



PL.10 13/14
Planning Committee
13 November 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

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Acting Area Team Manager
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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 – 129094 – Sturton by Stow

Planning application for the demolition of garages and the erection of eight affordable dwellings at Queensway Sturton By Stow

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Director of Regeneration and Planning upon:-

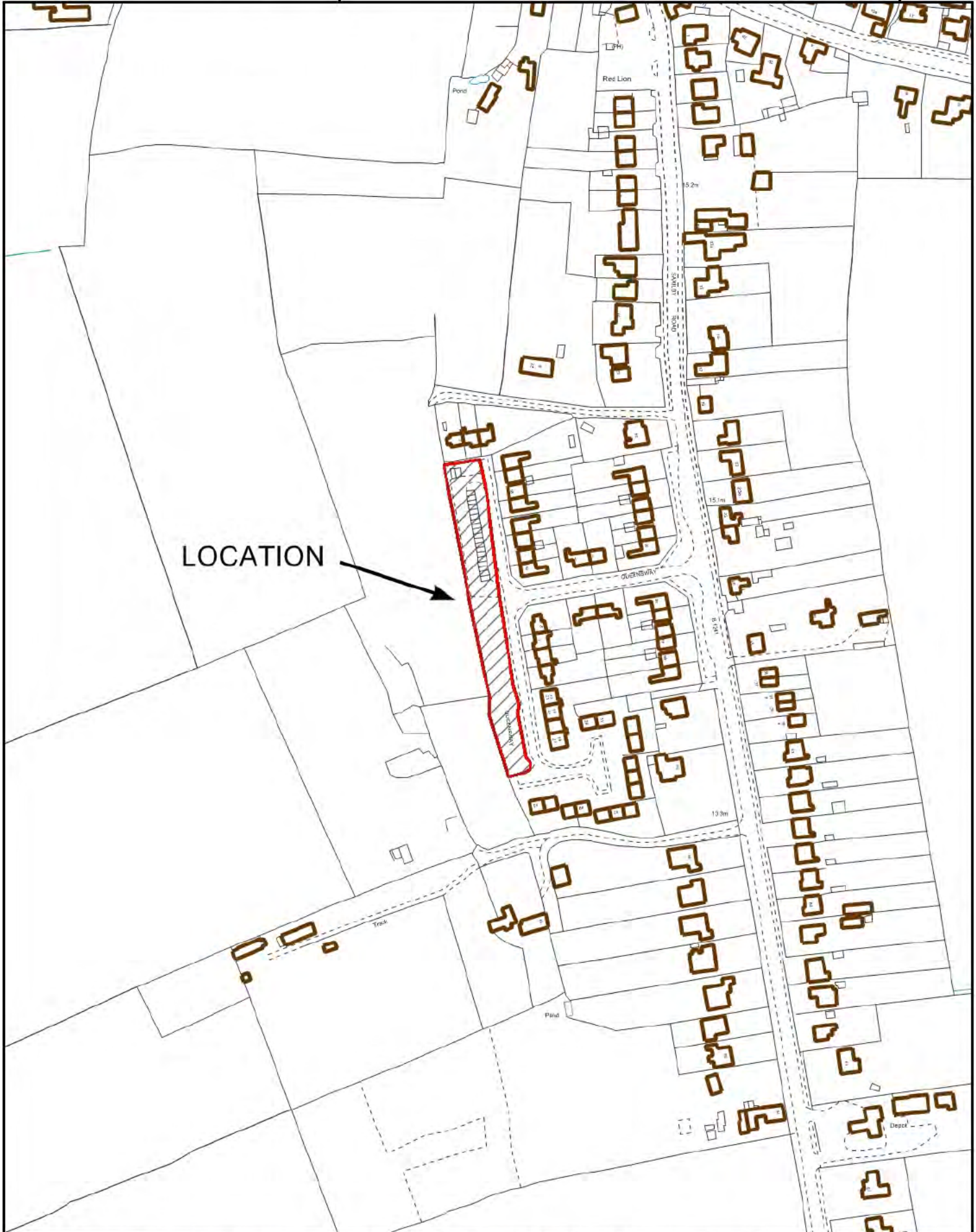
1. The signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and that the open areas of the site are maintained as public open space.
2. The successful resolution of the surface water issue detailed in this report, to include conditions necessary to provide appropriate mitigation/remediation if required.

