

Officers Report

Planning Application No: 145475 (WL/2024/00015)

PROPOSAL: Planning application to erect 66no. residential dwellings together with associated access, parking and landscaping.

LOCATION:

LAND AT WOODCOCK LANE
BURTON WATERS
LINCOLN
LN1 2BE

WARD: SAXILBY

WARD MEMBER(S): Cllr P Lee and Cllr J Brockway

APPLICANT NAME: Quintor Homes- Mr David Coates

TARGET DECISION DATE: Extension of time agreed until 30th June 2025

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions and delegate back to officers to issue a decision subject to the signing of a Section 106 Legal Agreement to secure the following;

- NHS Contribution of £41,745;
- The inclusion of a Viability Clause to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The clause will also ensure a full viability assessment is carried out in relation to any future variations (Section 73 Applications) made to the scheme.
- Open Space and Landscaping- Details of future management and maintenance.

The application is referred to the Planning Committee for determination due to the significant level of objections received from Local Residents/ Third Parties and the Parish Council stating material planning considerations.

Site Description: The application site is located on the south west side of Woodcock Lane, to the north western side of the main Burton Waters Marina development. The site is adjoined by Burton Water Lodges to the east/north east, another lodge style development is located to the north of the site. The David Lloyd gym is located beyond the south boundary. The site itself is currently in an overgrown state and is open to all boundaries.

The site is allocated for residential development under Policy S81 of the Central Lincolnshire Local Plan 2023 reference WL/BUR/005 for 100no. units. A small section to the north west of the application site covers an area within allocated housing site WL/BUR/005A. This comprises of a woodland copse and will not be developed within this application, the remainder of the wider part of the allocated site (005A) has already been developed for Park Homes.

The development gained Outline Planning Permission on 8th August 2013 and forms one element of the comprehensive development of this northern section of Burton Waters. The site has a long-standing history of permissions for development and has been allocated within the Local Plan for extra care housing development since 2006.

The application site is located immediately adjacent to the built up area of the relatively modern settlement of Burton Waters. It is 3.3 miles to the north west of the city of Lincoln, and is approximately 2.8 miles to the south east of Saxilby. Lincoln is highly accessible location and acts as a hub for a number of A Roads including the A15, A46, A57 and A158. The area also has a number of water canals, one of which forms the western boundary of the site. This trail acts as both a functional and recreational connection between Saxilby and Lincoln and beyond.

The Proposal: The application seeks full planning permission for the erection of 66no. dwellings, with associated access off Woodcock Lane, garages and parking together with associated landscaping. The proposals also include a cut and fill exercise to alter the existing site levels and essentially lift the development outside of the Flood Zones 2 and 3. An area of open space is proposed to the north of the site and a woodland copse is also proposed to be retained.

There have been numerous amendments and amended plans/documents have been received during the application process, as follows;

- Amended Site Location Plan and Certificate B received on 01/02/2023 - A full 21 day re-consultation was carried out on 03/02/2023.
- Viability Assessments received February 2023 and March 2025.
- Bat Survey Report (April 2024), a Badger and Otter Survey Report (April 2024) and a Reptile Survey Report (April 2024).
- BNG updated information dated April 2024.
- Energy/Sustainability Efficiency information received September 2024.

Relevant Planning History

There is significant site history in relation to this site and the wider Burton Waters development- the most relevant is listed below.

138861- Application for lawful development certificate for the proposed use class and commencement of works of the 100 extra care dwellings, visitor centre and

associated works in planning permission 138295. Granted without conditions 28/03/2019.

1. The application has included clear evidence to demonstrate that a material start has occurred prior to the end of 30th September 2018 in accordance with Section 56(b) and (d) of the Town and Country Planning Act 1990 (as amended).

2. The extra care housing referenced in the description of development and subsequent officers' report can due to the lack of a legally binding agreement and/or relevant planning conditions be considered as falling within Class C3. Dwellinghouses of The Town and Country Planning (Use Classes) Order 1987 (as amended)

138295- Planning application to vary condition 12 of planning permission 137658 granted 15 August 2018 - trigger point for bus infrastructure. Granted with conditions 19/10/2018.

137770- Application to vary conditions 6 and 7 relating to outline planning permission of 130050 granted 08 August 2013 re: drainage and commencement of works. Granted with conditions 15/08/2018.

137658- Planning application to vary condition 6 of planning permission 131842 allowed on appeal 25 June 2015 - amended layout. Granted with conditions 15/08/2018.

137213- Request for confirmation of compliance with condition 1 of planning permission 134630 granted 30 September 2016. Condition discharged 23/01/2018.

135026- Request for confirmation of compliance with condition 8 of planning permission 1300050 granted 8 August 2013. Condition discharged 01/02/2017.

134630- Reserved matters application following outline planning approval 130050 granted 8th August 2013 for 100 extra care dwellings, visitors centre and associated works. Granted with conditions 30/09/2016.

134386- Request for confirmation of compliance with conditions 2 and 5 of planning permission 130050 granted 8 August 2013. Condition discharged 15/02/2017.

130050- Planning application for comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 56no. park home units, use Class C3 dwelling, bus turning area and associated works. Outline planning permission with all matters reserved for subsequent consideration. Granted with conditions 08/08/2013.

126216- Planning application for the erection of 120 bedroomed hotel, conference centre and associated car parking (approval of matters reserved by outline planning permission M05/P/0983) to replace extant planning permission reference number 121437. Granted with conditions 22/11/2010.

121437- Reserved Matters Application for the erection of 120 bedroomed hotel, conference centre and associated car parking (approval of matters reserved by outline

planning permission M05/P/0983, lifting of conditions 2, 3 and 4). Granted with conditions 11/08/2008.

Representations

Comments have been summarised, full versions of the representations received can be found on the Council's website using the following link: [West-Lindsey | Public Portal](#)

Chairman/Ward member(s): No representations received to date.

Burton Parish Council:

19/03/2023;

- Rippon Homes, who are the developer, undertook a public engagement session on 17th March 2023 at Burton Waters in relation to the above application;
- They did not seem to understand much about the development at Burton Waters including the relationship between the leaseholders of the plot, the freeholders and residents of the area.
- On the subject of social housing and on the fact that they seem to be ignoring the Central Lincolnshire Local Plan in many ways, they said that this was something that had yet to be taken up with WLDC.
- Many residents who attended were dissatisfied with the proposals. Burton Parish Council would like to record that the people attending this event were overwhelmingly, if not unanimously against the proposal.
- Having looked at the new documents the proposed development does not fit in any respect with the communities adjacent to the site. The development is predominately large 4 bed 2-storey houses (71%) with only 3 bungalows. High density, urban feel targeting families. This contrasts with the existing communities of all single storey, low density, woodland/parkland environment, age restricted dwellings aimed at an older/retired demographic
- Whilst the developers reference the main Burton Waters site as its locality the site sits north of David Lloyd Leisure a good way from the entrance to the main BW site. That side of Davis Lloyd only has single storey developments this will create significant overlooking / loss of privacy for several lodges opposite the proposed site. 2-storey houses are proposed backing onto the boundary with Woodcock Lane 3 Despite being targeted at families there is no communal recreational space included in the proposal The Parish Council cannot see any significant change on these new plans and Design and Access statement and refer you to our original objections to this proposal
- Having looked at the new documents the proposed development does not fit in any respect with the communities adjacent to the site. The development is

predominately large 4 bed 2-storey houses (71%) with only 3 bungalows. High density, urban feel targeting families. This contrasts with the existing communities of all single storey, low density, woodland/parkland environment, age restricted dwellings aimed at an older/retired demographic.

- Whilst the developers reference the main Burton Waters site as its locality the site sits north of David Lloyd Leisure a good way from the entrance to the main BW site. That side of Davis Lloyd only has single storey developments this will create significant overlooking / loss of privacy for several lodges opposite the proposed site. 2-storey houses are proposed backing onto the boundary with Woodcock Lane despite being targeted at families there is no communal recreational space included in the proposal.
- The Parish Council cannot see any significant change on these new plans and Design and Access statement and refer you to our original objections to this proposal

12/02/2023- Having seen the reconsulted application they consider the changes to be marginal and therefore would reiterate all their previous comments on this application.

11/10/2022- This is a planning application to erect 66 residential dwellings together with associated access, parking and landscaping. The first point that the Parish Council would wish to put forward is that there has been no consultation and engagement with the Parish Council and local community. This is a major planning application which is not in accordance with Central Lincolnshire Local Plan Policy LP4 which identifies Burton Waters as a medium village where there is only 9 Dwellings identified in that policy. There is a revised Central Lincolnshire Local Plan which has been submitted to the Planning Inspectorate. Policies S1/ S4 of this emerging Local Plan again identifies Burton Waters as a medium village and does not identify it has having this type of development under this plan but rather remains similar to the current Policy LP4. As this application is a departure from the Local Plan and emerging Local Plan there is an expectation of consultation and engagement with the local Parish Council and community.

The original plan for Burton Waters identified this as an area distinct from the main Burton Waters development. This development to date has been single lodges sympathetically designed to blend to their natural environment. This has been successful in design as the area is abundant with local wildlife which blends in with the preserved woodland and parkland setting. The original planning proposals for the site subject to this application was for extra care dwellings largely of single storey nature. This type of development would have complimented the existing lodge community as currently there are age restrictions in these properties and the extra care facilities would have been seen to attract the older generation. Their single storey design would have also blended in with the existing lodges.

The current application mirrors the other side of the Burton Waters development being of a harsh urban design with high density largely 2 storey housing. The plans look to removing most current hedgerows and trees making this development highly visible from the towpath and the 2 storey homes would overlook the existing lodges. This is a loss of residential amenity for existing residents. The development style is largely

family homes. Local amenities are not available for families. There is an extremely limited bus service so that all travel would be by car. Most homes having two cars. This would bring approximately a further 120 cars using Woodcock Lane which is not suitable. Burton Waters has no shops only cafes, restaurants and businesses offering services. The health club is a private fee paying club.

