



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 December 2024



S23/2175

Proposal:	Hybrid planning application for the erection of 175 dwellings with associated access, infrastructure, open space and landscaping (full application) and community facility (outline)
Location:	Land at Low Road, Barrowby
Applicant	Allison Homes
Application Type:	Hybrid Planning Application – part Full Planning Permission and part Outline Planning Permission (All matters reserved)
Reason for Referral to Committee:	Major development which requires a Section 106 Agreement to secure financial contributions.
Key Issues:	<ul style="list-style-type: none"> Section 106 Heads of Terms

Report Author

Adam Murray – Principal Development Management Planner



01476 406080



Adam.Murray@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Belvoir

Reviewed by:

Phil Jordan, Development Management & Enforcement Manager

26 November 2024

Recommendation (s) to the decision maker (s)

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

Addendum to Committee Report – S23/2175 – Low Road, Barrowby

1 Description of the site

1.1 Members will recall that this application was previously discussed at Planning Committee on 13 June 2024 (Report at Appendix 1 and Additional Items Paper at Appendix 2). At that meeting, the Committee resolved that it was minded to grant planning permission for the reasons set out within the officer report, and subject to the recommended schedule of conditions and the completion of a Section 106 Agreement.

1.2 The relevant minutes of that meeting stated:

Issue of outline element – community land

- *Members noted the positive feedback from the Parish Council and residents. It was preferred that a Community Centre be seen, prior to additional housing.*
- *More scope for parking on this site was highlighted.*

Open Space and connectivity

- *Members preferred this site to the original masterplan in terms of the use of open space.*
- *That hedgerows and open spaces would be maintained.*

Active Travel – Foot/cycle route

- *That a Section 106 Agreement has been secured for the foot / cycle path.*
- *That the connectivity route from the A52 and crossing of the bridge on the A1 would provide a good route into the centre of the town.*
- *The connectivity would allow residents to travel down Low Road and connect onto Dysart Road and provided a more direct route to Grantham to access facilities, without crossing over the A52. There would also be elements of connectivity coming through with other proposed developments.*

The Assistant Director of Planning informed the Committee of the Grantham Transport Strategy, which was adopted by Lincolnshire County Council and endorsed by the Council in December 2022. The strategy provided a higher framework for wider transport strategy issues of cycle / footways and bus routes.

- *Further clarification was sought around the cycleway and where it would stop.*
- *It was highlighted that the ecological impact assessment had taken place in winter months, meaning the assessment on wildlife would not be accurate.*
- *Concern was raised on the cycleway and what would happen if Lincolnshire County Council would not deliver this.*

The cycle / footway would be a legal obligation and the Applicant's would pay their financial contributions to ensure it would be delivered. Lincolnshire County Council had confirmed that the project could be delivered as a result of receiving the financial contributions.

The Assistant Director of Planning clarified that the cycle / footway was the responsibility of Lincolnshire County Council as the Highways Authority to deliver the works.

- *That the site had a high reliance on tandem parking. Concern was raised on visitors parking on grass verges.*

Lincolnshire County Council Highways were satisfied with the parking provided.

- *Whether the sub-station within the children's play area could be conditioned to be disguised or relocated, as it seemed an inappropriate location for a sub-station.*

A separate condition could be included in regard to boundary treatments and landscaping. The relocation of the substation may be more challenging due to technical requirements for the location.

It was proposed, seconded and AGREED to include a condition around the landscaping of the substation.

It was proposed, seconded and AGREED to authorise the Assistant Director of Planning to GRANT planning permission, subject to conditions, the completion of a Section 106 agreement, the amendments in the late items paper and to include a condition around the landscaping of the substation.”

2 Update since June 2024

2.1 Subsequent to the application being discussed at the June 2024 Committee meeting, progress has been made on the drafting of the Section 106 Agreement. During the course of negotiations, Lincolnshire County Council (as Local Highways Authority) have confirmed that they do not wish to collect financial contributions towards the provision of bus passes for the new dwellings and would prefer the Developer engages directly with the future occupiers and the bus operators.