In the event that the section 106 agreement is not completed and signed and/or the issued detailed in point 2 above is not resolved the application be reported back to the next available Planning Committee following the expiration of a 6 month period.

2 – 130542 - Gainsborough

Planning application for installation of pole mounted satellite dish in car park at Trinity Arts Centre Trinity Street Gainsborough

RECOMMENDED DECISION: Grant planning consent



Officer's Report

Planning Application No: 129094

PROPOSAL: Planning application for the demolition of garages and the erection of eight affordable dwellings

LOCATION: Queensway Sturton By Stow Lincoln

WARD: Stow

WARD MEMBER(S): Councillor Shore

APPLICANT NAME: Acis Group

TARGET DECISION DATE: 27/11/2012

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Director of Regeneration and Planning upon:-

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2. The successful resolution of the surface water issue detailed in this report, to include conditions necessary to provide appropriate mitigation/remediation if required.

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Introduction

Consideration of this application was deferred at the October meeting of the Planning Committee to enable a site visit to take place (scheduled for the 6th November).

The officer's report below remains the same as before with no new developments to report or representations received.

Description:

- **Site** – The majority of this land (around 60%) is occupied by public open space used for informal recreation whilst the remainder, at the northern end is occupied by a block of garages used by existing local residents. There are 21 garages in total, all of prefabricated

construction. The public open space is considered to constitute greenfield land whereas the garaging is previously developed land. Queensway was originally built as local authority housing in the mid 1960s. This housing occupies land to the east, south and north of the site, the dwellings to the south being bungalows. Some of this existing housing is owned by the applicant as they acquired it at the time of the stock transfer from this Council. To the west is open countryside.

- **Proposal** – This application was recently revised having been held in abeyance for a number of months over the Winter and Spring, during which time a survey was undertaken of local need. The revisions reflect the survey results and the proposal is for the following:-
 - 2 x two bed houses
 - 2 x three bed houses
 - 2 x one bed flat
 - 2 x one bed bungalows

All of these dwellings would be delivered as affordable housing for rent secured under a section 106 agreement.

Two areas of public open space are proposed.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:

The development has been assessed in the context of Schedule 2 of the Regulations and it is noted that the site area falls under the threshold of an urban development project in schedule 2. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

The site was delivered as public open space as part of the development of the surrounding dwellings for the local authority in 1965. The garages were granted permission a year later, in 1966.

Representations:

Chairman/Ward member(s): Councillor Shore requests that the application be reported to Committee citing the concerns raised by the Parish Council and residents.

Parish Council: Sturton-by-Stow Parish Council strongly objects to this proposal and rejects a number of claims within the application:-

- Need - The village has a number of ongoing developments in various price ranges and a number of empty properties. A survey undertaken by the Community Council (Community Lincs) on behalf of the applicant reported to the Parish Council that they had identified a possible need for 4 low cost properties or social housing - the application is for 8.
- Loss of amenity - The area upon which the proposal is to be built is currently open space used as an ad hoc play area by the children on the estate. There are no other facilities within reasonable reach without crossing a very busy A road. If the proposal were granted the children would be forced on to the streets.
- Surface Water Flooding - The village has numerous surface water flooding problems. Parts of this estate are inundated regularly and the prospect of a resolution to the problem is expensive and remote. Whilst a swale will cope with most events, there will be the inevitable occasion when it is overwhelmed as the village has a micro climate created by a number of physical and man-made issues. The result will be that any development will exacerbate an already difficult situation.
- Whilst there is some parking provision, it is generally accepted that most rural dwelling houses run more than one vehicle. The road is narrow and any vehicles parked upon it would create difficulties of access for general vehicles and emergency services .

The Parish Council strongly urge the planning authority to give consideration to the issues raised and REJECT the application.