Local residents/ Third Party Representations:

Letters of comment and objections have been received from the following addresses:

- 1, 2, 2b 4, 7, 11, 12, 13, 14, 17, 18, 19, 20,21, 22,26, 31, 33,36 Burton Water Lodges, Woodcock Lane
- 34, 36 The Quays, Burton Waters
- 40, 53 Ellisons Quay, Burton Waters
- 5,6, 7, 9, 11, 15, 17, 18, 20,22, 23,35 Bay Willow Road, Burton Waters
- 1, 3,4,5, 7, 9, 15, 16, 18, 35, Bay Willow Rod, Burton Waters
- 5 Oakwood Road, Lincoln
- 2 Mereside, Burton Waters
- 4 and 44 Park Lane, Burton Waters
- 18 Marine Approach, Burton Waters
- 131 Crow Lane, Romford
- Torksey Caravans Ltd
- Burton Waters Management Limited.
- 72 Cleveland Way, Stevenage

The comments and objections have been summarised as follows;

Principle

- Demographically, this development will not fit in with the existing developments of lodges for retired people and is thus, not in keeping with these.
- Go back to the original intention for retirement and sheltered housing. It is widely accepted that there is an overwhelming need for homes for the elderly and disadvantaged in a quiet and safe context.
- The documents continually refer to the adjacent sites as 'holiday lodges'. It is time this misconception was disabused once and for all. All of the dwellings by the site are full-time residential (holiday lodges require time away), inhabited by people over 45 (Lakeshore) and 55 (Lodges) and to continue to refer to these as holiday lodges and park homes instead of homes seeks to diminish the standing of said lodges and park homes;

- This maximum profit Urban Housing Estate venture is clearly the only plan they have. It subtracts massively from the area and simply exploits what exists.
- The site should only be used for retirement homes.
- The allocation allocates the site for 100 units, only on the basis that the scheme is to provide extra care accommodation. The allocation is clear that the 'extra care' is a site specific requirement which is what it needed to be achieved on the site to make it acceptable.
- It is not accepted that the extant permission represents a 'fall back' for private housing;
- The original permission did not allow unrestricted 'C3' housing for private use and it is suggested that the outcome would not have been the same if the application was originally for private market housing.
- There is no recognition of the character of Woodcock Lane as a residential community for over 55s.

Design and Character

- The buildings are not in keeping with the surrounding lodges;
- The density is not appropriate for the surroundings;
- There should only be low level/single storey housing here;
- No objection to the building of bungalows but do object to houses which will be occupied by families, the adjacent lodges are retirement properties;
- All the previous planning applications were for mainly single storey, low-rise accommodation, whether park homes or sheltered accommodation, where the 2-storey buildings were well away from the road and thus didn't overlook the Lodges;
- The volume of houses proposed on such a small area, the increased population and associated demands that brings is of great concern given that the Burton Waters Lodges site only has around 39 dwellings in an area of 16 acres;
- This is an urban estate and is not reflective of the area;

Residential Amenity

- No acoustic survey has been carried out;
- Has light pollution been assessed;
- The area will not be quiet with the family homes proposed;
- This development will impede on the privacy of the Residents of Burton Waters Lodges numbers 14 to 22 and 26 where they will be overlooked by 12 houses 1 and 6-15 which are all 2- storey bounded by a 1.5metre fence;
- Increased noise and air pollution;

- With the requirement for heavy plant to be delivered in the early stages, residents do not want to be delayed going about their business waiting or being woken up by the delivery of heavy plant.

Highways

- The road is unadopted;
- Concerns with construction working times- they should be restricted;
- No travel plan submitted;
- There is already a lot of traffic and visitors to the marina, pub and gym, this will put a strain on the narrow road and will increase noise for residents;
- The increase in traffic will be a danger to pedestrians;
- Woodcock Lane is already full of pot holes. The increase of traffic will cause problems as Burton Waters has only one entrance;
- There are no footpath links to the bus stop on Lakeshore.

Flooding and Drainage

- There are errors in the flood risk assessment;
- There is still the greater risk of flooding in the area;
- I would like to point out that the area in question has acted as a sponge and flood plain during the recent bad weather with the large number of trees also alleviating the situation.
- When the dyke is full because the canal and rivers further down flood, there is nowhere for the water to go and will subsequently cause flooding at worst, damage to the infrastructure at least, to all the dwellings impacted by this.
- Recently when the Fosseway has been high the ground has shown signs of high water. Lakeshore development, next door to the proposed development also has a lake that would naturally flow into the area the proposed development would cover.
- This past year has seen the Lakeshore lake rise to worryingly high levels, heading for the area of the proposed development. If the development goes ahead the risk of flooding to this development, Lakeshore and The View would increase.

Ecology, Wildlife and BNG

- Concerns in relation to the loss of the significant amount of trees and bushes;
- There is a proposal to use hedgehog holes in the gravel boards of fences however there is no detail of where these are going to be fitted, ideally they

should link each side of each garden and also into the general landscape, there should be a plan of possible routes that hedgehogs could take;

- What provision will be made to deal with existing wildlife safely;
- Development may impact off site habitats due to disturbance;
- The land has been left for such a length of time that nature has moved in and it would be criminal in the extreme to destroy the trees and wildlife that now use the land as their homes.

Developer Contributions and Other

- The application still does not provide any affordable housing, nor does it make any reference or justification as to why the affordable housing has been omitted. The information is silent on the matter.
- Social Housing will have a negative impact upon the area and businesses due to a high risk of anti-social behaviour;
- There are no shops nearby;
- Fire Risks need to be taken into account;
- The existing residents pay for security and up keep of the of the infrastructure on site, this development will add pressure with no contribution to the upkeep of the highway;
- There will be an impact upon local doctors and schools;
- Concerns with the consultation event that was carried out by the developer.
- The land is currently used by locals as an area to enjoy, able to take dogs walking and enjoying nature, a community amenity especially during the summer months.
- The area has no facilities for children and young people and the proposals contain no details about how the recreational and educational needs of younger residents will be met.

LCC Highways and Lead Local Flood Authority:

27/03/2025- No objections.

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. This application has an acceptable drainage strategy, in principle, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Introduction/Site Location- 66 residential dwellings and associated infrastructure.

Existing Conditions- Site to be served from existing private internal estate roads.

Highway safety- The proposed development does not pose an adverse effect on public highway safety.

Highway capacity- The roundabout on the A57 has previously been constructed to serve the wider development, therefore the proposed will not have a detrimental effect on highway capacity.

Travel Plan- Is not required for this development.

Site Layout- Internal estate road networked designed to adoptable standards.

Flood Risk and Drainage- Flood risk and drainage has been considered and mitigated. A suitably designed sustainable drainage strategy is proposed, attenuating and discharging at an agreed rate.

Off-Site Improvements No off- site improvements are required for this development.

Planning Conditions: No highway related planning conditions are required.

Recommends an Informative in the event permission is granted.

14/10/2022- ADDITIONAL INFORMATION REQUIRED The Highway and Lead Local Flood Authority would comment as follows: Highways The development site is private and as such the roads serving it will not be adopted by the highway authority.

The nearest adopted highway is the A57 and provides safe access to the overall site with the proposal having a negligible effect on highway capacity. The following are recommendations only, with regard the layout:

- Removal of the raised areas/vertical deflections and road narrowing. Considering the layout, they will not be required.
- It is recommended that an internal loop is created as opposed to the two large cul de sacs shown, to aid with site permeability.

Drainage The drainage strategy would appear acceptable in principle, subject to suitable detailed design. From a sustainable drainage perspective initial capture of surface water via gullies and carrier pipes provides little in the way of surface water treatment and there are alternatives that provide better first stage treatment. Discharge consent and rate will require agreement with the relevant Internal Drainage Board.

Lincolnshire County Council Education- The County Council has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

Environment Agency:

21/02/2023- No comments to make on the amendments and refer you to our comments of 05/10/2022.

05/10/2022- The proposed development will only meet the National Planning Policy Framework's and Policy LP14 of the Central Lincolnshire Local Plan (2012-2036) requirements in relation to flood risk if the following planning condition is included.

Condition- The development shall be carried out in accordance with the submitted flood risk assessment (Doc Ref: RHL-1614-01-FRA-004-P1, dated 16/08/2022 produced by Inspire Design & Development Ltd) and the following mitigation measures it details: · Finished floor levels to be set no lower than 6.1m above Ordnance Datum (AOD) · Flood resilience and resistance measures to be incorporated into the proposed development as stated. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Network Rail: No observations to make.

NHS Lincolnshire:

The development is proposing 66 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 152.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.

The development will impact Trent Valley Surgery, The Glebe Practice, Lindum Medical Practice and Brayford Medical Practice as the development is within their catchment area.

Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 66 dwellings on Land at Woodcock Lane, Burton Waters to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Trent Care Primary Care Network (PCN) at Trent Valley Surgery and/or The Glebe Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The contribution requested for the development is £41,745.00 (£632.50 x 66 dwellings).

Witham Internal Drainage Board: The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps). However, it is up to West Lindsey District Council as the planning Authority granting planning permission. It is noted that a Flood Risk Assessment is included in the Application that contains appropriate mitigation. It is noted the proposed FFLs of 6.1m would potentially remove the development into Zone 1.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

- The proposed attenuated surface water discharge from the existing pond of 43.4 litres per second is acceptable to the Board and in line with the agreed strategy. The Proposed flow control will require a Land Drainage Consent from the Board.
- Although the site is attenuated within the pond, I would expect that WLDC as the LPA and LCC as the LLFA in accordance to National and Local Policies to insist on the use of SuDS within the development rather than a 'piped' system, the Board would support this.
- The design calculations date from 2016 and potentially do not take into account of the current proposals. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.

A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Lincolnshire Wildlife Trust:

22/06/2023- The reported 4.82% net gain falls short of the minimum 10% now required under Policy S61 of the Central Lincolnshire Local Plan that was adopted in April 2023 mandating the minimum requirement ahead of the national start date. Furthermore, the trading rules are not satisfied due to the loss of 3.84 ha of mixed scrub onsite. This is a medium distinctiveness habitat requiring an equal area of habitat of the same broad habitat or distinctiveness. This can be achieved through offsite gains and we strongly encourage the applicant to contact the 'Green Investment in Greater Lincolnshire' (GIGL) project to seek advice on this.

Hedgehog passes- The 'Landscape Management and Maintenance Plan' shows several locations for hedgehog passes across the proposed development. The majority of these are appropriately located but a small

number along the north-eastern boundary appear to be passes between private gardens and Woodcock Lane with no passes between these gardens (private gardens 8, 11 & 15). This is likely to increase the risk of road collisions with hedgehogs by granting them only partial access to the collection of gardens in the proposed development and limited access routes between them. The passes between the aforementioned private gardens should also have passes between them. The gardens in the interior of the development (private gardens 18 – 37) have no hedgehog passes. This is an oversight in the plan as hedgehogs have territories between 10-30 hectares and thus require large areas to forage and breed.

Webwall -The inclusion of a 'Webwall' is an innovative way of introducing biodiversity units into an urban setting. The vertical elements of construction are all too often underutilised for these purposes but can lead to large gains in biodiversity units.

Protected Species - We expect the recommendations listed in the Preliminary Ecological Appraisal (PEA) regarding further survey work for protected species to be completed before any construction work takes place. The relevant species cannot be explicitly stated here due to their sensitivity but fall within the protections listed under the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended) and Part two of Policy S60 of the Central Lincolnshire Local Plan. We anticipate these future surveys to form an updated or pre-commencement report, providing there is no undue risk to protected species on site as a result of the development.

Ecological Enhancements- We agree with the recommended enhancements set out in 8.5 to 8.10 in the PEA which provide important nesting and roosting provisions as well as hibernacula and would like to see these implemented throughout the site in line with Part two of Policy S60 of the Central Lincolnshire Local Plan.

The Lincolnshire Wildlife Trust hopes these comments are helpful at this stage and welcomes further discussion relating to the points covered. LWT are keen to discuss this application further with the Local Planning Authority, the developer and others as a joint endeavour to achieve more for the natural environment in Central Lincolnshire.

