



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

6 February 2025



S23/0299

Proposal:	Erection of 67 dwellings with associated vehicular access from Reedings Road and Owen Way, and associated public open space and infrastructure
Location:	Land at Reedings Road, Barrowby
Applicant	Persimmon Homes East Midlands
Application Type:	Full Planning Permission (Major Development)
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

28 January 2025

Recommendation (s) to the decision maker (s)

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

Addendum to Committee Report – S23/0299 – Reedings Road, Barrowby

1 Introduction

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:

**During questions to Officers and debate, Members commented on:*

- *Whether the ongoing maintenance of soft landscaping would be enforced.*

The Planning Officer confirmed that the ongoing maintenance of soft landscaping would be an enforcement matter. The Enforcement Team would engage with Applicant's in order to rectify any issues that may arise.

- *Whether any money had been set aside for monitoring as part of the legal agreement.*

The legal agreement included a monitoring fee, which looked at the Council's time and expense enforcing the Section 106 Agreement and approved conditions.

- *Whether there was a substation included within the proposed plan of the site.*

The Planning Officer clarified that the proposed substation was within the eastern part of the site, which was not within the children's play area.

- *Clarification was sought around Policy SB1 and whether any EV charging points or climate change mitigation would be conditioned.*

Condition 9 required the details of the EV charging points. Policy SB1 related to sustainable buildings and taking decarbonisation of the energy grid into account. The current Local Plan did not require communal / visitor EV charging points.

*It was proposed, seconded and **AGREED** to authorise the Assistant Director of Planning to **GRANT** planning permission subject to the completion of a Section 106 Agreement to secure the planning obligations detailed below, and subject to the schedule of conditions set out within the main report (with the removal of Condition 19).*

Updated Heads of Terms

- **Open Space** – on site provision as per the approved plans, and £45,862.60 towards improving existing sports facilities within Barrowby.
- **Affordable Housing** – 30% of all dwellings provided on site, consisting of:
 - *Affordable Home Ownership (First Homes) (5 dwellings)*
 - *5 x 2-bed*
 - *Affordable Home Ownership (Shared Ownership) (4 dwellings)*
 - *2 x 3-bed*
 - *2 x 4-bed*
 - *Affordable Homes (Affordable Rent) (11 dwellings)*

- 4 x 1-bed
- 5 x 2 bed
- 2 x 3 bed

Dwellings are to be provided in accordance with the distribution demonstrated on the Proposed Planning Layout, which indicates clusters of 2-4 dwellings. 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** - £44,220.00 towards expanding healthcare capacity in the Grantham and Rural K2 Primary Care Network.
- **Highways (Low Road cycleway / footway)** - £100,000 towards the cost of delivering a dedicated footway / cycleway along Low Road to link the site to Grantham.
- **Highways (Off-site pedestrian improvements)** - £50,000 towards the cost of providing uncontrolled tactile dropped kerbs between the site and village centre.
- **Highways (Bus Services)** - £67,000 to cover the cost of providing free year-long bus passes to each dwelling of the new development.
- **Community Facility** - £68,514.25 towards the cost of delivering a new community hall.
- **Monitoring Fee** - £15,000.00

2 Updates 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 the financial contribution towards the provision of bus passes for the new dwelling and would prefer the Developer to engage 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 contributions 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 provided, but simply alters 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:

Updated Heads of Terms

- **Open Space** – on site provision as per the approved plans, and £45,862.60 towards improving existing sports facilities within Barrowby.
- **Affordable Housing** – 30% of all dwellings provided on site, consisting of:
 - Affordable Home Ownership (First Homes) (5 dwellings)
 - 5 x 2-bed
 - Affordable Home Ownership (Shared Ownership) (4 dwellings)
 - 2 x 3-bed

- 2 x 4-bed
- Affordable Homes (Affordable Rent) (11 dwellings)
 - 4 x 1-bed
 - 5 x 2 bed
 - 2 x 3 bed

Dwellings are to be provided in accordance with the distribution demonstrated on the Proposed Planning Layout, which indicates clusters of 2-4 dwellings. 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** - £44,220.00 towards expanding healthcare capacity in the Grantham and Rural K2 Primary Care Network.
- **Highways (Low Road cycleway / footway)** - £100,000 towards the cost of delivering a dedicated footway / cycleway along Low Road to link the site to Grantham.
- **Highways (Off-site pedestrian improvements)** - £50,000 towards the cost of providing uncontrolled tactile dropped kerbs between the site and village centre.
- **Community Facility** - £68,514.25 towards the cost of delivering a new community hall.
- **Monitoring Fee** - £15,000.00

- 2.4 In addition, a new planning condition (Condition 14) is proposed to require the submission of a revised Travel Plan, which will include details of a scheme making available 2 free annual travel passes per dwelling for the first year of their 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 would be subsequently revised to ensure that the revised Travel Plan is subject to compliance rather than the travel plan currently submitted as part of the application.
- 2.6 It is the Case Officers assessment that the above revisions to the Heads of Terms of the Section 106 Agreement together with the revised schedule of conditions 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 schedule of conditions would also ensure that the proposed 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 A revised National Planning Policy Framework was published on 12 December 2024. Whilst the revised National Planning Policy Framework contains a number of significant policy updates, these policy updates would result in further weight being given to the public benefits associated with the delivery of housing as part of this scheme. As such, it is Officer's assessment that these material planning policy updates do not justify a revised assessment of any other material considerations relating to the application.