Local residents: Objections received from 1, 12, 21*, 24, 39 and 55 Queensway and 7, Marton Road (the following is a summary of the issues raised in total although each individual representation did not necessarily raise every issue):-

- The ditch on the southern boundary of the development was wrongly filled in, it is believed when the Council constructed the existing houses. The ditch now comes to an abrupt halt and the water from the fields to the west now puddles off the field and then floods through the adjoining properties into the village. The proposed development will cause an even bigger issue.
- The road is too narrow and does not allow vehicles to safely pass without resorting to using the pavement. It is also in a poor state of repair. The difficulties encountered by the emergency services and the refuse lorry will only be exacerbated by the development going ahead.
- The removal of the garages will increase the volume of vehicles requiring parking spaces on the currently over used road spaces and this is without the additional vehicles from the planned development.
- Perhaps every resident should be offered a dropped kerb and concrete driveway free of charge to ease congestion?
- The layout will block driveways off.
- Where are our children going to play if you take away the only bit of grass that they use most days?

- Concerns about safety of children and elderly.
- The street is too small to accommodate anymore houses/bungalows/flats.
- The building work will cause prolonged and excessive noise and dirt nuisance.
- The development will result in an infringement to the privacy of existing residents.
- A new build area should be built where existing new builds are already in situ i.e. the other side of the village, north of the A1500.
- If any development is to go ahead, then it should not be the proposal but rather new garages to replace the existing buildings.

21 Queensway also stated with regard to the amended plans:-

- On reviewing the amended planning application I noted that the new plans include an area of green space, which will retain some aspect of the rural outlook of Queensway which is a small but very welcome addition.
- I also noted the addition of single storey dwellings opposite the flats which are a welcome alternative.
- The loss of parking to the flats however seems to have not been addressed.
There are four parking spaces currently for the eight flats and vehicles are parked on the pavement regularly as the road is too narrow for on street parking.
- The green space in Queensway is highly valued by myself and the residents here, it really does add to the quality of life to everyone in residence. We have a real mixture of people of all ages who enjoy the space in many different ways. I believe it would be a great shame to lose it.
- I have no objections to the removal garages and erection of dwellings where the garages stand.

26, Queensway

- Yes, very pleased after spending nearly 15 years looking at these horrible garages.

Anglian Water:

- Wastewater – The foul drainage from this development is in the catchment of Sturton by Stow sewage treatment works that will have available capacity for these flows. The sewer system to this treatment works also has available capacity.
- Surface water – The preferred method of surface water disposal would be to a sustainable drainage system (SUDs) with connection to the sewers seen as a last option.

Lincolnshire Police

- The proposed perimeter fencing detail of the site and each plot if not shown should be of an 1800 mm robust fence
- Sub divisional boundaries should be secure and run the entire length of the garden at a minimum height of 1800 mm
- Any gates to be erected should have anti-lift hinges and will need to be erected as close to the front elevation of the properties as possible. A sliding bolt and padlock should be fitted to all such gates.
- Any gates to be erected should have anti-lift hinges and will need to be erected as close to the front elevation of the properties as possible. A sliding bolt and padlock should be fitted to all such gates.
- Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development.
- All street lighting for both adopted roads and footpaths must comply with BS 5489-1:2003. It is important that landscaping, tree planting and lighting schemes shall not be in conflict with each other.

LCC Archaeology - The application was subject to a pre-application enquiry. The adjoining fields contain medieval ridge and furrow remains indicating that the area was used as arable cultivation at that time but no further archaeological input is required on this application.

LCC Highways – Raises concerns relating to surface water drainage but has no objection to the highways layout subject to the provision of a 1.5m footway along the frontage and works within the highway to be to an adoptable standard.

Environment Agency – There appears to be no issues within the Environment Agency's remit with this site or proposal so we do not wish to make any comments.

WLDC Environment – The hedgerow along the western boundary has been left to grow to a substantial height. It is mainly hawthorn but also contains elder, field maple, damson/plum, blackberry, rose, Midland hawthorn and holly. It is thin in places and would benefit from some infill planting.