30/09/2022- Holding Objection- LWT want to see how the Proposed Site Plan will deliver the minimum of 10% Biodiversity Net Gain now required under the Environment Act 2021. The baseline, pre-development habitat units, including any and all existing trees and hedges would need to be assessed using the latest DEFRA Biodiversity Metric and the UK Habitat Classification assessment required by the Defra Metric.

At present, the site appears to be composed of a mosaic of habitats including broadleaved woodland, scrub and semi-natural grassland. This combination of habitats, along with its proximity to a watercourse, proves incredibly valuable to wildlife. The applicant will need to take great steps to ensure the area remains so post-development according to its claims in the Design and Access Statement. LWT would like to acknowledge the proposed hedgehog passes throughout the residential gardens and the locations of hibernacula. It is worth stating that these enhancements, while valuable, will not contribute to any biodiversity net gain as the metric focusses on habitats.

LWT would prefer to see SuDS incorporated into the proposed design rather than an outflow into the drain alongside Foss Dyke. The proposal exceeds the minimum threshold (10 dwellings) for incorporation of such features and should be designed as a wildlife area as well as a functioning drainage feature. We would recommend the use of native species, of local provenance, in the SuDS landscaping schemes.

Canal and River Trust:

26/06/2023- We note the provision of additional information and further cross section drawings (Drawing 1621-15D Site Sections (1 of 2) and Drawing 1621-51 Site Sections (2 of 2)) which show clearly the proposed changes to ground levels indicate that there is to be no earthmoving/ground level changes within the identified tree protection area.

Providing that all other drawings which suggested that earthmoving/ground level changes would take place within the tree protection area are now superseded and the canal side tree belt is to be fully retained then we are satisfied that these cross sections clarify matters and address our previous queries in this regard.

Although updated street scene drawings have been submitted (Drawings 1621-12C, 1621-13C and 1621-14C), as noted in our previous response, these street scenes still do not show the outward facing views from neighbouring land, but only internal views of the houses fronting the roads, which means that the impact of the proposal on views from beyond the site, such as from the Fosssdyke Canal corridor remains difficult to judge.

We note that a retaining webwall is proposed along the boundaries to Plots 46-57 and 61-62 and that this is to site immediately beyond the tree protection fencing. More detail regarding the webwall would have been helpful in more clearly understanding how this feature will contribute towards the ecological enhancement of the area and minimise the visual impact of the proposed rear boundary fences of the adjoining properties. A streetscene looking towards the webwall from the Fosssdyke would have been particularly helpful in this regard. We consider that it is important that views of this fencing are well screened from view from the Fosssdyke by retained and/or new vegetation to ensure that it does not adversely affect the character of the waterway corridor.

30/09/2022- Existing and Proposed Ground Levels There appear to be significant changes to the site levels proposed through the importation of material which are expressed in an existing topographical survey (with flooded areas not surveyed) and a resulting site level of approximately the same height as the Fosssdyke Canal banks shown on the Contours Plan. A Cut and Fill plan is provided to help explain the changes in ground levels proposed, but this is at odds with the Site Sections plan that shows in section AA the drain to the north-east of the Fosssdyke Canal appearing to have been fully infilled. Providing existing cross sections on the proposed sections plans would further enhance understanding of the proposal's potential impacts.

Ecology and Landscaping The site is currently mixed grassland with scrub trees and the Design & Access Statement states that Arboricultural and Ecological surveys will be supplied with the application, but do not appear to be available. Whilst these have

been requested from the case officer, they have not become available within the consultation period

The existing trees and vegetation within the steeply sloping sides of the drain along the south-western edge of the site provide important ecological habitats that the Trust consider should not be harmed either through earthworks to re-grade the edges of the site or the development of the proposed dwellings. The Arboricultural report should assess the health of existing trees and vegetation as well as recommending Root Protection Areas (RPAs) for those to be retained as landscaping to the proposed development. Currently the Cut & Fill Plan indicates that significant earth removal is proposed along the north-east edge of the drain which would result in the currently unjustified loss of existing trees and vegetation from the Soft Landscaping area along the frontage to the Fosdyke Canal.

The site currently provides dark sky habitat that is likely to be important to nocturnal foraging species such as bats. The Fosdyke Canal will also be a nocturnal foraging area for bats and otters. The Ecological Survey should be carried out during summer months and take account of neighbouring habitats and nocturnal species.

The street scenes provided do not show the outwards facing views from neighbouring land, but internal views of the houses fronting the roads, which means that the impact of the proposal on views from beyond the site, such as from the Fosdyke Canal corridor is difficult to judge. Furthermore, a 1.5m high close board fence is proposed to face the Fosdyke Canal along the majority of the south-western rear garden boundaries, but as discussed above the retention of existing landscaping is unclear. The removal of significant levels of existing trees and vegetation from the north-eastern edge of the drain would result in the close board fence forming an obvious and harsh boundary of urban character as viewed from the Fosdyke Canal corridor, which the Trust consider to be a non-designated heritage asset. The developer is unable to rely on the presence of trees and vegetation within 5m of the drain and on the slopes of the Fosdyke Canal embankment as from time to time it is necessary to responsibly manage such vegetation in the interests of maintaining the canal's infrastructure.

Disposal of Surface and Foul Water A Flood Risk Assessment is provided that includes calculations for the disposal of surface water via attenuated SuDs to an existing drain to the north of the site. It is noted that changes to the ground levels along the length of the south-western frontage of the site may mean that surface water runoff could be increased to the drain along the Fosdyke Canal boundary of the site. It is also unclear which direction the drain to the northern boundary flows. The Trust are not a drainage authority and so the disposal of surface water into our watercourses is not granted by right, but by commercial agreement.

Connectivity with the Fosdyke Canal Towpath The extent of the site and drain along the boundary with the Fosdyke Canal will likely prevent connectivity with the towpath, but future development of the site adjacent to the David Lloyd gym may allow this as the drain is absent and the ground levels more level in the southern corner of this land. This should form part of the LPAs material considerations with regards to sustainable travel from the site.

The planning application does not include a Certificate B advising that notice has been served upon the Trust with respect to this area of land being included within the site area. The Trust therefore request that the application site area be amended to accurately reflect the land ownership, or that Notice be served upon the Trust and Certificate B submitted as part of the application to rectify this matter.

LCC Archaeology: This site has been extensively archaeologically evaluated in association with previous development proposals in this area. These identified nothing of archaeological interest sufficient to merit any further archaeological work on this site. On this basis we would recommend that no further archaeological input be required.

Recommendation: no further archaeological input required.

WLDC Environmental Protection: Recommends a contaminated land survey and a construction management plan.

WLDC Strategic Housing- The above site will trigger an affordable housing contribution under Central Lincolnshire Local Plan. The CLLP requires for sites in the Lincoln Strategy Area to deliver 25% of the dwellings on site as affordable housing. On this site of 66 this will equate to 16.5 rounded to 17.

The NPPF requires 10% of all dwellings built on site to be available as a low cost home ownership tenure (equates to 6.6 units.) Alongside that, under the new ministerial statement, from the 28th December 2021 25% of all affordable housing contributions are required to be First Homes – which can contribute towards the low cost home ownership requirement. The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split.

Based on the above, to meet all of the required criteria, the tenure split I propose is:

60% affordable rented - 10
15% Shared ownership - 2
25% First Homes - 5

These units will need securing through a S106.

The location of these units does not lend itself to affordable rented housing for general needs housing for families due to the lack of links to schools and amenities. However, should the residents have access to a car, the location is not remote and so would be able to access facilities with relative ease. Alongside that, the small number of units that would be being delivered as affordable here subsequently means location would not be a reason to not deliver affordable rented units on this site. There are public transport links to this area facilitating access to other amenities such as shops, employment etc.

The types of accommodation being proposed would need to be looked at for delivery of affordable housing, the majority of the site is 3-4 bed houses with a minimal amount of bungalows and smaller units. It could be difficult to engage with an RP in this

location for units of that type to be delivered as affordable. I would welcome a discussion regards affordable housing delivery on this site with the developer to understand the opportunities for delivery of affordable housing this site can bring.

WLDC Tree and Landscape Officer:

19/06/2023- Proposals for soft landscaping: The information given in the agents response and revised plans/documents are appropriate, and I have no further queries or concerns.

Potential effect on any trees or hedges on or near the site: Please note: although most of the triangle of TPO woodland is north of the ditch, it does extend south of the ditch into the site.

To show the TPO woodland in context of development done since the TPO was made please see the extract below, where you can see that the SE corner of the TPO would also include tree 5 as a TPO tree.

The area of the TPO was far too dense to me to access but there appears to be various trees within the TPO south of the ditch, though the exact position of the ditch was difficult to see. See point 9 of my previous comments and the recent KRT response “no changes are made to existing ground levels within their RPA”, but please ensure it is clear that the TPO does extend south of the ditch and includes tree 5 amongst others. The positions of the tree protection fencing is suitable. Details given regarding the hand digging of post holes for garden fences to the rear of plots 16 and 17 is suitable.

I am satisfied with the responses and revised details since my previous comments on this site. I have no further queries or issues regarding these proposals.

Comments on originally submitted application-

Design & Access Statement (DAS) – the DAS points out that the dwellings that back onto Woodcock Lane will have a 1.5m landscape buffer between the rear boundary fences and the back of the footpath, for native hedgerow and wildflower planting. The Landscape Plan, ref no. KD.BRTW.D.001, also shows various trees to be planted along this 1.5m strip alongside Woodcock Lane and new public footpath. A 1.5m planting strip is narrow if it is to include a hedgerow, trees and wildflower planting. The roadside trees are very important for landscaping of this site, otherwise the backs of the houses would be clearly viewed from Woodcock Lane, but most importantly, all their garages and the long line of 1.8m high fencing alongside Woodcock Lane would be the main views from Woodcock Lane which would have a negative and harsh appearance in the street scene and to the character of the area. Therefore, the planting and retention of the hedgerow and trees is crucial to the future appearance and character of the street scene.

The proposed trees are not all natives as the tree schedule on the plan describes.

The hedgerow will help screen the long 1.8m boundary fence adjacent the road, but it will take several years for hedgerow plants to grow sufficiently to provide worthwhile

screening of the long length of fencing, providing residents retain it at a reasonable height, and don't remove it or keep it cut down to a low height.

The intended trees along the 1.5m strip adjacent Woodcock Lane includes various narrow-crowned varieties, probably due to the restricted width of the planting strip and the adjacent footpath and road that branches would overhang as the trees grow.

The proposed trees have clearly been thoughtfully positioned where their screening and softening value will be of most use in views from the road in relation to building positions.

Comments and queries in relation to the Arboricultural Report- answered in email from the agent dated 22/05/2023.