4 Crime and Disorder

- 4.1 It is concluded that the application 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 Planning Balance and Conclusions

- 6.1 To summarise, during the course of negotiations on the Section 106 Agreement, 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 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 delete the financial contributions towards bus passes, which is to be secured through planning conditions instead. To be clear, the proposed amendments do not change the infrastructure requirements, but simply changes the mechanism through which they are to be delivered. The application proposals remain unchanged in all other respects.
- 6.3 Taking the above into account, it is the Officer's 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.

7 Recommendation

Recommendation – Part 1

- 7.1 To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to the completion of a Section 106 Agreement to secure the necessary financial contributions set out within the report above, and subject to the proposed schedule of conditions 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 & Growth, 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 towards healthcare, open space and community facilities as required by Policy ID1, H2 and OS1 of the adopted South Kesteven Local Plan 2011-2036.

Schedule of Condition(s)

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 4 June 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, the programme of archaeological investigations shall have been completed in accordance with the approved Written Scheme of Investigation for Archaeological Evaluation Trenching (Lanpro) (June 2022), and a report submitted to and approved in writing by the Local Planning Authority.

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 to be 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 the construction, and protection measures for any sustainable

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, and to prevent flooding upstream or downstream of the application site.

Part M4(2) Dwellings

- 5) Before any part of the development hereby permitted is commenced, a plan indicating the provision of 10% of the dwellings 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.

Surface Water Drainage Strategy

- 6) 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.

Tree Protection Measures

- 7) Before the development hereby permitted is commenced, including bringing any plant or materials on to the site, the tree protection measures indicated on the Tree Protection Plan (Ref: RSE_6038_TPP/Rev V3) shall have been implemented in full.

Thereafter, the 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

- 8) 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

EV Charging Points Plan

- 9) No development above damp-proof course shall take place until a plan detailing the local of electric vehicle charging points, as required by Local Plan Policy SB1, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved electric vehicle charging points shall be installed prior to first occupation of the dwellings hereby permitted.

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

Construction Hours

- 10) 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 nearby residential dwellings.

Delivery Hours

- 11) 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

- 12) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within Section 6 of the Ecological Appraisal (BSG Ecology) (December 2022), 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

- 13) 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 the measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the 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

- 14) 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 seek 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 reduced dependency on the private car for journeys to and from the development.

Before the Development is Occupied

Sustainable Building

- 15) Prior to the occupation of each dwelling hereby permitted, works shall be undertaken to conform with the sustainable building measures detailed in the approved Sustainability Statement (JSP Sustainability) (October 2022).

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

Materials Compliance

- 16) Before each dwelling hereby permitted is first occupied, the external materials must have been completed in accordance with the approved Proposed Charter Plan (Ref: BA/CP/01/Rev A) and the corresponding approved housetypes pack detailed in the Drawing Schedule (4 June 2024).

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

Hard Landscaping

- 17) Before any part of the development hereby permitted is occupied, all hard landscaping works, including the proposed children's play area, and street surfacing, shall have been completed in accordance with the approved Proposed Charter Plan (Ref: BA/CP/01/Rev A).

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

- 18) 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 Proposed Charter Plan (Ref: BA/CP/01/Rev A) and the approved Landscaping Plan (Ref: 10821-FPCR-XX-XX-DR-L-003 P13, 10821-FPCR-XX-XX-DR-L-004 P13 and 10821-FPCR-XX-XX-DR-L-005 P13).

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

- 19) Before any dwelling hereby permitted is occupied, the measures contained with 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.

Reedings Road / Owen Way junction

- 20) Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junctions with Reedings Road and Owen Way, 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 interest 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 of time at dissimilar, interim construction levels.

Ongoing Conditions

Soft Landscaping

- 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 completed in accordance with the approved planting plans:

- FPCR, Detailed POS Planting Sheet 1 of 5, drawing number 10821-FPCR-XX-XX-DR-L-0001 P14
- FPCR, Detailed POS Planting Plan Sheet 2 of 5, drawing number 10821-FPCR-XX-XX-DR-L-0002 P14
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-003 P13
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-004 P13
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-005 P13

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 of 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.

Landscape Ecology Management Plan

23) Following first occupation of the final dwelling hereby permitted, the approved Landscape Ecology Management Plan (BSG Ecology) (October 2022) 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 the interests of best ecological practice; and in accordance with Policy DE1 and EN2 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.