WLDC Strategic Housing - West Lindsey, which forms part of the Central Lincolnshire HMA, has aspirations for sustainable growth. One of the cornerstones of this growth is to deliver homes that meet the needs of the residents.

If these ambitions are to be realised there are a number of obstacles which need to be overcome. The current economic climate, a depressed housing market and austerity measures constraining funding resources has led to a reduction in the delivery of affordable homes within the district. The Central Lincolnshire SHMA published late 2012 identified a shortfall of 42800 homes by 2033 with a target of 17,120 affordable homes to meet a diversity of housing need in both urban and rural locations.

Priorities within The Central Lincolnshire Housing Growth Strategy 2012 – 2017 around the LIP themes of Growth, Community and Quality include;

- Meet a variety of housing needs through the delivery of housing growth across Central Lincolnshire
- Promote Central Lincolnshire as potential for growth
- Deliver Urban and Rural affordable housing
- Deliver housing options for older people
- Deliver housing options to meet specific needs
- Promote innovation, high quality design and materials , in new developments
- Increase energy efficiency standards and sustainable use of resources

The vision for West Lindsey within The West Lindsey Corporate Plan 2012 – 2016 is for the district to be seen as a place where people want to live, work, invest and visit. Priority 2.2 within the 2nd theme of the plan is to deliver sustainable housing stock providing appropriate housing choice across all sectors including geography, housing type and meeting housing needs and demands.

To improve the availability of rural affordable housing, to ensure that the housing needs of the over 50's are met and to ensure that the housing needs of those between 16 and 35 are met are all objectives within the above priority.

This proposed scheme of 8 affordable units will deliver a range of housing which will not only contribute to the priorities within the above strategies and plans but will also meet a specific local need as identified in the Sturton by Stow Parish Housing Needs Survey January 2013.

The survey identified 6 local households in need of affordable housing in the village. The recommendations for a scheme in terms of size, mix and tenure were as follows:

- 1 x 3 bed house
- 1 x 2 bed house
- 1 x 1 bed dwelling for single person of working age
- 1 x 1 bed dwelling for couple of working age
- 2 x 1 bed dwellings for single persons 60 +

The recommended tenure of all properties was affordable rent.

Based on the above recommendation the proposal will deliver an exact match to the local evidenced need and will provide accommodation for a range of age groups. The additional 2 units will meet the wider need of the district as evidenced by the Lincs Homefinder Housing Register in a location which has the sustainability to accommodate them.

Sturton by Stow is a rural location with a population of less than 3000. It has a range of community facilities, including:

- Church
- Village hall

- Primary school
- General store
- Post Office (limited opening)
- Gift shop
- Pet food shop
- Judo club
- 2 pubs

There are daily bus services to Gainsborough and Lincoln, both of which offer rail services via the Northern Rail, East Coast & East Midlands networks. Positive pre application discussions have taken place and the proposal is believed to be viable and deliverable.

The proposal – supported by the Authority - benefits from a successful funding bid to the Homes and Communities Agency Affordable Homes Guarantee Programme.

The applicant will enter into a s106 agreement into to ensure that priority for the properties is given to local people. Nomination and allocations will be made in line with the Lincs Homefinder Choice Based Lettings Policy October 2012 which has been developed in line with West Lindsey District Council's statutory equality responsibilities.

Relevant Planning Policies:

The Development Plan

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district although the weight afforded to it is dependant on whether the specific policies have general conformity with the National Planning Policy Framework. In terms of the proposed development, the following policies are considered to still be relevant:-

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

SUS 7 Building materials and components

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

RES 1 Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 5 Provision of play space/recreational facilities in new residential development.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES7 Rural Exceptions housing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE20 Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Local

- Draft Central Lincolnshire Joint Core Strategy (2013)
<http://nkdc.moderngov.co.uk/documents/g5586/Public%20reports%20pack%2008th-Jul-2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10>

