deepings Neighbourhood Plan. As such, the principle of development is acceptable, subject to material considerations. These matters have been assessed below:-

## 7.6 Meeting Housing Needs

7.6.1 The Strategic Housing Market Assessment (SHMA) (2017 update) demonstrates that the supply of affordable housing is an acute problem within South Kesteven. The SHMA identifies a need for 238 additional affordable homes per annum, which represents a considerable proportion of the overall housing requirement for 650 dwellings per annum within the District. Further, the Council's latest Annual Position Statement (July 2023) demonstrates a significant under delivery of affordable housing since the adoption of the Local Plan. The SHMA recommends 60% affordable rent, 40% affordable ownership.

7.6.2 Policy H2 (Affordable Housing Contributions) seeks to ensure all major residential developments contribute towards meeting the needs of affordable housing by requiring a provision of 30% of scheme's total capacity as affordable housing.

- 7.6.3 The Council's Affordable Housing Officer has commented that in order to establish whether there is a need for affordable housing in the particular area, there is a requirement to gauge separately the needs for affordable rental units and that of ownership units.
- 7.6.4 As this is an outline application with all matters reserved (except for access), it is Officers' assessment that the necessary 30% affordable housing contribution can be secured through the Section 106 Agreement, including the tenure split and the requirement for an affordable housing plan showing the distribution throughout the application site. In respect of the market housing mix, this would be a matter for approval as part of the future reserved matters application, and can be appropriately informed by local evidence, as well as the policies of the South Kesteven Local Plan, at the point of determination of that application.
- 7.6.5 Therefore, as a matter of principle, the application would accord with Policy H2 and H4 of the adopted South Kesteven Local Plan.

## 7.7 **Impact on the Character of the Area**

Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping

- 7.7.1 When deciding applications that may affect the setting of a listed building, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which it possesses.
- 7.7.2 Policy EN6 (The Historic Environment) of the Local Plan seeks to protect and enhance heritage assets and their settings within the district. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would conserve or enhance the significance of the asset shall be considered favourably. Substantial harm or total loss will be resisted.
- 7.7.3 The above policy reflects Part 16 of the NPPF which seeks to protect and enhance heritage assets. Paragraph 205 states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...' Paragraph 208 goes on to say, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 7.7.4 As the application is in outline form there are no details beyond access to the site. An indicative layout plan has been submitted that demonstrates how up to dwellings could be accommodated on the site.

- 7.7.5 The site is not located within the Market Deeping Conservation Area but is bordered by 3no. designated heritage assets that are all Grade II listed. These assets are located on the western edge of Towngate West and are the Maltings at Towngate House Farm, Barns and Stables at Towngate House Farm and Towngate House Farmhouse.
- 7.7.6 There are other designated heritage assets nearby, however the proposed development will not have any intervisibility between them and therefore will not impact on their significance. There is a Grade I listed St Guthlac's Church which is located at some distance from the site, views of the Church from the site are already interrupted by the existing development, therefore the site will not impact the significance of the Grade I listed St Guthlac's Church.
- 7.7.7 The site, comprising two fields, is currently partly in agricultural (arable) farming use and partly scrub/grassland. The site is partly screened from view along the eastern boundary by a section of hedgerow along Peterborough Road, although a section of the site is clearly visible from Peterborough Road and open to view where the hedgerow ends. From the north-western side, along the curve of the A1175, the site is well screened during Spring/Summer months, from wider views by existing landscaping which includes trees and hedge line. However, during Autumn/Winter months the site would appear more visible.
- 7.7.8 As the application is in outline form only, no elevations have been submitted at this stage, therefore the visual impact of the proposed development cannot be assessed. As the application site includes an area of land that is allocated within the SKLP for residential development, the Policy (DEP-HA1) requires that a detailed Design Code should be submitted at outline stage. The applicant's Agent has prepared a Design Code accompanied by an indicative masterplan. The Design Code that has been prepared is comprehensive and sets out how the development would aim to achieve good, high-quality design, and this objective would be expected to be expanded upon at the reserved matter stage. Any proposed designs would be expected to take reference from the historical character of the Market Deeping, using local design features and materials such as stone. It is noted within the Design and Access Statement that the design and layout would be influenced by the adjacent development at Corner Farm and historic buildings within the immediate surrounding area.
- 7.7.9 SKDC's Conservation Officer has been consulted and she is of the view that the proposed layout (parameter plan) of the site would result in minimal harm to the significance of the listed buildings on Towngate West. The listed buildings were previously used for agricultural purposes but are now have a residential use.
- 7.7.10 The setting of these assets will be impacted as the rural setting does add to the character and overall significance of these assets. The impact of the setting has been mitigated by the decision to locate the development on land at the eastern end of the development site and the area directly to the rear of the listed buildings will be open space, which allows an understanding of their rural location.
- 7.7.11 However, as a matter of principle, whilst the proposed development would alter the setting of the nearby listed buildings, this would not result in any harm to the significance of these assets. Further detailed consideration of the potential impact would be subject to consideration as part of the assessment of the detailed development design, through the reserved matters application(s).
- 7.7.12 The built form would be confined to the allocated area of the site. It is accepted that the concentration of up to 80 dwellings in this part of the site would result in a slightly higher density of development than the approximate density specified within Policy DEP-H1 of the