2.2 As a result, it is necessary for the heads of terms for the Section 106 Agreement to be amended to exclude the financial contribution towards bus passes, and for this to be secured through planning conditions instead. To be clear, the proposed amendments do not change the infrastructure improvements to be delivered, but simply changes the mechanism through which they are provided.

2.3 Taking the above into account, it is proposed that the Heads of Terms for the Section 106 Agreement are updated as follows:

- **Open Space** – on site provision as per the approved plans and £123,759.23 towards improving existing sports facilities within Barrowby.
- **Affordable Housing** – 30% of all dwellings on site consisting of:
 - Affordable Rent = 37 dwellings
 - Shared Ownership = 2 dwellings
 - First Homes = 14 dwellings

Dwellings are to be provided in accordance with an Affordable Housing Scheme, which will set out details of the distribution of affordable housing within the application site. The Nominations Agreements will also be secured as part of the Section 106 Agreement.

- **Healthcare** - £115,500.00 towards expanding healthcare capacity in the Primary Care Network.
- **Highways (Low Road footpath / cycleway)** - £255,132.00 towards providing a dedicated footway / cycleway linking the site to Grantham.
- **Community Facility** - £184,884.35 towards the cost of delivering a new community hall. In the event that the Parish Council elect to place the new community hall on the land

identified within the current application, the financial contribution will be reduced by the value of providing the serviced site. The Parish Council will have 5 years to request transfer of the land; in the event that this time period elapses, or the Parish Council commence development of the community hall on an alternative site, the obligation to transfer the land within the application site will cease and the land will remain with the landowner.

- **Monitoring Fee - £15,000.00**

2.4 In addition, Condition 19 (Revised Travel Plan) of the full planning permission for the residential element of the development will be revised to include the requirement for the revised Travel Plan to include details of a scheme making available 2 free annual travel passes per dwelling for the first year of the occupation. This is consistent with the arrangements that would have been secured as part of the financial contributions requested by Lincolnshire County Council.

2.5 Condition 19 as revised would be as follows:

Notwithstanding the submitted details, before any development above damp-proof course, a revised Travel Plan, including specific modal share targets for active travel modes which seeks to achieve the Government's objectives for 50% of all trips to be made by active travel methods, shall have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme making available 2 free annual travel passes per dwelling for the first year of their occupation.

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

2.6 It is the Case Officer's assessment that the above revisions to the Heads of Terms of the Section 106 Agreement together with the revised wording for Condition 19 of the full planning permission, would ensure that the Section 106 Agreement would meet the necessary legal requirements set out within the CIL Regulations, as well as within national and local planning policy. The revised condition would also ensure that the development makes appropriate arrangements for securing sustainable modes of travel. As such, the revisions would be in accordance with Policy ID1 and ID2 of the adopted South Kesteven Local Plan, and Section 9 of the Framework.

3 Other Matters

3.1 The proposed development and its context remain unchanged since June 2024 in all other respects, and therefore, the development remains acceptable in all other respects.

4 Crime and Disorder

4.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

5 Human Rights Implications

5.1 Article 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 concluded that no relevant Article of the Act will be breached in making this decision.

6 Conclusions

- 6.1 To summarise, during the course of negotiations on the Section 106, Lincolnshire County Council (as Local Highways Authority) have confirmed that they do not wish to collect financial contributions towards the provision of bus passes for the new dwellings and would prefer the Developer engages directly with the future occupiers and the bus operators.
- 6.2 As a result, it is necessary for the heads of terms for the Section 106 Agreement to be amended to exclude the financial contribution towards bus passes, and for this to be secured through planning conditions instead. To be clear, the proposed amendments do not change the infrastructure improvements to be delivered, but simply changes the mechanism through which they are provided. The application proposals would remain unchanged in all other respects.
- 6.3 Taking the above into account, it is Officers' assessment that the application proposals would accord with the adopted Development Plan when taken as a whole, and the material considerations in this case, also indicate that planning permission should be granted; although updated conditions are recommended.