Sturton by Stow is defined as a Tertiary Attractor in the Portrait of Place evidence that helped inform the draft Core Strategy. This reflects the services and facilities it offers to residents of the village and neighbouring settlements as cited in the comments of the Council's Strategic Housing officer (see preceding section). In this context the following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire

CL4 - Level and distribution of growth

CL5 – Managing the release of land for housing and employment

CL6 – Site selection in Central Lincolnshire

CL12 – Overall target for affordable housing

CL14 – Affordable housing on rural exception sites

CL22 – Strategy for the rural areas of Central Lincolnshire

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. It also reflects the objectives of the National Planning Policy Framework. It is now intended to submit it for an Examination in Public later this year with the EIP itself being held in the Spring of 2014.

Assessment:

The West Lindsey Local Plan First Review was drafted in 2003 and adopted in 2006. It remains part of the development plan but the policies must be considered against the provisions of the National Planning Policy Framework and whether they have general conformity with this national document.

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. Policy STRAT7 restricts housing development in settlements defined by policy STRAT3 as Subsidiary Rural Settlements as the evidence base for the Plan suggests that such villages do not have the services and facilities to support additional development. However, the Review did contain a policy, RES7, which was included to acknowledge that there would be a need to deliver "exceptions sites" for affordable housing in such settlements to respond to an identified need for such housing.

In 2012, when this application was first submitted, there was no such identified need. However, in January 2013 the independent Sturton by Stow Parish Housing Needs Survey undertaken by Community Lincs identified 6 local households in need of affordable housing in the village. The recommendations for a scheme in terms of size, mix and tenure were as follows:

- 1 x 3 bed house
- 1 x 2 bed house
- 1 x 1 bed dwelling for single person of working age
- 1 x 1 bed dwelling for couple of working age
- 2 x 1 bed dwellings for single persons 60 +

The recommended tenure of all properties was affordable rent. They will deliver an exact match to the local evidenced need and will provide accommodation for a range of age groups. The Council's Strategic Housing officer has also confirmed that the additional two units (1 x three bed and 1 x two bed houses) will meet the wider need of the district as evidenced by the Lincs Homefinder Housing Register. Members may note in this case that all dwellings can be delivered for affordable housing as it has been shown through a viability appraisal supplied to officers that it is viable to do so; the applicant is the landowner and a Registered Provider.

The survey was paid for by the applicant but the process was open, neutral and transparent. It was made clear that the survey was and is not exclusive to the applicant and could be used for other developers/landowners if they brought land forward. In this regard it is noted that other land has been submitted in Sturton by Stow for consideration as exception sites for affordable housing. This includes land on the north side of the village, off Stow

Road, near to where houses have been developed in the last 20 years and where they are currently being developed. Such land is where one of the representations received for this application states that new housing should be built. However, the other sites identified as being appropriate have not been pursued and the need remains. It is a current need and without delivery of this site it will be unmet for the foreseeable future.

Furthermore, the support provided by policy RES7 of the Review is consistent with the objectives of the National Planning Policy Framework; paragraph 50 of the latter stating that local authorities should plan for affordable homes to meet an identified need. The NPPF also provides for explicit policy support for sustainable growth with paragraph 7 outlining a presumption in favour of economically, environmentally and socially sustainable development and growth. Members may note that such support has recently been used to justify housing development across the district with the draft Central Lincolnshire Core Strategy now being afforded weight and it proposing 42,000 dwellings across the area to support this national call for growth (policy CL4 refers). Maintaining a five year supply of deliverable sites is a prominent element of the NPPF (paragraph 4 refers).

Policy CL4 of the Strategy also proposes 9,500 of the dwellings to be delivered in rural areas outside of the main city and towns and Sturton by Stow, as a Tertiary Attractor (as defined in the Portrait of Place evidence base for the Strategy), is a settlement that provides appropriate services and facilities to serve future residents of the development. These are cited by the Council's Strategic Housing officer in her response detailed in this report, but to recall, the village includes employment providers, a school, shop and a regular bus service (Interconnect 100) to Lincoln and Gainsborough, albeit with the school located on the north side of the village on the opposite side of Tillbridge Lane. The nearest bus stop is within 400m of the site on Saxilby Road.