Anglian Water:

14/03/2023- Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Skellingthorpe Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network This site falls within an area served by a vacuum sewerage system. These systems are different to conventional gravity system in that connections can only be made to an interface valve chamber, also known as a vacuum pot. These interface valve chambers have limited capacity and are only able to accommodate up to 4 properties or 0.5 litres per second. Connections are only permitted via gravity; a pumped connection is not permitted. The Developer will be required to employ the appropriate Vacuum contractor, which in this case is Redivac, to design and undertake the connection on their behalf. Due to the nature of the system, upgrades may be required to accommodate the proposed development. If there is insufficient capacity or pressure to accommodate the new development, Anglian Water will fund the necessary improvements downstream of the connection point. Please note that this can take up to 24 months to be implemented. We cannot begin this process until planning permission has been granted and the developer has made us aware of the proposals. Connecting new development before these upgrades are implemented could have a detrimental impact on the operability of the existing vacuum sewerage network and properties already connected.

Section 4- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch.

Recommends informatives and a condition for foul drainage disposal.

13/09/2022- Used Water Network- This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development

Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

Recommends Informatives and Condition.

Lincolnshire Police- No objections to the application.

Lincolnshire Fire and Rescue Service- I refer to the planning application reference 145475. The Fire Authority would make no objection to the application provided that the following items were included with the development:

ACCESS- Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2000 Approved Document B (ADB) Part B5.

Lincolnshire Fire and Rescue recommends the installation of two (2) hydrants in respect of this planning application to be provided at the developer's expense as an integral part of the water mains scheme to support the long term fire safety of Residents and Occupiers. One hydrant should be positioned on the main entrance to the site. Where there are dwellings more than 200 metres from this fire hydrant, a further fire hydrant should be positioned at a mid-point on the site.

ENVIRONMENTAL- It is acknowledged that the environmental impact of fire water has been considered within this proposal.

Relevant Planning Policies and Legislation:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2023 –**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S12 Water Efficiency and Sustainable Water Management
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S45 Strategic Infrastructure Requirements
- S47 Accessibility and Transport
- S48 Walking and Cycling Infrastructure
- S49 Parking Provision
- S51 Creation of New Open Space, Sports and Leisure Facilities
- S53 Design and Amenity
- S54 Health and Wellbeing
- S57 The Historic Environment
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows
- S81 Housing Sites in Medium Villages

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024 Paragraph 232 states:

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

<https://www.gov.uk/government/publications/national-planningpolicy-framework--2>

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

- National Model Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

- **Neighbourhood Plan**

There is currently no Neighbourhood Plan in preparation within the Burton Parish and there are no draft policies that need to be taken into consideration.

Other:

The Town and Country Planning (Use Classes) Order 1987

[The Town and Country Planning \(Use Classes\) Order 1987](#)

Assessment

Main Considerations:

- Principle of Development
- Flood Risk
- Design, Character and Visual Amenity;
- Neighbouring/Residential Amenity
- Highway safety and Parking Provision:
- Infrastructure requirements and Contributions;
- Affordable Housing and Viability;
- Open Space
- Energy Efficiency
- Trees, Hedgerows, and Landscaping:
- Ecology, Biodiversity, and Net Gain:
- Drainage
- Minerals
- Other Considerations

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application seeks full planning permission for the erection of 66no. dwellings on land to the west/ south west of Woodcock Lane, within Burton Waters.

The site is allocated for development under Policy S81 (Housing Sites in Medium Villages) of the Central Lincolnshire Local Plan 2023 under allocation reference WL/BUR/005. The allocation details that the site has planning permission for 100no. units. The site specific requirements detail the following;

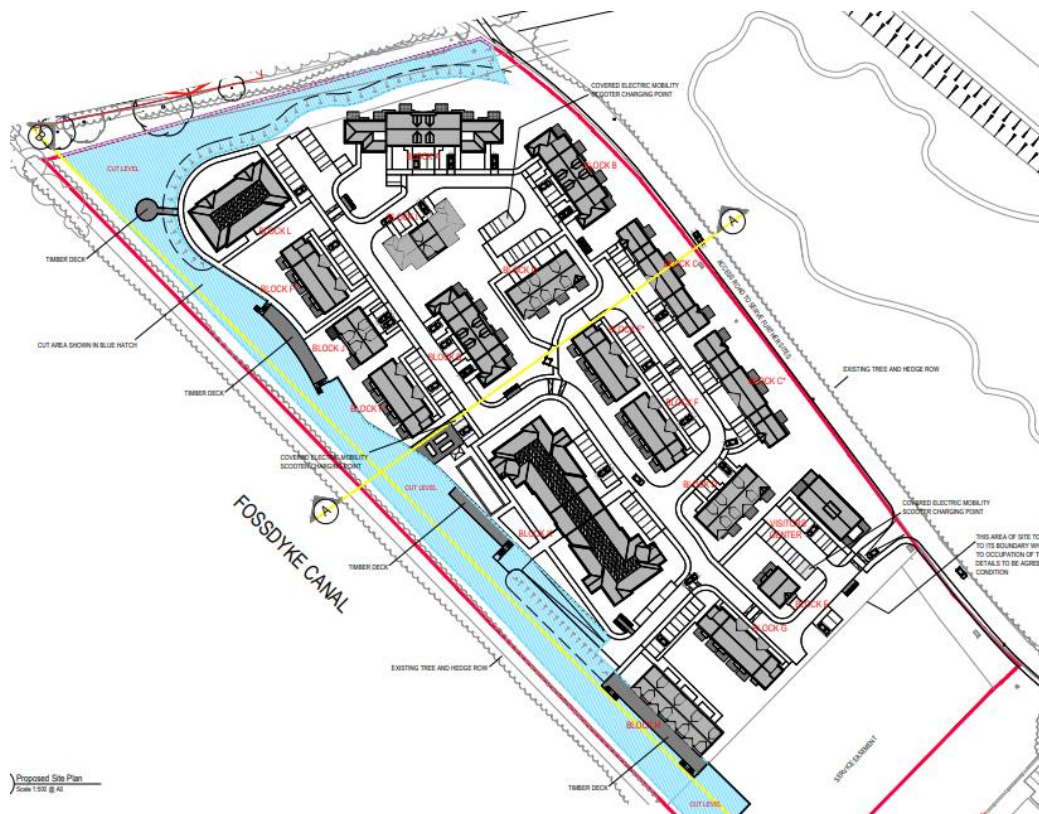
- Scheme to provide extra care accommodation;
- Within a Sand and Minerals Safeguarding Area.

It is first important to detail the planning history of this site. A Hybrid Planning permission (part full and part outline) was first granted in 2013 under reference 130050, with the following description;

*Planning application for comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 56no. park home units, use Class C3 dwelling, bus turning area and associated works. Outline planning permission with all matters reserved for subsequent consideration, for the development of a 60 bedroom hotel, **extra care housing, up to 100 units** and 24 holiday lodges, and associated works.*

The full extent of the application site included land to the north and south and was part of a larger phased development. The application site for consideration here was the area where the 100no. units of extra care housing was proposed to be located.

A Reserved Matters application was submitted in 2016 under reference 134630 for the same area as proposed in this application. The application was granted, with conditions for the erection of 100no. extra care units set out in 18 semi-detached, terraced and apartment blocks, as shown on the approved site plan below;



A Lawful Development Certificate (LDC)- Existing, was submitted in 2019 under reference 138861. The LDC sought confirmation from the LPA that the 100no. units could be used as unrestricted C3 dwellings and that a lawful start had been made on site (in accordance with the original outline permission), meaning that the three year commencement of development condition had been met and the permission was extant (existing).

Following legal advice sought by the LPA, the Lawful Development Certificate was granted, for the following reasons:

- 1. The application has included clear evidence to demonstrate that a material start has occurred prior to the end of 30th September 2018 in accordance with Section 56(b) and (d) of the Town and Country Planning Act 1990 (as amended).**
- 2. The extra care housing referenced in the description of development and subsequent officers' report can, due to the lack of a legally binding agreement and/or relevant planning conditions be considered as falling within Class C3. Dwellinghouses of The Town and Country Planning (Use Classes) Order 1987 (as amended).**

Ultimately the LDC confirmed that the blocks/terraces/units of extra care C2 accommodation, which remain extant and could be built out at any time and could be used as Use Class C3- Dwellinghouses without any further planning permission. Whilst the proposal comprising of 66no. dwellings would not fully meet with the site-specific requirement (extra care accommodation) under Policy S81, significant weight

in the planning balance is given to this extant planning permission and subsequent decision of the Lawful Development Certificate.

Density and Indicative Dwelling Numbers

The indicative number of dwellings within the allocation ref is 100 dwellings (24 dwellings per hectare, gross density). The number of dwellings proposed in this application is 66 and the number of dwellings per ha would be 16, gross density.

The Central Lincolnshire Policies S76 – S82 Evidence Report at paragraph 4.15 assumed densities of development sites within each of the settlement hierarchy categories which were used as a starting point to provide indicative capacities. For Medium and Small Villages, it assumed a net density of 20dph with 75% of the site being development, accounting for green space and roadways etc. 66 dwellings would equate to 22dph, net density.

Neighbouring developments directly to the north and northwest comprise of lodge style dwelling types, set out in larger plots, and therefore have a lower density than the proposal. However, weight is given to the density previously found to be acceptable here in the scheme for 100no. units, which is a realistic fall-back position. In this case, it is considered that an appropriate balance has been struck between providing dwellings on the site and providing ample private garden space for each dwelling, sufficient off-street parking to meet the parking standards, sufficient open space and drainage areas, sufficient turning space for large vehicles, and on-site biodiversity net gains.

Housing Mix

Policy S23 states that; *Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Central Lincolnshire Housing Needs Assessment and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.*

The housing mix for the proposal is as follows;

- 48 x 4 bed dwellings;
- 13 x 3 bed dwellings;
- 2 x 3 bed bungalows;
- 3 x 2 bed bungalows.

The site will comprise of 10 different house types. It is recognised that the site comprises of a high number of 4 bedroom detached dwellings. The site does also include 3 bed dwellings as well as five, 2 and 3 bed bungalows. As detailed further on within this report, viability assessments have been submitted for review during the application process. The applicant argues that the viability of the site is the main reasoning for including such a high number of 4-bedroom dwellings. It is acknowledged that the site is heavily balanced towards 4 bedroom dwellings but in this particular case it is considered that the mix is acceptable, and weight in the

determination is given to the viability assessment and its findings. The proposal would broadly accord to the requirements of Policy S23.

M4 (3): Policy S23 states that “Proposals which deliver housing at the higher access standards of Part M Building Regulations (Access to and use of buildings) to M4(3) standard will be encouraged.” 30% (20) of the units would be built to Building Regulations M4 (3) standards. A plan has been provided to show which dwellings would be built to this standard.

With consideration to the above discussion, it is therefore considered that the principle of development accords to Policy S81 of the CLLP. Further assessment of material planning considerations, including the impact upon the character of the area are carried out below.

Flood Risk

The site is located within Flood Zones 2 and 3 as defined by the Environment Agency’s Flood Risk maps for planning. In accordance with the NPPF and Policy S21 of the CLLP the application has been accompanied by a site specific Flood Risk Assessment (FRA) by Inspire Design and Development dated August 2022.

As the site is allocated for development within the development plan, the sequential and exceptions test does not need to be passed in this case. Nevertheless, the development has to demonstrate that the development and the surrounding area would be stay safe in a flood event. Previous applications at this site were proposed to carry out cut and fill exercises to lift the development outside of the flood risk zones, this is also proposed in this application. Ground levels of the dwellings throughout the site will be at a minimum of 6.1m AOD.