SKLP. However, it is considered that an appropriate mix of up to 80 dwellings could be accommodated on the site, so that the development would not feel cramped. This would be helped by the fact that the unallocated area of the site would be developed as an area of green space (for biodiversity and attenuation), including a designated proposed play space. The density of development would also be consistent with other residential developments that exist within Market Deeping.

7.7.13 The considerations of the matters the subject of Policy DE1 and EN6 of the SKLP and NPPF Section 12 and 16 would fall to be considered at reserved matters stage including appearance, landscaping, layout, and scale including any harm identified by the development upon the special significance of adjacent listed buildings.

## 7.8 **Impact on Residential Amenity**

7.8.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 130 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

7.8.2 As discussed above, the matters of appearance, landscaping, layout and scale are reserved for subsequent approval. It would be at the time that reserved matters are submitted that the assessment of residential amenity would be undertaken. The indicative master plan does however demonstrate how 80 dwellings could be accommodated on the site whilst providing adequate separation distances to ensure no significant overlooking/loss of privacy would occur. Accepting that this indicative layout is not for consideration as part of this outline application. As referred to above the land use parameter plan is proposed to be listed as the 'approved plan' which would inform where the built form will be located within the site at reserved matters stage.

7.8.3 As discussed above, the matters of appearance, scale and layout are reserved for subsequent approval. It is at reserved matters stage, that assessment against DE1 would be undertaken. Notwithstanding the above, it is considered that the site can accommodate up to 80 dwellings, be appropriately accessed and the access would not result in unacceptable adverse impacts on the residential amenities of the occupiers of adjacent properties. As such the proposal is considered in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

## 7.9 **Highway Safety/Parking**

7.9.1 Paragraph 115 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.9.2 The site is currently access via a 6.0m wide informal agricultural entrance off the west side of Peterborough Road. Peterborough Road links Market Deeping Town Centre to the A15 (which bypasses Market Deeping). It is proposed that the site would be continued to be access off Peterborough Road, however the access point would be moved approximately 10m south of the existing entrance. The new access road would be 5.5m wide with 2m wide

footways on either side. The proposal incorporates 3 new pedestrian access points onto the site, one at the northeast of the site, north on Peterborough Road, one at the western side of the site connecting it to an existing public right of way (PROW), and the third connecting the site to the south with an existing residential development on Lime Tree Avenue.