Policy CL12 of the Strategy also provides an up to date provision for affordable housing stating that Central Lincolnshire authorities will seek to secure 17,548 dwellings across the area by the end of the plan period of 2031. The continued support for policy RES7 of the Local Plan Review for delivery of such affordable housing on exception sites is found in policy CL14 of the Strategy.

It is acknowledged that the majority of the site is greenfield land as defined by the National Planning Policy Framework. Such land is defined as the lowest priority for release for housing land in policy STRAT9 of the Local Plan Review. Paragraph 17 of the NPPF also encourages the use of brownfield land but it does not include the more prescriptive sequential approach that was detailed in the superseded Planning Policy Statement (PPS) 3 that provided the national context when policy STRAT9 was adopted in 2006 and saved in 2009. In this context it is noted that there is not brownfield land that has been brought forward, is appropriate and is deliverable for this development in the village. In this context, the delivery of greenfield land can be supported to meet the demand for affordable housing and provide deliverable growth.

It is also acknowledged that the land is used as public open space and its loss is a concern expressed by residents in their representations. The land is not explicitly identified as important open space to be retained in the Local Plan Review but paragraph 74 of the NPPF advises that such spaces should not be lost unless they are surplus to requirements or replaced by an equivalent provision or by an alternative provision. It was also noted that, during one of the case officer's site visits, part of the space was being used by children for games.

As a response to this issue the development does provide two areas of public open space which, whilst cumulatively smaller than the existing area, are considered to provide the potential for an equivalent amount of informal recreation. This is because it is considered that the existing area is narrow, devoid of play equipment and bordered by the existing garages and road and therefore is of limited existing value.

In summary, the principle of the proposal is considered acceptable. There is an unmet identified need for affordable housing in the village, a need that has no prospects of being deliverable in the short term through the development of other sites; appropriate sites having been identified but not brought forward by landowners at this stage. Members may also note that sites for open market housing in the village with a percentage of affordable housing have not been brought forward within the Local Plan Review period because there was policy presumption against open market housing in the village. The one exception of note is at the Old Rectory on Stow Road but viability issues relating to the need to deliver the conversion of a listed building prevented the delivery of affordable homes on that site. The development will also contribute to the growth aspirations of the Council, Central Lincolnshire and national government and contribute to the deliverable supply of housing within the next five years. This approach to the consideration of the principle of the development is consistent with the provisions of the Central Lincolnshire Housing Supply Paper which is also being reported to this Planning Committee.

Design and layout

These are considerations detailed in policies STRAT1, RES1 and RES2 of the Local Plan Review. All of the above policies are afforded significant weight as they echo the general thrust of the NPPF in relation to good design (paragraph 58 refers).

The narrow nature of the site limits the layout possibilities but the submission proposes dwellings that front the existing highways and this results in an appropriate hierarchy of space from the public fronts abutting the road to the defensible private gardens to the rear (west) of the buildings. The use of brickwork and simple gabled forms also echoes the existing architecture of Queensway. Similarly, the single and two storeys forms, with the lower buildings at the southern end, echoes the scale of dwellings to the north, east and south.

Finally, it is considered that the redevelopment of the garages can only serve to enhance the character and appearance of the area.

Flooding and drainage

There are three different issues that need to be considered relating to flood risk; the sequential preference for sites not at high risk of fluvial flooding, the risk of surface water flooding and the need for foul water to be disposed of via the public sewer. These matters are partially addressed in policy NBE14 relating to waste water disposal, but the main policy considerations are now included within the National Planning Policy Framework and its accompanying Technical Guidance.

In terms of fluvial flooding it is noted that the site is within flood zone 1 as defined by the Environment Agency. This is land classified as at least risk of fluvial flooding and as a consequence is the preferred location for more vulnerable uses of land such as housing as guided by the NPPF and its Technical Guidance.

The strategy proposed by the applicant's architects and drainage engineer to manage surface water is that of oversized pipes discharging to the existing culverted watercourse to the south.