7 Recommendation

Recommendation – Part 1

- 7.1 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

- 7.2 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligation.
- 7.3 In the event that the agreement has not been concluded within the twelve week period and where, in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify a further 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 healthcare, open space and community facilities are required by Policy ID1, H2 and OS1 of the adopted South Kesteven Local Plan 2011-2036.

Schedule of Condition(s)

FULL PLANNING PERMISSION

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended)

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - a) Planning Submission Schedule (Dated 30 May 2024)

Unless otherwise required by another condition of this permission.

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

Before Development is Commenced

Archaeological Investigation

- 3) 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.

Thereafter, the archaeological investigations shall be completed in accordance with the approved details.

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.

Construction Management Plan

- 4) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall include measures to mitigate the adverse impacts during the construction stages of the permitted development and shall include:
 - a. The phasing of the development, including access construction and build routes.
 - b. The on-site parking of all vehicles of site operatives and visitors.
 - c. The on-site loading and unloading of all plant and materials.
 - d. The on-site storage of all plant and materials used in constructing the development.
 - e. Dust suppression measures

- f. Wheel washing facilities.
- g. A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during all construction works.

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

Part M4(2) Details

- 5) Before any part of the development hereby permitted commences, a plan indicating the provision of 10% of the dwelling as being Accessible and Adaptable in line with the standards set out in Part M4(2) of the Building Regulations shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be completed in accordance with the approved details and the dwellings shall be retained as such for the lifetime of the development.

Reason: To ensure that the development meets the needs of all future residents as required by Policy H4 of the adopted Local Plan.

Culvert Risk Assessment

- 6) Before the development hereby permitted commences, a priority risk assessment for the culvert under the A1 trunk road, in accordance with DMRB CD535 and informed by a pre-construction condition survey, shall be submitted to and approved in writing by the Local Planning Authority.

If identified as necessary following the priority culvert risk assessment, a mitigation scheme for the priority culvert under the A1 should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the mitigation works shall be completed in accordance with the approved scheme prior to the commencement of development.

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.

Surface Water Drainage Strategy

- 7) Before the development hereby permitted is commenced, a scheme for the treatment of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a. Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

- b. Provide flood exceedance routing for storm events greater than the 1 in 100 year event;
- c. 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 drainage infrastructure and watercourse system without exceeding the runoff rate for the undeveloped site;
- d. Provide attenuation details and discharge rates which shall be restricted;
- e. Provide details of the timetable for and any phasing of the implementation of the drainage scheme; and
- f. 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.

Thereafter, no dwelling shall be occupied until the approved scheme has been completed or provided on 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.

Biodiversity Enhancement and Mitigation Plan

- 8) Before the development hereby permitted is commenced, a biodiversity mitigation and enhancement scheme, based on the recommendations contained within the Ecological Impact Assessment Report (BWB) (Dated January 2023), must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a plan identifying the location of any mitigation and enhancement, along with a detailed schedule (and technical details) of each of the measures proposed.

Thereafter, the required biodiversity mitigation and enhancement measures shall be completed in full in accordance with the agreed scheme, prior to first occupation of the development.

Reason: In the interests of best ecological practice and in accordance with Policy LV-H3 and EN2 of the adopted South Kesteven Local Plan.

Arboricultural Method Statement Compliance

- 9) Before the development hereby permitted is commenced, the Tree Protection measures indicated on the Tree Protection Plan contained at Appendix 4 of the Arboricultural Method Statement (AWA Tree Consultants) (Ref: AWA5509AMS) (July 2023) shall have been implemented in full.

Thereafter, the tree protection measures shall be retained on site until all works have been completed.

Reason: In the interests of visual amenity and for the avoidance of doubt.

Estate Road Phasing Plan

10) Before the development hereby permitted is commenced, an Estate Road Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

During Building Works

Sustainable Building

11) No development above damp-proof course shall take place until details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 have been 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 development; details of water efficiency; and provision of electric car charging infrastructure.