- 7.9.3 Lincolnshire County Council as the Local Highway Authority have been consulted and they have commented that “the speed limit along the majority of the site frontage is a national speed limit, dropping down to a 30mph speed limit towards the proposed entrance, the site does benefit from a footway / cycleway along the front, however, this is very narrow and not to modern day specification.” Notwithstanding this, they have stated that the principle of development is acceptable, subject to conditions and a financial contribution in order to facilitate improvements to the footway and cycleway network within the town, improving the frontage footway to modern day standards and rerouting it through the development, which they have stated should be a key focus of development proposals coming forward.
- 7.9.4 Further to this they have stated that in order for the principle of the development to be acceptable the crossing point at Peterborough Road would need to be upgraded. They have requested a condition that requires improvements to this crossing point, upgrading it to an island cross, details to be agreed prior to occupation.
- 7.9.5 It is considered that should the application be recommended for approval, that this condition and others requested by the local highway authority should be imposed of any planning permission granted.
- 7.9.6 With regard to parking provision, as this application is at outline stage and the layout details are yet to be submitted, it is expected that parking provision will be in accordance with the guidance set out in Lincolnshire County Council’s guidance set out in Lincolnshire Development: Roads and Sustainable Drainage Design Approach (2021).
- 7.9.7 As such the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 7.10 **Drainage/Flood Risk**
- 7.10.1 Policy EN5: Water Environment and Flood Risk Management states that all development must avoid increasing flood risk. Surface Water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDS) unless it is demonstrated to be technically unfeasible.
- 7.10.2 Section 14, para 159 of the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk
- 7.10.3 Section 15, para 183 of the NPPF states that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
- 7.10.4 As discussed above, the matters of appearance, landscaping, layout and scale are reserved for subsequent approval. It would be at the time that reserved matters are submitted that

the assessment of proposed drainage and flood risk would be undertaken, as this would be informed by the proposed layout of development.

7.10.5 Lincolnshire County Council as the Lead Flood Authority have been consulted at this stage and they are asked that the Applicants are made aware of the requirements for drainage (amongst other elements) should be designed as set out in the Lincolnshire County Council Design Approach.

7.10.6 It is at reserved matters stage, that assessment against Policy EN5 of the SKLP and Sections 14 and 15 would be undertaken.

## 7.11 **Biodiversity Net Gain**

7.11.1 NPPF Section 15, para 186 states that when determining planning application, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

7.11.2 Policy EN2 of the SKLP states that the Council, working in partnership with all relevant stakeholders, will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.

7.11.3 In England Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means that developers must deliver a BNG of 10%. This means that a development will result in more or better natural habitat than there was before development.

7.11.4 For this application the applicant has completed the statutory biodiversity metric. The results of the base-line survey compared to the proposed development would create a 44.98% and 10.42% of habitat and hedgerow units respectively across the site as well as corridors of habitat along vehicular and pedestrian routes. Lincolnshire Wildlife Trust were consulted with the submitted information and they have commented that "The biodiversity units stated in the metric need to be actioned via a habitat management and monitoring plan for the full 30-year period required by the Environment Act. This can be achieved through a planning condition providing permission is granted for the development."

7.11.5 Subject to appropriate conditions, it is considered that the proposed development would be acceptable and in accordance with Policies EN2 of the SKLP and Section 15 of the NPPF.

## 7.12 **Sustainability**

7.12.1 Policy SB1 is the key Local Plan policy in relation to the efficiency of individual buildings/developments; whereas, Policy SD1 tends to guide developments to sustainable locations, for example in the context of paragraph 8.1.1 above. Policy SB1 requires that new housing developments meet optimum Building Regulations targets for water efficiency; and that all development proposals will be expected to mitigate against and adapt to climate change.

7.12.2 There is no reason to suspect that the development would not be adequate in terms of the requirements of Policy SB1, especially because the houses must be constructed lawfully in accord with the Building Regulations.

7.12.3 The application, therefore, is acceptable in a sustainability context (bearing in mind that it is within a sustainable settlement as per Policy SP2 of the Local Plan).