This system has been proposed in response to concerns raised by the County Highways Authority, Parish Council and residents relating to surface water flooding within the town and within some neighbouring residential properties. The Environment Agency's 2nd Generation maps and the Council's own data show that, during a 1 in 100 year storm event, there is lying surface water within an area that extends from the field to the west of the site, across the southern end of the site and south-eastwards across Queensway onto Saxilby Road. Contributory factors to this problem include the inability of water to percolate through the existing soils of the application site, the inability of water to enter into the culverted watercourse along the southern boundary of Queensway, the specification of this culvert and the specification of the culvert under Saxilby Road.

The developer needs to demonstrate that the development of the site would have a neutral and not worse impact on this situation including during a 1 in 100 year storm water event (plus allowance for climate change) taking into account that some of the site floods at the moment and the siting of houses and/or the ability to store additional water within this flooded area would not be possible. The proposed piped system and siting of one area of open space within the area prone to flooding provides an appropriate basis for a neutral impact in terms of runoff rate and volume from the site. However, the use of pipes to directly route the water into the existing system rather than the current overland flow into drains means that, although the overall volume is predicted to not be materially different to existing, the runoff rate at any one time could be significantly different to existing. In this context it needs to be ensured that the existing receiving watercourse has the ability to take these flows without increasing the surface water flooding to the neighbouring properties. The applicant has commissioned a survey of this watercourse and has given a written undertaking that they would undertake works to remedy any issues encountered.

Members are therefore asked that, if they are content with all other issues, they delegate the powers to grant permission subject to conditions to officers upon the successful resolution of this issue with any remedial action agreed and following the completion and signing of the section 106 agreement.

Finally foul water is proposed to be discharged into the existing mains sewer. This is the preferred option (policy NBE14 of Local Plan Review refers) and Anglian Water has confirmed that there is available capacity in the affected sewerage system.

Residential amenity

This is a consideration detailed in policies STRAT1 and RES1 of the Local Plan Review and is considered to be a material consideration. It is not cited explicitly in the NPPF but is considered to be one of the fundamental issues about place making and design covered in paragraph 58 of that Framework. It is also cited in policies STRAT1 and RES1 of the Local Plan Review and is a material consideration.

Representations have been received expressing concerns about overlooking once the development is occupied and noise and disturbance during construction. These are both planning issues as is overshadowing.

In terms of overlooking and overshadowing it is noted that the minimum distance between a proposed and existing dwelling is 15 metres. This separation distance is repeated across the length of the site and is considered acceptable in terms of overlooking especially given that it is between the front elevations of the dwellings that are already overlooked from the public highway between the dwellings.

Turning to overshadowing, it is noted that the proposed dwellings will be to the west of many of the closest existing dwellings. Proposed units 7 and 8 are single storey and not considered to have a significant impact given their relatively low roof lines. The other proposed units are higher but no more than two storey and all have their gabled roofs arranged so that the ridge runs north-south and the roof plane slopes away from the closest existing dwellings. The maximum ridge height is 8m above ground level and the eaves 5.2m above the same level. The existing hedge on the western boundary of the site is estimated to be approximately 5 to 6 metres in height, a further 12 metres away from the existing dwellings and will allow some light through when not in leaf during the winter months. Therefore, there will be some overshadowing during winter afternoons to existing dwellings to the east of the site that do not experience such levels of overshadowing at the moment. Nevertheless, these dwellings will still enjoy the same levels of light in the morning throughout the year, during the afternoon during summer months and the hedge already provides a degree of overshadowing. In this context, it is not considered that there will be a significant loss of residential amenity.

These closest existing dwellings could be affected during the construction phase, as could dwellings to the north and south and those that line the link

part of Queensway between the site and Saxilby Road. Specifically noise and disturbance could arise from construction itself and/or from the movement of contractor's vehicles, plant and machinery to and from the site. Given that Queensway is a no-through road in a solely residential area, an area characterised by relatively low ambient noise level where most of the dwellings are within 9 metres of the highway and where some dwellings are within 13 metres of the site, then it can be reasonably required that construction is carried out in complete accordance with a management plan. Such concerns have been raised by residents and a condition can be imposed to ensure that amenity is preserved, specifically prescribing working hours to only in daytime on weekdays.