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

Reason: To ensure that the development mitigates against, and adapts to, climate change in accordance with Policy SB1 of the South Kesteven Local Plan.

Construction Hours

12) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term "construction work" shall include all mobile plant and machinery, radios and the delivery of construction materials.

Reason: To minimise noise impacts on the adjacent residential dwellings.

Delivery Hours

13) Deliveries of construction materials shall only take place between the hours of 0800 and 1700 Monday to Friday, and 0900 and 1700 on Saturdays. Deliveries shall not take place on Sundays or public holidays.

Reason: To minimise noise impacts on the adjacent residential dwellings.

Hard Landscaping Details

14) No development above damp proof course shall commence until details of all hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details shall be in broad accordance with the approved Planning Layout (Ref: L201/PLANNING/01/Rev H) and shall include:

- a. Proposed finished levels and contours
- b. Means of enclosure (including boundary treatments)
- c. Other vehicle and pedestrian access and circulation areas
- d. Hard surfacing materials
- e. Minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage signs, lighting etc).

Reason: Hard landscaping and materials make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping Details

15) No development above damp proof course shall commence until details of all soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details shall be in broad accordance with the approved Landscape Masterplan (Ref: N0990/08010/Rev D) and shall include:

- a. Planting plans;
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. Schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate; and
- d. Further details of the screening of the substation included within the central area of public open space.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy LV-H3, EN1 and DE1 of the adopted South Kesteven Local Plan.

Noise Mitigation Scheme

16) No development above damp proof course shall commence until a detailed scheme of Noise Mitigation, based on the recommendations contained within the Noise Impact Assessment

(M-EC) (Dated July 2023), has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme of noise mitigation shall have been completed in accordance with the approved details.

Reason: In the interests of the residential amenity of future occupiers of the development.

Ecological Mitigation

17) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within the Ecological Impact Assessment Report (BWB) (Dated January 2023), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

Previously Unidentified Contamination

18) Should the developer, during excavation and construction works of the approved development site, find any area where it is suspected that the land is contaminated, then all works must stop and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared in accordance with current good practice and legislation, and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remediation scheme shall be implemented in accordance with the approved details.

Following the completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is the subject of approval in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.

Reason: Previous activities associated with the site may have caused, or had the potential to cause, land contamination and to ensure that any site investigation 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 Local Plan.

Revised Travel Plan

19) Notwithstanding the submitted details, before any development above damp-proof course, a revised Travel Plan, including specific modal share targets for active travel modes which seeks to achieve the Government's objectives for 50% of all trips to be made by active travel methods, shall have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme making available 2 free annual travel passes per dwelling for the first year of their occupation.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and

that there is a reduced dependency on the private car for journeys to and from the development.

Before the Development is Occupied

Noise Validation Testing

20) Prior to first occupation of Plots 13, 14, 15, 37, 138 and 143 of the development hereby permitted are occupied, the noise mitigation scheme shall be completed in accordance with the approved details, and a verification report that scientifically and technically demonstrates the effectiveness of the noise mitigation scheme, as required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of future users of the development.

Materials Compliance

21) Before the dwellings hereby permitted are first occupied, the external materials must have been completed in accordance with the approved Materials Plan (Ref: L201/MATERIALS/03/Rev A).

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

Hard Landscaping Implementation

22) Before any part of the development hereby permitted is occupied, all hard landscaping works shall have been completed in accordance with the approved details.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Boundary Treatments Implementation

23) Before each dwelling hereby permitted is occupied, the works to provide the boundary treatments relating to that part of the development shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Travel Plan Compliance

24) Before any dwelling hereby permitted is occupied, the measures contained within the approved Travel Plan shall be implemented in accordance with the approved details, and shall continue to be implemented for as long as any part of the development is occupied.