### 7.13 **Section 106 Heads of Terms**

7.14 Taking the above into account, the application proposals are for a major residential development and would result in the need for Section 106 contributions as follows:

- Open Space – on site provision as per the approved parameters plans, and £82,146.60 towards improving existing sports facilities within Market Deeping.
- Affordable Housing – 30% of all dwellings provided on site, comprising:
  - 15% Affordable Other Home Ownership
  - 25% First Homes
  - 60% Affordable Homes (Affordable Rent)

Tenure and housing mix details of the dwellings are to be submitted and approved at reserved matters stage, following the granting of outline planning permission. The Nomination Agreement will also be secured as part of the Section 106 Agreement, which will give priority to applicants with a local connection.

- Healthcare - £660 per dwelling to contribute the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at The Deepings Practice.
- LCC Education - £272,513.40 towards the cost of additional school places, as a result of the development, for primary, secondary and sixth form schooling.
- LCC Local Highways Authority - £50,000 to provide improved section of cycle/footway infrastructure affected by the development.
- Monitoring Fee - £15,000.00
- BNG Monitoring Fee – Calculation based on creation of 6.23ha of medium distinctiveness: £21,257.19 initial payment with additional review mechanism.

7.14.1 As such, in the event that the application was deemed to be acceptable in all other respects, the above financial contributions would ensure that local infrastructure is appropriately upgraded to cope with the additional population generated by the development. As such, it is concluded that these financial requests are compliant with the statutory tests of the CIL regulations, as well as local and national planning policy requirements.

7.14.2 Therefore, subject to the completion of a Section 106 Agreement, the application proposals would accord with Policy ID1, DEP-H1, and H2 of the adopted South Kesteven Local Plan.

## **8 Crime and Disorder**

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## **10 Conclusion and Planning Balance**

- 10.1 The issues raised in the representations are noted, but do not raise any overriding planning reasons to refuse the application, which accords with Policies SD1, SP2, SP3, EN2, EN5, DE1, SB1 and ID2 of the Local Plan, the made Deepings Neighbourhood Plan, and Sections 5, 6, 12, 14 and 15 of the NPPF and the Design Guidelines for Rutland and South Kesteven SPD; there are no material considerations that indicate otherwise, as such the proposal is therefore recommended for approval.

## **11 Recommendation**

### Recommendation – Part 1

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the completion of a Section 106 Agreement securing the necessary financial contributions set out within the report above, and subject to the proposed schedule of conditions detailed below.

### Recommendation – Part 2

- 11.2 In the event that the agreement has not been concluded within twelve weeks after the date of the Committee and, where in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify an extension of time, the related planning application shall be refused for the following reason(s):

(1) The applicant has failed to enter into a planning obligation to secure the required level of affordable housing, as well as necessary financial contributions to education, healthcare, highways improvements, and public open space, as required by Policy H2, ID1, ID2 and OS1 of the adopted South Kesteven Local Plan.

## Time Limit for Commencement

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission.
  - i. layout;
  - ii. scale
  - iii. appearance
  - iv. landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

## Approved Plans

3. The development hereby permitted shall be carried out in accordance with the planning application form, and with following list of approved plans:

Development Access General Arrangement Drawing (Ref:23810\_03\_020\_01/ Rev B)  
Drawing No. UDS73162-A1-1401 Rev A Parameter Plan (in so far as access only)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

## Pre-commencement

4. The development hereby permitted shall be carried out in accordance with the broad principles of the following plans:

Drawing No. UDS73162-A1-1401 Rev A Parameter Plan

Reason: To define the permission and for the avoidance of doubt.

5. Before the development hereby permitted is commenced, details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the buildings; details of water efficiency and the provision of electric car charging points.

The approved sustainable building measures shall be completed in full for each dwelling, in accordance with the agreed scheme, prior to the first occupation of each dwelling hereby permitted.

Reason: To ensure the development mitigates and adapts against climate change in accordance with Local Plan Policy SB1.