A cut and fill exercise will be carried out at the application site, the application has been submitted with a topographical survey and various site sections. The cut and fill process involves the excavating (cutting) of material from areas where the ground is higher than the desired level and using it to fill areas where the ground is lower. The drawing below shows an example of part of the site and how the cut and fill exercise will look in terms of land levels. The green line denotes the existing land levels, and the black line denotes the design level. Ultimately the cut and fill exercise will comprise of lifting the development outside of the predicted flood zones.



The proposals have been reviewed by the Environment Agency who have recommended a condition in the event permission is to be granted. Overall, subject to the recommended conditions the proposal would be expected to accord to Policy S21 of the CLLP.

Design, Character and Visual Amenity

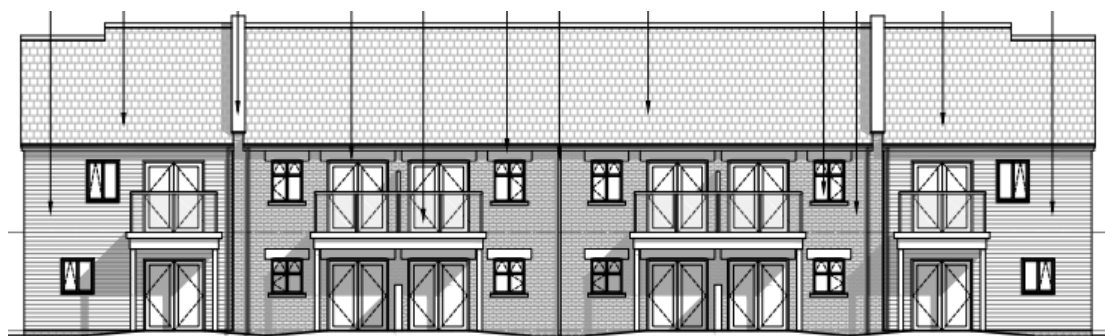
Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area.

It further states that development should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness, and should be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.

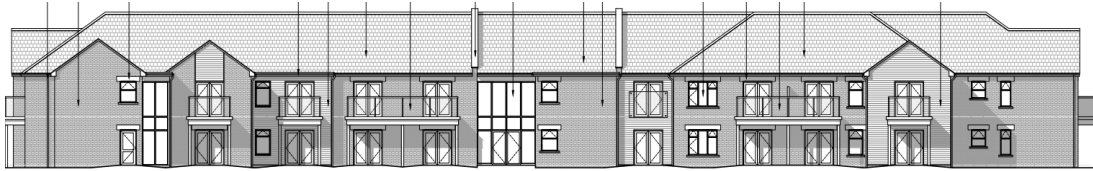
The site is surrounded on three sides by developed sites, to the south the David Lloyd fitness centre dominates the area as a prominent commercial building. To the east, on the opposite side of Woodcock Lane, are lodge style dwellings, these styles of properties are also evident on the park homes site to the north. The site is very well enclosed by trees, the David Lloyd Centre, topography around the site and beyond its boundaries and therefore the site is well screened from the A57, Fosdyke canal path and wider public views.

There has been significant local objection to the development in terms of the development consisting of two storey dwellings. As detailed above to the north and north west of the application site the character comprises of single storey detached lodge style dwellings. These developments are set back from the main highway through, Woodcock Lane. Each of these developments were clearly planned developments of their time. This is also the case for the two and three storey dwellings which surround the marina basin, further to the east.

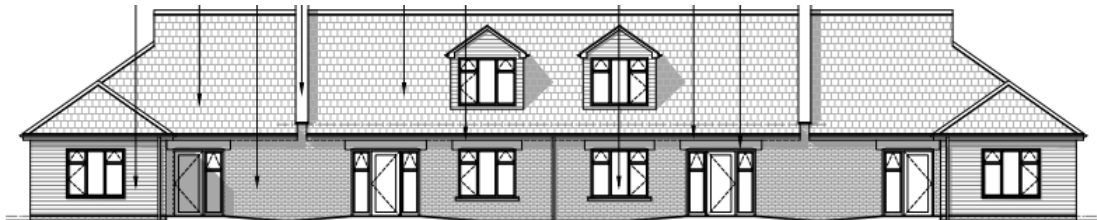
Consideration has to be given to what could be erected here, lawfully, without any further planning permission, which is 18no. semi-detached, terraced and apartment blocks. Below includes some approved elevations and commentary on the approved extant development (134630):.



05 Proposed Rear Elevation
Scale 1:100 @ A1



It is also acknowledged that some of the approved blocks were single storey/bungalows in their scale.



Assessment of this application (145475/ WL/2024/00015)- The majority of the site submitted for determination in this application does predominantly consist of two storey dwellings, with detached and integral garages, there is also a small number of bungalows located to the south corner of the site. An indicative street scene view is shown below;



welling frontages have simple symmetry to porches with canopies used in some instances. The majority of the houses have gabled features creating vertical emphasis. The streetscape is broken by, dormer windows and a variation in ridge heights. A variety of stone/brick heads, cills/band courses and cladding is also evident. In terms of the proposed site layout, each of the dwellings would be sited within ample sized plots, whilst also providing off street parking. Dwellings will address the roads where there are corner turns, pockets of planting are also shown. Boundary treatments will consist of some open frontages, with native hedge planting to front boundaries, some plots will have walled (1.8m) side garden areas, timber panel fencing (1.8m) in height will separate rear garden areas.

Proposed materials to be used in the dwellings are detailed on plan reference 1621-08 B and comprise of the following;

- Grey roof tiles;
- Red Multi Brick;
- Red Brick;
- Anthracite Grey, Feature weatherboard cladding- on some plots throughout the site.
- Windows- White UPVC. Front Doors- Anthracite Grey.

- Black Rainwater Goods.

There is a mixture of materials used in the surrounding developments, including timber cladding, red and buff bricks as well some small areas of render on properties. Subject to final specifications, the proposed materials are considered to be acceptable within the context of the wider area.

Rear garden areas are ample in their size, with many having depths of at least 6m. An area of open space is located to the northwest of the development as well as a retained landscaping buffer between the site and the Fosseydyke to the south. Smaller pockets of landscaping are also shown within the development. The built form is similar to the scheme for the 100no. units approved under reference 134630.

It is acknowledged that the appearance of the proposed dwellings in this application would be different to those of the lodge style dwellings to the north and north west. Nevertheless, Burton Waters comprises of pockets of differing planned development types. Each of these development types are read individually within their site boundaries. This would be the same situation with the application site.

A landscaping buffer at 1.5m in height is proposed along the north east boundary which lies adjacent to Woodcock Lane in front of rear garden boundary fencing. This will, once established help to soften the development for users of Woodcock Lane. The existing landscaping along the south boundary, which lies adjacent to the Fosseydyke will be retained as part of the proposals. Landscaping within the site will include the planting of trees and hedgerows.

The site is not within an area designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

Overall, the proposal would not have an unacceptable impact upon the character of the area, it is also considered that the proposal represents a more complementary development to that of the extant large C2 accommodation blocks and terraces and would accord to the aims of Policy S53 of the CLLP.

Neighbouring and Residential amenity

Criteria 8 Homes and Buildings of Policy S53 states that development proposals will:

- a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;*
- b) Be adaptable and resilient to climate change and be compatible with achieving a net zero carbon Central Lincolnshire as required by Policies S6, S7 and S8;*
- c) Be capable of adapting to changing needs of future occupants and be cost effective to run by achieving the standards set out in Policy S20;*
- d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*
- e) Provide adequate storage, waste, servicing and utilities for the use proposed;*

Criteria f) of Para 135 of the NPPF states that planning policies and decisions should:

f) 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 users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Objections have been received in relation to the living conditions of existing neighbouring residents.

The application site is adjoined by other residential uses to the north, beyond the highway and to the northwest beyond the intervening woodland copse.

At the closest point the proposed rear elevations dwellings that would run along the northern boundary of the site would be sited between c.25-35 m away from the lodges that run adjacent to the south boundary of the Burton Water Lodges site. It is recognised that the cut and fill exercise would raise the height of these dwellings (by approx. 1m in this location) however given the large separation distances it is not considered that there would be any harmful overlooking or dominating impacts upon these neighbouring residents.

There are no amenity concerns in relation to the dwellings which adjoin the site to the north, which are separated from the application site by intervening open space and the woodland copse.

With regards to the proposed dwellings, they are all adequately separated from one another as to not cause any dominating impacts. Window openings are also appropriately placed as to not cause unacceptable overlooking impacts. Rear garden areas are relatively large, with most garden areas having a depth of at least 6m.

Concerns have been raised in relation to noise from construction traffic. Although construction phases are usually temporary, it has the potential to last for a prolonged period of time when constructing 66 dwellings. To ensure the construction phase would not have an overly disturbing impact on the existing residents, it is considered relevant, reasonable and necessary to attach a construction management plan condition to the permission.

Concerns have also been raised in relation to light pollution. It is recommended that in the event permission is granted, a condition will ensure that full external lighting details are first approved by the LPA.

Overall and subject to conditions the proposal is considered acceptable in relation to the impacts upon residential amenity, subject to conditions and would accord to Policy S53 and the NPPF.

Highway safety and Parking Provision

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider

highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

Access into the site is to be taken off Woodcock Lane, from the south east corner. Internally, dwellings will be served off private roads (built to adoptable standards) and driveways. Turning heads are also proposed within the site. The Highways Authority have been consulted on the proposals and are satisfied that there would not be a detrimental to highway safety and there is sufficient capacity within the highway network.

The road would not be adopted at public expense. As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Policy S49 and Appendix 2 of the CLLP sets the following car parking standards for dwellings in Villages and Rural Areas:

- 2 bed dwelling – 2 parking spaces;
- 3 bed dwelling – 3 parking spaces;
- 4 bed dwelling – 3 parking spaces;

The application has been accompanied by a parking strategy layout. Each of the dwellings meets with the standards contained within Appendix 2. Whilst some spaces are shown to be within the garages, internally the garages do measure c. 3m by c. 6m and therefore are of a size which can accommodate a car. Many of the plots are also to be provided with timber sheds which can accommodate usual household items that may not be able to be stored in the garages.

Policy S48 states that development proposals should facilitate active travel by incorporating measures suitable for the scheme from the design stage. Plans and evidence accompanying applications will demonstrate how the ability to travel by foot or cycle will be actively encouraged by the delivery of well designed, safe and convenient access for all both into and through the site.

The Fossdyke Canal and Public Right of Way ref: Bur/229/1 is located adjacent to the south west boundary of the application site. Access to this walkway is gained further to the west, close to the main Marina area. Links to the footpath through the site are not considered appropriate in this case given it would mean access onto land owned by the Canal and River Trust. It would also mean the removal of trees which is not encouraged.

Infrastructure requirements and Contributions

Policy S45 of the CLLP states that *'Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Development proposals must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity'*.