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

Landscape and Ecological Management Plan

25) Before any part of the development hereby permitted is occupied, a Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. Long term design objectives
- b. Management responsibilities; and
- c. Maintenance schedules for all landscaped areas, other than privately owned, domestic gardens.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

Low Road Bus Stops

26) Before any part of the development hereby permitted is occupied, a footway widening scheme for the site frontage, an improved bus stop including bus stop poles and flags and inclusive of timetable, shall be provided in accordance with details that will 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 runoff from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land or property.

Low Road junction

27) Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junction with Low Road, and which will be constructed within the limits of the public highway, shall be laid out and constructed to finished 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.

Ongoing Conditions

Soft Landscaping Implementation

28) Before the end of the first planting / seeding season following the first occupation of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping Protection

29) Within a period of five years from the first occupation of the final dwelling of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping, in accordance with the approved designs and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

LEMP Compliance

30) Following the first occupation of the final dwelling hereby permitted, the approved Landscape and Ecological Management Plan shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

OUTLINE PLANNING PERMISSION

Time Limit for Commencement

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 reserved matters, which ever is the latter.

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

Time Limit for Reserved Matters

- 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. Access
 - ii. Appearance
 - iii. Layout
 - iv. Landscaping
 - v. Scale

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 following list of approved plans (in relation to the site location only):
 - a. Planning Layout (Ref: L201/PLANNING/01/Rev H)

Unless otherwise required by another condition of this permission.

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

Before Development is Commenced

Noise Management Plan

- 4) As part of any reserved matters application(s) for the site, a detailed Noise Management Plan containing details of hours of operation and any noise mitigation measures required to ensure that the proposed community facility does not result in any unacceptable adverse noise

impacts on the adjacent residential properties, 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 Noise Management Plan for the lifetime of the development.

Reason: In the interests of the residential amenity of occupiers of the site and the surrounding area.

CEMP

- 5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall include measures to mitigate the adverse impacts during the construction stages of the permitted development and shall include:
- a. The phasing of the development, including access construction and build routes.
 - b. The on-site parking of all vehicles of site operatives and visitors.
 - c. The on-site loading and unloading of all plant and materials.
 - d. The on-site storage of all plant and materials used in constructing the development.
 - e. Dust suppression measures
 - f. Wheel washing facilities.
 - g. A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during all construction works.

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

Reason: In the interests of residential amenity of occupiers of the site and the surrounding area.

Materials Specification

- 6) 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 external surfaces of the development hereby permitted shall be 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.

Archaeological Investigation

- 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.

Thereafter, the archaeological investigations shall be completed in accordance with the approved details.

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.

Culvert Risk Assessment

- 8) Before the development hereby permitted commences, a priority risk assessment for the culvert under the A1 trunk road, in accordance with DMRB CD535 and informed by a pre-construction condition survey, shall be submitted to and approved in writing by the Local Planning Authority.

If identified as necessary following the priority culvert risk assessment, a mitigation scheme for the priority culvert under the A1 should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the mitigation works shall be completed in accordance with the approved scheme prior to the commencement of development.

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.

Surface Water Drainage Strategy

- 9) Before the development hereby permitted is commenced, a scheme for the treatment of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- a. Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
 - b. Provide flood exceedance routing for storm events greater than the 1 in 100 year event;
 - c. 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 drainage infrastructure and watercourse system without exceeding the runoff rate for the undeveloped site;
 - d. Provide attenuation details and discharge rates which shall be restricted;
 - e. Provide details of the timetable for and any phasing of the implementation of the drainage scheme; and
 - f. 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.

Thereafter, no dwelling shall be occupied until the approved scheme has been completed or provided on 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.

Biodiversity Enhancement and Mitigation Plan

10) Before the development hereby permitted is commenced, a biodiversity mitigation and enhancement scheme, based on the recommendations contained within the Ecological Impact Assessment Report (BWB) (Dated January 2023), must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a plan identifying the location of any mitigation and enhancement, along with a detailed schedule (and technical details) of each of the measures proposed.

Thereafter, the required biodiversity mitigation and enhancement measures shall be completed in full in accordance with the agreed scheme, prior to first occupation of the development.