6. Before the development hereby permitted is commenced, a Construction Management Plan and Method Statement shall have been submitted to and approved in writing by the Local Planning Authority. The Management Plan and Method Statement 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
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material;
- hours of construction work including hours of deliveries;
- full details of any piling to be employed, if relevant; 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

7. Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the Local Planning Authority. This evaluation should consist of a programme of trial trenching.

Thereafter, the archaeological investigations shall be carried out in accordance with the approved Written Scheme of Investigation.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the NPPF (section 16)

8. As part of any reserved matters application relating to layout and / or scale, plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties/and off-site datum point shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details, and the site levels completed in accordance with the approved phasing required by Condition 6 above.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

9. As part of any reserved matters application relating to layout, an updated acoustic assessment shall be submitted which models the impact of noise sources and shall identify any necessary mitigation measures.

Reason: In the interests of protecting the amenities of future occupiers of the dwellings in accordance with Policy DE1 of the South Kesteven Local Plan.

10. Before the development hereby permitted is commenced, a surface water drainage scheme which shall have been submitted to and 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 and agreed amount of 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/ no part of the development 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 permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

11. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing:

- a. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Phase I Geo-Environmental Desk Study (M-EC) (March 2024) (Revision B); and if required.
- b. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Policy EN4 (Pollution Control) of the adopted Local Plan and guidance contained in the NPPF.

12. As part of any reserved matters application(s) relating to appearance, details of the materials (including the colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

#### During Building Works

13. All works on site shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Section 4 of the Ecological Impact Assessment ref RSE\_5864\_R2\_V3\_ECIA Issued April 2024 RammSanderson)

Reason: To provide ecological enhancement and comply with Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the NPPF

#### Before the Development is Occupied

14. The development hereby permitted shall not be occupied before a 3-metre-wide footway/ cycleway from the crossing to the northeast of the site along or adjacent to Peterborough Road, to the south-eastern area of the site and continuing to Towngate West has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. 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 and cycle access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

15. The development hereby permitted shall not be occupied before the crossing point to the North of the site, on Peterborough Road, has been upgraded to an island crossing, in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. 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 and cycle access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

16. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with Peterborough Road, 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.

17. Before any dwelling hereby permitted is occupied, the scheme for acoustic mitigation and ventilation, shall have been completed in full.

Reason: To ensure that future residents of the development benefit from an appropriate level of amenity in accordance with Policy DE1 and EN4 of the adopted South Kesteven Local Plan.

18. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall have been submitted by the agreed competent person and identify that the approved remedial works have been implemented. The report shall include, unless otherwise agreed in writing:

- a. A complete record of remediation activities, and data collected, as identified in the remediation scheme to support compliance with the agreed remediation objectives.
- b. Photographs of the remediation works in progress; and
- c. Certificates demonstrating that imported and / or material left in situ is free from contamination. Thereafter, the scheme shall be monitored and maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Policy EN4 of the adopted South Kesteven Local Plan and national guidance contained in the National Planning Policy Framework.

#### Ongoing

19. The number of dwellings to be constructed on the application site shall not exceed 80 in total.

Reason: To define the permission and for the avoidance of doubt.

## **Informatives**

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
  - i. (a) a Biodiversity Gain Plan has been submitted to the planning authority,  
and
  - ii. (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply. The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

2. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
3. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