Policy S54 of the CLLP states that “The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:

- *Seeking, in line with the Central Lincolnshire Developer Contributions SPD, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners”*

National Health Service- NHS: The development falls within the catchment area of Trent Valley Surgery, The Glebe Practice, Lindum Medical Practice and Brayford Medical Practice. A request of £41,745.00 (£632.50 x 66 dwellings) has been requested in this case. This request would accord with the Central Lincolnshire Planning Obligations Supplementary Planning Document (SPD), which states “*Local GP practices work as part of a Primary Care Network (PCN) and therefore the capital request will be viewed considering the PCNs ability to support the planned development. Patient choice needs to be considered to avoid funding being restricted to the nearest Practice.*”

LCC Education: No contribution has been sought in relation to education, with the consultation response stating that there is sufficient provision within the area for the development.

No other financial contributions are to be sought. Subject to the S106 legal agreement to secure the NHS contribution the development would accord to the aims of Policy S45 of the CLLP.

Affordable Housing and Viability

Policy S22 of the CLLP states that ‘*affordable housing will be sought on all qualifying housing development sites:*

- a) of 10 or more dwellings or 0.5 hectares or more;*

It also states that; *The Central Lincolnshire Authorities will seek the level of affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment which reflects the recommended approach in the national Planning Practice Guidance demonstrates these cannot be met in full.*

The principles for carrying out a viability assessment is detailed within the NPPG1 (Paragraph: 010 Reference ID: 10-010-20180724) as the following;

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

¹ [Viability - GOV.UK](https://www.gov.uk/guidance/viability-assessment)

A viability assessment on behalf of the applicant was submitted to the LPA for review in February 2023. The initial assessment was reviewed by the Councils consultants and the following recommendations were found;

“Based on our assessment we find that the Applicant’s assessment is not reasonable because it does not adequately reflect the scheme specifics as well as the government and the Local Authority requirements to meet sustainable development.

7.3.2 We recommend that the Council seeks 20% affordable housing (x9 affordable rent, x1 shared ownership and x3 First Homes), a CIL payment of £168,681, S106 payment of £41,745, 10% biodiversity net gain, water efficiency of 110 litres per day per person (Policy S12), 30% of all units delivered as M4(2) to meet accessibility requirements (Policy S20), EV charging points to all dwellings and a reduction in energy consumption in excess of building regulations (Policies S6 & S7). Our recommendation is viable because it has addressed the shortcomings of the Applicant’s assessment and in doing so it strikes the appropriate ‘...balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”

Following the recommendation a further viability assessment from the applicant was submitted for review following increases in build costs as well as the abnormal cost of the cut and fill exercise and foul water drainage system. The latest review of the submitted information was carried out by the Councils Consultants in March 2025. Following the request from the LPA to include the biodiversity and energy requirements of the 2023 CLLP a further viability assessment was received from the applicant. The assessment has since been reviewed by the Councils consultants, in conclusion the findings are as follows;

Conclusion: Based on the assessment of the revised cost information provided by the Applicant, the costs have increased, which means the development is now shown to be unviable with 0% affordable housing. This is different to our October 2023 assessment, which showed the scheme could viably support 20% affordable housing. The increases in costs are justified to use in the viability assessment because they are much more detailed than we have previously been provided and they have been reviewed by our cost consultant. Therefore, we are now in an agreement with the Applicant that the scheme cannot viably provide any affordable housing.

Recommendation: We recommend that the Council should not seek an onsite affordable housing contribution. The costs provided are elemental at this stage and given the level of viability deficit, we have concerns about deliverability. There could be scope for cost engineering, which could improve viability, therefore we are recommending a viability review clause in the S106 agreement, to assess actual costs and values, to see if there is scope at a later stage to make an affordable housing commuted sum contribution. The viability review clause should be triggered towards the end of the development, say on the completion of the 50th dwelling. The viability review clause should use our assessment of the benchmark land value.

The findings of the assessments have been carefully considered. The scheme has been found to be unviable and therefore an affordable housing contribution, on or off site will not be sought in this case. Nevertheless, the LPA does consider it necessary to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The mechanism will also secure that if any variations to the scheme are submitted for consideration, then a full review of the viability of such a scheme will be required.

Open Space

Part A of Policy S51 states that *“in all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).”*

“The preference is for on-site provision in a suitable location where this is practicable and would be the most effective way of meeting the needs generated by the development”.

Appendix 3 of the CLLP details the standards for open space provision in Central Lincolnshire with regard to the quantity, quality and accessibility of open space, this is detailed in Table A3.1.

Tables A3.2-A3.4 of Appendix 3 go on to detail thresholds and calculations for on and off-site provision as well as average occupancy levels. It is acknowledged that there is an error in table A3.4 in relation to Outdoor Sports Facilities (Public) and this should in fact read 25.07m²/dwelling to match up to the standards in Table A3.1 and as is also referenced in Part B of the Appendix. The figures in table A3.3 are used to calculate the average occupancy of the proposed development as follows:

2 bedrooms- $1.7 \times 3 = 5.1$
3 bedrooms- $2.3 \times 15 = 34.5$
4 bedrooms- $2.8 \times 48 = 134.4$

Therefore, the proposed development would increase the population of Burton Waters by approximately 174 people.

To derive at the amount of public open space of each type (see table A3.1 of Appendix 3 of the CLLP) the development should deliver, it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver on site. For 66no dwelling units as proposed, the site should provide approximately:

- Allotment and Community Growing Space = $174/1000 \times 0.31 = 0.053$ hectares or 530m²
- Amenity Greenspace = $174/1000 \times 0.66 = 0.11$ hectares or 1100m²

- Provision for Children and Young People = $174/1000 \times 0.12 = 0.20$ hectares or 200m²
- Local and Neighbourhood Parks and Gardens = $174/1000 \times 0.38 = 0.06$ hectares or 600m²
- Outdoor Sports Facility (Public) = $174/1000 \times 1.09 = 0.18$ hectares or 1800m²
- Natural and Semi-Natural Greenspace = $174/1000 \times 1 = 0.17$ hectares or 1700m²

The total open space requirement equals approximately 0.773 hectares (7730sqm). The application site proposes an area of open space which measures approximately 5872sqm to the north of the dwellings as well as down the western boundary of the site, adjacent to the Fosdyke Canal. It is also noted that there are a number of smaller pockets of grassland which would contain tree and shrub planting within the site boundaries.

The site is located adjacent to the Fosdyke Canal and a network of Public Right of Way which links the Burton Waters Marina development to Lincoln and beyond. The site is also within close proximity to the main marina basin, it is also located within close proximity to the main body of Lincoln, where there is a range of outdoor facilities and parks. It is recognised that the proposed development would provide a considerable amount (5872sqm) of 'Natural and Semi-Natural Greenspace' with an element of 'Amenity Greenspace' also on the site.

On the whole, taking into account the development provides a considerable amount of open space on site, the proximity to the canal side public right of way and it is located nearby to the open countryside and other facilities within Burton Waters, as well as its close proximity to Lincoln it is considered that the proposal would accord with Policy S51 of the CLLP.

The management and maintenance of the open space is proposed to be secured via the S106 agreement. Subject to this, the proposed development is considered to accord with Policy S51 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

Energy Efficiency

The application was first submitted in June 2022 and had an original determination date of 30/11/2022 it would have therefore not been subject to the CLLP 2023 Energy Efficiency policies. Nevertheless, an email was sent to the agent for the application on 15/11/2023 requesting that energy efficiency measures are incorporated into the development.

The CLLP sets specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total energy demand. Policy S6 states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. Policy S7 requires that all new residential buildings are accompanied by an Energy Statement and in addition to the requirements of policy S6, must meet the following criteria:

1. 'Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and

2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).'

The application has now been submitted with an Energy (sustainability) statement, SAP calculations, specification sheets for solar panels and a plan to show the air source heat pump and solar panel locations.

In terms of design principles detailed within Policy S6 the submitted statement details the following in relation to how the dwellings have been designed.

- The house type designs and glazing specification will facilitate each home in benefiting from the beneficial effects of solar gain;
- The construction specification of every home will include high levels of insulation in the ground floor, external walls and roof spaces. This will lessen heat loss from the building envelope and lower the energy requirement of every home;
- The design of each house type will allow for cross ventilation and so will ensure any risk of summer overheating will be removed by natural ventilation;
- Energy efficiency measures, including the specification of thermally broken lintels, high levels of insulation and high performance double glazing will be included in the design and construction of every home.

The sustainability statement details that the proposed dwellings would have the following in terms of U Values;

Element	Part L 2021	Specification
Wall	0.26W/m ² K	0.19W/m ² K
Cold Roof	0.16W/m ² K	0.11W/m ² K
Sloped Roof	0.16W/m ² K	0.16W/m ² K
Floor	0.18W/m ² K	0.12W/m ² K
Glazing	1.60W/m ² K	1.40W/m ² K
Door	1.60W/m ² K	1.20W/m ² K
Air Permeability	8.0 m ³ /(h.m ²) @ 50 Pa	5.0 m ³ /(h.m ²) @ 50 Pa

The proposed U Values are slightly above those as detailed within the Central Lincolnshire Design Guide, they are however considered to be broadly acceptable. Heat pumps will be installed at a 45 degree flow temperature as well as solar panels. PV panels will also be installed on the dwellings. The proposals however fall short of the S7 target by 157,664.48kWh/year. A further 183kWp, assumed installed in a

southerly orientation (which is not possible), would be necessary to meet this target. The proposals as they stand represent the current maximum fits accounting for the most efficient roof slopes.

It is noted that not all of dwellings energy demands would be met through the provision of renewable energy. Given that the application was submitted in 2022 and would not have been subject to the policies within the 2023 plan at the original time of determination, the energy efficiency measures are welcomed and accepted in this case. The application includes the use of air source heat pumps and the installation of solar panels to meet with the majority of the energy requirements of the dwellings. Subject to conditions, the proposal would broadly accord to the aims of Policies S6 and S7 of the CLLP.

Trees, Hedgerows, and Landscaping

Policy S66 of the CLLP states that *'development proposals should be prepared based on the overriding principle that:*

- the existing tree and woodland cover is maintained, improved and expanded; and*
- opportunities for expanding woodland are actively considered and implemented where practical and appropriate to do so.'*

The application has been submitted with an Arboricultural Assessment by Kedd Limited. The survey has assessed the trees within the site boundaries and if the development would impact them.

There is one Category A tree, and three Category B trees located within the site boundary. None of these trees are to be removed during the works. In addition, there were an addition there were four Category C trees recorded within the site boundary. Three of these trees are to be retained during the works with just Tree 2 to be removed.

There are three tree groups located within the site boundary. Tree Group 1 (located on the north east boundary) is assessed as Category C, Tree Group 2 (located to the North boundary) is assessed as Category A this group is also protected by a TPO Burton No1 2009. Tree Group 3 (adjacent to the canal) is assessed as Category B. Tree Group 2 is to be retained during the extent of the works. A 15 metre stand-off should be observed from this woodland during the extent of the works.