Reason: In the interests of best ecological practice and in accordance with Policy LV-H3 and EN2 of the adopted South Kesteven Local Plan.

Arboricultural Method Statement Compliance

11) Before the development hereby permitted is commenced, the Tree Protection measures indicated on the Tree Protection Plan contained at Appendix 4 of the Arboricultural Method Statement (AWA Tree Consultants) (Ref: AWA5509AMS) (July 2023) shall have been implemented in full.

Thereafter, the tree protection measures shall be retained on site until all works have been completed.

Reason: In the interests of visual amenity and for the avoidance of doubt.

Estate Road Phasing Plan

12) Before the development hereby permitted is commenced, an Estate Road Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

Site Levels

13) As part of any reserved matters application(s) for the application site, plans showing the existing and proposed land levels of the site (including spot heights, contours, and finished floor levels of all buildings) with reference to an 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 as approved, prior to the building being first occupied / brought into use.

Reason: In order to ensure that a safe and suitable standard of pedestrian connectivity is provided for residents and users throughout the allocation site.

During Building Works

Construction Hours

14) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term “construction work” shall include all mobile plant and machinery, radios and the delivery of construction materials.

Reason: To minimise noise impacts on the adjacent residential dwellings.

Delivery Hours

15) Deliveries of construction materials shall only take place between the hours of 0800 and 1700 Monday to Friday, and 0900 and 1700 on Saturdays. Deliveries shall not take place on Sundays or public holidays.

Reason: To minimise noise impacts on the adjacent residential dwellings.

Ecological Mitigation

16) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within the Ecological Impact Assessment Report (BWB) (Dated January 2023), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

Previously Unidentified Contamination

17) Should the developer, during excavation and construction works of the approved development site, find any area where it is suspected that the land is contaminated, then all

works must stop and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared in accordance with current good practice and legislation, a remediation scheme must be prepared in accordance with current good practice and legislation, and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remediation scheme shall be implemented in accordance with the approved details.

Following the completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is the subject of approval in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.

Reason: Previous activities associated with the site may have caused, or had the potential to cause, land contamination and to ensure that any site investigation 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 Local Plan.

Landscape and Ecological Management Plan

18) Before any part of the development hereby permitted is occupied, a Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. Long term design objectives
- b. Management responsibilities; and
- c. Maintenance schedules for all landscaped areas, other than privately owned, domestic gardens.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

Low Road Bus Stops

19) Before any part of the development hereby permitted is occupied, a footway widening scheme for the site frontage, an improved bus stop including bus stop poles and flags and inclusive of timetable, shall be provided in accordance with details that will 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 runoff from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land or property.

Low Road junction

20) Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junction with Low Road, and which will be constructed within the limits of the public highway, shall be laid out and constructed to finished 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.

Ongoing Conditions

Soft Landscaping Implementation

- 21) Before the end of the first planting / seeding season following the first occupation of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping Protection

- 22) Within a period of five years from the first occupation of the final dwelling of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping, in accordance with the approved designs and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

LEMP Compliance

- 23) Following the first occupation of the final dwelling hereby permitted, the approved Landscape and Ecological Management Plan shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Note(s) to Applicant

- 1) In reaching this decision, the Council has worked with the Applicant in a positive and proactive manner by determining the application without undue delay. As such, it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (December 2023).
- 2) All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are out 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 out forward for adoption as public highways may be subject to action by the Highway Authority under Section 219 (Advanced Payments Code) of the Highways Act 1980.
- 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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
- 4) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development hereby 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 our website via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits – <https://www.lincolnshire.gov.uk/licences/permits>.
- 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.
- 6) The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.
- 7) Notification of intention to connect to the public sewer under Section 106 of the Water Industry Act approval and consent will be required by Anglian Water under the Water Industry Act 1991. Contact Development Services on 0345 606 6087.
- 8) No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Anglian Water.

- 9) The Developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Section 104 of the Water Industry Act 1991), they should contact the Development Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.