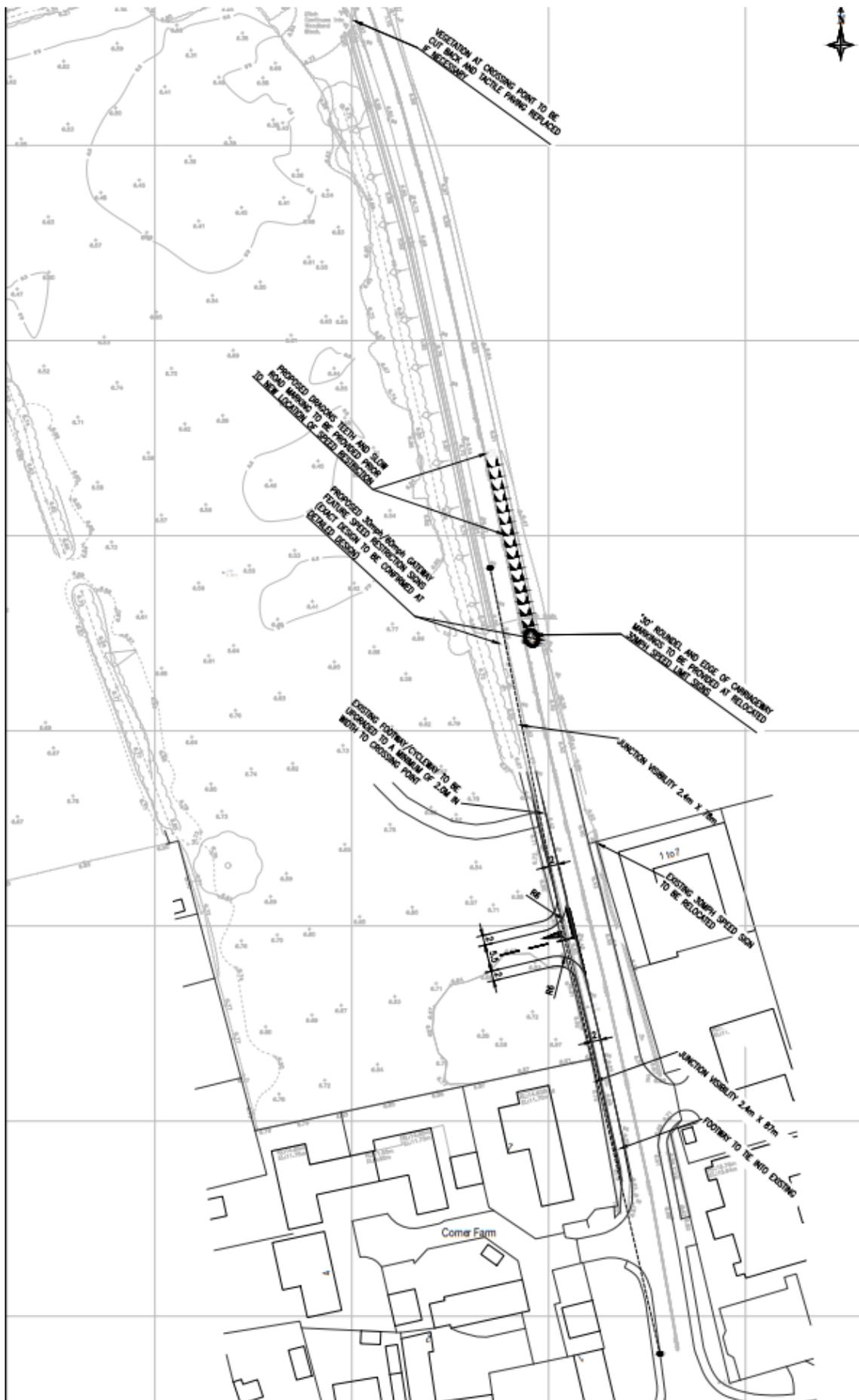
4. All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>
5. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; [www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway](http://www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway).
6. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit the Highway Authority's website via the following link:  
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
7. It is advised that in respect of Condition 14, it is expected that the footway/cycleway would have a reduced width along the frontage of No.7 Corner Farm with a lead-in taper from the site.





# Development Access General Arrangement



SCALE  
 1:50 ON SHEET TWO DIMENSIONS  
 1:1000 ON SHEET ONE TO MATCH

|   |               |
|---|---------------|
| LAND BETWEEN P15 TRINGHAM LUSH ROAD AND A16 MARKET DEEPING LINDENHIRE |               |
| DEVELOPMENT ACCESS GENERAL ARRANGEMENT                                |               |
| TRIFATHSTONE TRUST  |               |
| DATE  | 2018.03.20.21 |
| BY  | A1            |
| SCALE   | 1:500         |
|   |               |