The TPO woodland copse to the north of the site will remain as part of the proposals. Tree protection measures have been shown on a plan in relation to this group and the other trees to be retained and a condition will ensure that they are in place during the construction of the development.

A full scheme of landscaping has also been submitted which includes, shrubbery, hedging, trees (within front gardens, and a 1.5m wide buffer along Woodcock Lane). The proposals have been reviewed by the Councils Tree and Landscape Officer and following initial concerns the amended plans and information have now addressed the comments of the tree and landscape officer. The Tree and Landscape Officer now has no objection subject to conditions.

Ecology, Biodiversity, and Net Gain

As per the energy efficiency section of this report, the application was submitted prior to the implementation of the CLLP 2023 and therefore at the time of the original determination date would not have been subject to the policies of this plan. Included in the email to the agent, dated 15/11/2023, was the request to

The application was also submitted prior to the introduction of the legislative requirement for developments to provide a 10% BNG. Nevertheless, Policy S61 of the CLLP requires: *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

A BNG Assessment Report by Kedd Limited dated and the Statutory BNG Metric tool have been submitted with the application. The BNG Assessment Report states the following in relation to the baseline of the site, there is a total of 15.68 habitat units and 1.19 hedgerow units, there are no watercourse units. In relation to post development, the report and metric detail that there will be an on-site gain of 17.28 habitat units (10.18%) and 2.20 (85.06%) hedgerow units. Habitat replacement should replace on a like for like basis. As stated within the consultation response from Lincs Wildlife Trust, it is noted that some of the habitats would be replaced by those of a lesser distinctiveness, which would mean a shortfall of approximately 4.82%.

This gain onsite will be achieved through the enhancement of retained grassland and also through the planting of neutral grassland. The scheme will also include urban tree planting, green wall planting and native scrub planting within the landscape strategy. The northern boundary woodland will also be enhanced through management to benefit wildlife in the long-term.

As the original determination date was prior to the implementation of the CLLP 2023 which introduced Policy S61, it is considered that in this case the on-site gains are acceptable. As the proposal was submitted prior to the introduction of the mandatory BNG legislation it would not be subject to the pre commencement condition in law. Nevertheless, appropriate conditions will be added to the decision notice to ensure that the development accords to the information submitted with the application.

Ecology and Protected Species

Circular 06/20052 states that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. Ecological mitigation should only be employed where it is not possible to avoid the impact. Furthermore, mitigation measures should be specific to an identified harm.

The removal of a number of trees and other landscaping from within the site would have the potential to affect biodiversity and protected species. Significant concern has

² [Viability - GOV.UK](https://www.gov.uk/government/publications/viability-assessment-guidance)

been submitted from third parties in relation to protected species that may be using the site and how these will be impacted if the development were to go ahead.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA) by Kedd Limited dated May 2023. As well as this the application has also been accompanied by a Bat Survey Report (April 2024), a Badger and Otter Survey Report (April 2024) and a Reptile Survey Report (April 2024).

In relation to the site itself, the survey details that there are no Statutory Designated Sites within 2km of the site boundary. It is not anticipated that the proposed works will have any impact on any Ancient Woodland sites or any Non-Statutory Designated Sites. The Fosdyke Canal runs immediately adjacent to the western site boundary. This Canal Network provides a corridor of habitats which support a diversity of species. The reports note the following in relation to protected species.

Bats- The site was assessed as having a moderate suitability for foraging bats, given the proximity to the Fosdyke Canal. Survey work has been carried out in accordance with the recommendations of the PEA.

One transect survey per month from April – October 2023 was conducted. one transect route was identified to cover the Site. The transect route was approximately 3km long and covered the whole Site during each of the survey visits to reach the BCT Guidance of 2 – 3 hours per survey. In addition to this, static bat detectors were also deployed to the site for five nights per month. . The species recorded within the static detector surveys were common pipistrelle, soprano pipistrelle, noctule, brown-long eared and myotis bats. The peak location for foraging bats within the site was the western site boundary which was adjacent to the Fosdyke Canal.

The removal of scrub within the site boundary will reduce the overall foraging and commuting habitat within the site. However, the boundary vegetation between the Fosdyke Canal and the site is to be retained during the works. This will ensure commuting habitat is present along the Fosdyke Canal in the long-term.

Bat Roost surveys were also carried out on 2 trees which were found to be suitable for roosting. No areas of roosting habitat for bats are to be removed as part of the proposals. Therefore, the bat boxes detailed within the landscape scheme will provide a long term benefit for roosting bats within the site.

Recommended mitigation measures within the survey include species rich hedgerow planting, bat boxes and retention of hedgerow/scrub where possible.

Badgers and Otters- During the update badger walkover survey conducted on the 17/04/2024, no evidence of badgers was found within the site boundary.

Due to the potential of an onsite otter holt, it is recommended that a camera trap is placed onsite in order to monitor this holt for signs of otters using this holt. This monitoring should initially be conducted for a period of 2 months and then further recommendations can be provided. A condition will ensure this is carried out prior to any works commencing on site.

Reptiles- Survey work was carried out at the site in the form of placing artificial refugia on suitable areas of the site for reptiles. Reptile mats were placed within the site conforming to the minimum recommended density of between 5 and 10 per hectare of suitable habitat. The refugia were then checked on 8 separate occasions. The surveys had a peak count of 2 common lizards which were recorded within the central grasslands.

The proposed works will require the removal of vegetation within the site which provides suitable habitat for common lizard. Due to the presence of a small number of common lizards on the site, the proposals will result in potentially adverse impacts on this species.

In terms of mitigation the report recommends the following;

Receptor Site- As there will be limited habitat remaining onsite for common lizard, and due to there being limited suitable habitat in the wider surrounding area, it is assessed that a receptor area will need to be identified before any onsite mitigation works can take place.

Translocation- The site will need to be fenced using one-way reptile fencing, allowing reptiles to exit the area but not enter it. A period of trapping will then be required involving the placement of artificial refugia throughout this area. Regular visits will be required to check the reptile mats. Any reptiles encountered will be safely captured and placed into the receptor area. Visits will continue until there have been 5 consecutive visits without any reptiles. Once all reptiles have been removed from the fenced site, the regrading works can commence. The fence will need to remain in-situ until all regrading works have been completed.

A mitigation plan will be secured by condition in the event permission is granted. In terms of other ecological mitigation and enhancements, the PEA recommends the following are included within the development.

- 16 bird boxes;
- 16 bat boxes;
- 36 hedgehog gates; and
- 5 hibernacula

These enhancements have been shown on a plan (ref 1621-10 Rev B) that has been submitted with the application. Overall and subject to conditions, the proposals would be in accordance with Policy S60 of the CLLP and the NPPF.

Drainage

Policy S21 of the CLLP requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Paragraph 182 of the NPPF states that “Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;*
- b) have appropriate proposed minimum operational standards; and*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.*

The application has been accompanied by an FRA and an Outline Drainage Strategy by Inspire Design and Development. The Lead Local Flood Authority at Lincolnshire County Council Highways Department are the statutory drainage authority for surface water disposal on major developments within the District. They have not raised any objections to the development, in principle, see surface water section below.

Foul Water Disposal

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

Foul water disposal on Burton Waters is disposed of via a vacuum disposal system. Anglian Water have advised that currently there is no existing capacity within this network and that upgrades will need to be carried out prior to any works being carried out at the site. Early engagement with them has been recommended as well as a condition to ensure that the scheme is agreed prior to occupation. It is considered necessary to make this a pre commencement condition, to ensure that the site is not left in a partially constructed state for prolonged periods of time whilst foul drainage upgrades are carried out. Subject to agreeing these works, the foul water disposal is acceptable in principle.

Surface Water Drainage

The surface water hierarchy at criteria (k) of policy S21 of the CLLP states that following, in line with the surface water hierarchy contained within the NPPG Paragraph: (056 Reference ID: 7-056-20220825)

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*
- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

Concerns have been raised by consultees and third parties in relation to the proposed surface water scheme and that the application should be considering a SUDS scheme

in the first instance. This is the most preferred option in the drainage hierarchy and major proposals, such as this one should incorporate such schemes. The application has been submitted with a Flood Risk Assessment and Drainage Strategy by Inspire Design and Development.

It is firstly important to note that a drainage scheme at this site has previously been approved as part of the wider development, which included the previously consented scheme for 100no. units.

The built form layout of the site is not too dissimilar to that proposed in this application. In relation to the use of a SUDs scheme, the drainage strategy details the following;

“While infiltration may be theoretically feasible in the River Terrace Sands and Gravels at original ground levels, the thickness of Made Ground (up to 3m) required to lift the Site above flood levels makes this option impracticable”

The proposed surface water drainage system will collect future runoff from the roofs, driveways and access roads and discharge the outflow directly to the large open pond in the wider development area to the north-west for attenuation storage, all in accordance with the previously approved Drainage Statement.

As the 1 in 100-year rainfall event with allowance for climate change is estimated to raise the pond water level by 17mm for the total approved impermeable area of 2.94 ha, runoff from the Site will potentially raise the water level by less than 10mm. It is not considered that such a small increase in water level will create any significant impact on the catchment area of the pond.

The pond will continue to drain, as it does at present, to the open ditch which runs along the northern Site boundary and via the 750mm diameter pipe culvert beneath Woodcock Lane, the existing holiday lodges and the A57 Saxilby Road to Burton Fen Drain (FID16). A flow control device will be fitted to the inlet of the 750mm pipe so as to restrict the peak outflow to the approved flow rate of 43.4 litres per second. In principle, this method is considered to be acceptable, subject to conditions.

Water Efficiency

Policy S12 of the CLLP requires that a rain harvesting water-butt with a minimum capacity of 100l be included for all residential development. Were it minded to grant permission, a condition would be included in this regard to ensure all dwellings have a rain-water harvesting but with a capacity of at least 100l. Were it minded to grant permission, a condition would also be included to require the developer to provide evidence that the dwellings would have a rainwater harvesting water butt prior to occupation.

Minerals

The application site is located within a Sand and Gravel Minerals safeguarding area. This is also noted as a site specific requirement under Policy S81 of the CLLP. Policy M11 of the Lincolnshire Minerals and Waste Core Strategy details that proposals within Minerals safeguarding areas need to be accompanied with a minerals

assessment. The application has been accompanied by a Minerals Assessment by KEDD Limited.

The BGS Mineral Resource Map for Lincolnshire indicates that the proposed site is underlain by River Terrace deposits of sand and gravel. The adopted locations plan within the core strategy production area is met through the remaining permitted reserves in existing sites, by the provision of sand and gravel from extensions to existing sites that have a Committee resolution to grant planning permission.

According to the latest figures obtained from Lincolnshire's Local Aggregate Assessment (published in July 2021), at the end of 2021, Lincolnshire had sufficient permitted reserves of sand and gravel to meet the 7-year minimum landbank and there should be sufficient sand and gravel resources to last beyond the LMWLP period which extends to the end of 2031.

Even if there were some mineral operator interests in this area of sand and gravel, it is considered that any form of development appraisal or sustainability appraisal would show that the site's location within 100 metres of the existing residential and leisure development, is heavily constrained by amenity considerations.

The proposed housing development would not physically sterilise any minerals (sand and gravel) of notable economic value and that the recovery of any of the sand and gravel that lies below the site is not viable or deliverable; and

It is not feasible or obviously desirable to recover any of the sand and gravel prior to the housing development or to facilitate the housing development.

It is therefore considered highly unlikely that a workable resource exists at the site due to the limited size of the site together with existing constraints on mineral working within this land.

No comments have been received from the minerals and waste authority at Lincolnshire County Council.

Weight is also given to the allocated housing status of the site within the development plan. Policy M11 of Lincolnshire Minerals and Waste Core Strategy states that development on allocated sites within the development plan (S81 of the CLLP) will be granted even if the development would sterilise a minerals resource.

It is therefore considered that the submitted assessment and the allocated status of the site in the development plan addresses the requirements of Policy M11, and the site-specific requirements contained within Policy S81 of the CLLP.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is located within the Value Zone 1 where there is a charge of £25 per square metre of floor space created.

Other Considerations

Electric Car Charging- Policy NS18 of the CLLP states that; The location of charging points in development proposals should be appropriately located to allow for easy and convenient access from the charge point to the parking space/s. This is also reflected in Policy S20 where adaptable housing designs are encouraged. The proposed parking strategy layout plan includes an electric car charging point for each dwelling.

Burton Waters Leaseholders/Management Company- Comments have been received querying if future occupiers of the dwellings would pay toward Burton Waters management company. This would be a private matter to be agreed between the relevant parties in terms of any contribution that future occupiers may need to pay towards the management company at Burton Waters.

Conclusion and Planning Balance: The application has been considered against the following policies S1 The Spatial Strategy and Settlement, Hierarchy, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption –Residential Development, S12 Water Efficiency and Sustainable Water Management, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S22 , S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S48 Walking and Cycling Infrastructure, S49 Parking Provision, S51 Creation of New Open Space, Sports and Leisure Facilities, S53 Design and Amenity, S54 Health and Wellbeing, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S81 Housing Sites in Medium Villages of the Central Lincolnshire Local Plan 2023 in the first instance, Furthermore consideration has also been given to the guidance within the NPPG and the provisions of the NPPF, National Design Guide and National Design Model Code.

The site is allocated for development within the Central Lincolnshire Local Plan 2023. Whilst the site-specific criteria of the site providing extra care accommodation has not been met, significant weight in the balance of the decision is given to the planning history of the site, which includes the approved Lawful Development Certificate confirming that the approved development is considered as Use Class C3 (dwellinghouses).

The proposed development would not have a detrimental impact upon the character of the area, residential amenity, highway safety or minerals resource. Matters of ecology, drainage, biodiversity net gain and energy efficiency are considered to be acceptable subject to conditions. It is recommended that permission is granted subject to conditions and the signing of a S106 agreement.

Decision Level: Committee

RECOMMENDATION: Grant planning permission with conditions and Section 106 Legal Agreement to secure the following;

- NHS Contribution of £41,745;
- The inclusion of a Viability Clause to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end

of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The clause will also ensure a full viability assessment is carried out in relation to any variations (Section 73 Applications) made to the scheme.

- Open Space and Landscaping- Details of future management and maintenance.

RECOMMENDED CONDITIONS:

Conditions stating the time by which the development must be commenced:

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. Prior to any development a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To ensure the development is served by an acceptable foul water drainage system in accordance with Policy S21 of the CLLP and the NPPF.

3. No development, including any site clearance shall take place until the results of the further Otter survey as detailed within Section 5 of the Badger and Otter Survey Report dated April 2024 by Kedd Limited. Details of any mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved mitigation plan.

Reason: In the interests of protected species in accordance with Policy S60 of the CLLP 2023 and the NPPF.

4. No development, including any site clearance shall take place until a reptile mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared in accordance with mitigation recommendations contained within Section 6 of the Reptile Survey Report dated April 2024 by Kedd Limited. The development shall only proceed in accordance with the approved mitigation plan.

Reason: In the interests of protected species in accordance with Policy S60 of the CLLP 2023 and the NPPF.

5. No development hereby permitted shall take place until a Construction Management Plan and Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development.
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material.

The development shall thereafter be undertaken in accordance with the approved Construction Management Plan and Methods Statement.

Reason: In the interests of residential amenity and the safety and free passage of those using the adjacent public highway the permitted development during construction, in accordance with Policy S47 and S53 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

Conditions which apply or are to be observed during the course of the development:

6. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

Site Location Plan 1621-01 Rev A
Landscape Layout (April 2024) KD.BRTW.D.001A
Planning Layout (1:500) | 1621-02 - Rev S
Planning Layout (1:1000) | 1621-54 - Rev C
Pedestrian & Vehicle Movement Plan | 1621-03 - Rev E
Landscape Management & Maintenance Plan | 1621-04 - Rev F
Refuse Vehicle Tracking Plan | 1621-06 - Rev E
Material Finishes Layout | 1621-08 - Rev E
Boundary Treatments Layout | 1621-09 - Rev E
Ecological Enhancement Plan | 1621-10 - Rev E
Parking Strategy Layout | 1621-11 - Rev E
Tree Protection Plan | 1621-55 - Rev C
FVA Area Plan | 1621-65 - Rev B
ASHP & PV Panel Locations | 1621-66
Typical Street Scenes (Sheet 1 of 3) | 1621-12 - Rev F
Typical Street Scenes (Sheet 2 of 3) | 1621-13 - Rev F
Typical Street Scenes (Sheet 3 of 3) | 1621-14 - Rev F
Site Sections (Sheet 1 of 2) | 1621-15 - Rev F
Site Sections (Sheet 2 of 2) | 1621-56 - Rev B
House Type 3D9 - M4(2) - (as) | 1621-23 - Rev B
House Type 3D9 - M4(2) - (opp) | 1621-24 - Rev B

House Type 3D9 - M4(2) CLAD (as) | 1621-60 - Rev A
House Type 4D48 (as) | 1621-25
House Type 4D36G (as) | 1621-29 - Rev A
House Type 4D36G (opp) | 1621-30 - Rev A
House Type 4D36S (as) | 1621-31 - Rev A
House Type 4D36S (opp) | 1621-32 - Rev A
House Type 4D36S CLAD | 1621-59
House Type 4D52 (as) | 1621-33
House Type 4D52 (opp) | 1621-34 - Rev A
House Type 2B4 (as) | 1621-45
House Type 2B4 (opp) | 1621-46
House Type 3B17 (as) | 1621-47
House Type 3B17 (opp) | 1621-48
House Type 4D50 (as) | 1621-57
House Type 4D50 (opp) | 1621-49 - Rev A
House Type 4D32 (as) | 1621-50 - Rev A
House Type 4D32 (opp) | 1621-51 - Rev A
House Type 4D32 CLAD | 1621-61
House Type 4D32 CLAD | 1621-62
House Type 4D20 - M4(2) - (as) | 1621-52 - Rev C
House Type 4D20 - M4(2) - (opp) | 1621-53 - Rev C
House Type 4D20 - M4(2) CLAD (as) | 1621-63 - Rev A
Single Garage | 1621-39 - Rev A
Double Garage | 1621-40 - Rev A
2 Car Garage | 1621-41 - Rev A
900mm High Native Species Hedgerow | 1621-44
1.2m High Palisade Fence Detail | 1621-58
1.5m High Panel Fence with 300mm Gravel Board | 1621-42
High Brick Screen Wall Detail | 1621-43 - 1.8m
Proposed Contouring | 202.DR.002 Revision B
Cut and Fill Exercise | 202.DR.001 Revision C
Cross Sections | 202.DR.004

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

7.The development hereby approved must only be carried out in accordance with the recommendations set out in sections 3 and 4 of Preliminary Ecological Appraisal (PEA) completed by Kedd Limited dated May 2023.

Reason: To ensure the development proceeds in accordance with the approved management plan and to protect the habitats and wildlife on site to accord with the National Planning Policy Framework and S60 of the Central Lincolnshire Local Plan.

8.No development above damp-proof course level shall commence until a detailed scheme for the disposal of surface water based on the principles as set out in the Flood Risk Assessment and Drainage Strategy has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme.

Reason: To ensure that the development is served by an appropriate surface water drainage scheme in accordance with Policy S21 of the CLLP and the NPPF.

9.No occupation of any dwelling shall occur until the ecological enhancements as shown on plan ref 1621-10 Rev B have been implemented and retained as such thereafter.

Reason: In the interests of protected species and enhancing the biodiversity of the site in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the NPPF.

10. Notwithstanding the mitigation plans detailed within conditions 4 and 5 of this consent. The development shall proceed in accordance with the ecological recommendations contained within the following reports;

- Preliminary Ecological Appraisal (PEA) by Kedd Limited dated May 2023
- Bat Survey Report (April 2024)

Reason: In the interests of protected species and enhancing the biodiversity of the site in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the NPPF.

11.No development above damp-proof course level shall take place until details, including specifications of all the proposed facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details.

Reason: In the interests of visual amenity to accord with Policy S53 of the Central Lincolnshire Local Plan 2023.

12.No occupation of each individual dwelling must take place until its individual access and driveway identified on Proposed Site Plan: 1621-54 - Rev C has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety, and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with Policy S47 of the Central Lincolnshire Local Plan, and the provisions of the National Planning Policy Framework.

13. The dwellings hereby approved shall be constructed to ensure that the consumption of wholesome water by persons occupying the dwellings is in accordance

with the Building Regulations Approved Document G, Requirement G2/Regulation 36 Optional Technical Requirement of 110 litres per person per day.

Reason: To minimise impacts on the water environment and to accord with Optional Technical Housing Standards to accord with Policies S12 and S53 of the Central Lincolnshire Local Plan.

14. Prior to occupation of the approved dwellings, evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

15. The development hereby approved must only be carried out in accordance with the tree protection measures set out in the Arboricultural Assessment, Tree Protection Plan 1621-55 - Rev C completed by Kedd Limited. The tree protection measures as shown on plan reference 1621-55 Rev C shall be erected and retained in their position prior to and for the duration of the construction works.

Reason: For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well-being of the trees in the interest of the amenity of the locality in accordance with Policy S66 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

16. The development hereby permitted shall proceed in accordance with the Amended Biodiversity Net Gain Assessment and Metric dated April 2024.

Reason: To ensure the development delivers the on-site Biodiversity Net Gain in accordance with Policy S61 of the Central Lincolnshire Local Plan 2023.

17. No development, apart from site clearance shall occur, until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

18. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Amended Sustainability Statement dated September 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan

19. Prior to occupation of the buildings, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated September 2024, and approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

Conditions which apply or are to be observed following the completion of the development:

20. The scheme of landscaping as detailed on plan reference KD.BRTW.D.001A shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwellings hereby approved.

Reason: In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan.

Notes to Applicant

Community Infrastructure Levy- Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.

The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways- The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Witham Internal Drainage Board- You are advised to contact the drainage board to obtain the relevant consents.

Anglian Water- 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.

We highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required).

Environment Agency-

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them

to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report