Highway safety

This is a consideration detailed in policies STRAT1 and RES1 of the Local Plan Review and many of the representations received relate to parking issues and highways safety.

The photographs taken by the case officer and available on the PowerPoint presentation confirm that the relative narrowness of Queensway results in cars regularly being parked partially on the pavement which is not ideal especially as the pavement is used by residents, including children. The parked cars also reduce the width of usable highway for cars and service and emergency vehicles to access other parts of the development. However, it is not considered that the development will make this situation worse. Indeed, the provision of the footway on the west side of Queensway within the development, as required by the County Highways Authority, will actually result in a degree of betterment. There are also 20 off street parking spaces proposed for the eight dwelling and only existing space within the lay-by on Queensway is calculated to be lost as a result of the development. The provision of a net increase of 19 spaces for 8 dwellings is considered appropriate.

The visibility afforded at the junction of Queensway and Saxilby Road is considered appropriate; Saxilby Road is straight with a wide verge, unobstructed verge on its western side and the speed limit is 30omph.

Other matters

The **hedgerow** along the western boundary has been left to grow to a substantial height. It is mainly hawthorn but also contains elder, field maple, damson/plum, blackberry, rose, Midland hawthorn and holly. It is thin in places and would benefit from some infill planting

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES7 Rural Exceptions housing, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development. Indeed, each saved Local Plan policy has been assessed for consistency with the National Planning Policy Framework with its weight apportioned according to the level of consistency. The Draft Central Lincolnshire Joint Core Strategy (2013) was also considered and weight afforded to it as it has been approved by the Central Lincolnshire Joint Strategic Planning Committee and is considered to reflect and have general conformity with the provisions of the National Planning Policy Framework albeit not having been the subject of submission to the Secretary of State for an Examination in Public

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions, the completion and signing of the section 106 agreement to secure the dwellings as affordable housing for those people identified in need and the open areas of the site secured as public open space and the resolution of the surface water disposal issue.

Specifically, the site is considered to be an appropriate location for a development which enables affordable housing to be delivered to respond to an outstanding need where no other sites are coming forward to meet that need. The site location is sustainable in terms of it being near to a regular bus service connecting it to Lincoln and Gainsborough and approximately 5 minutes walk from the village centre which provides some services and facilities. It is also within reasonable walking distance of the village primary school albeit this school is at the northern end of the village across an "A" Class Road.

Material considerations such as visual impact and highway safety can be appropriately mitigated by conditions but the plans and particulars submitted show how the development responds to these issues.

RECOMMENDATION: That the decision to grant planning permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon:-

1. **The signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and**

- that the open areas of the site are maintained as public open space.**
2. **The successful resolution of the surface water issue detailed in this report, to include conditions necessary to provide appropriate mitigation/remediation if required.**

In the event that the section 106 agreement is not completed and signed and/or the issued detailed in point 2 above is not resolved the application be reported back to the next available Planning Committee following the expiration of a 6 month period.

Time commencement condition

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).

Pre-commencement conditions

2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities
 - v. measures to control the emission of noise, dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. The means of access and routeing for demolition and construction traffic.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the demolition and construction phases of the development and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the disposal of surface water from the site which is designed to demonstrate attenuation to the existing runoff rate and volume for a 1 in 100 storm water event (plus 30% allowance for climate change).

Reason: It is reasonable to require further specificity to the details submitted in accordance with the National Planning Policy Framework

(2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality.

4. No development shall take place until a detailed specification for the vehicular access to the dwellings within the limits of the existing adopted highway have been submitted to and approved in writing by the local planning authority. The said accesses shall be completed prior to the first occupation of any of the dwellings hereby approved and thereafter retained.

Reason: In the interests of highway safety and sustainability and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

Other conditions

5. The approved Construction Management Statement (as referred to in condition 2) shall be adhered to throughout the demolition and construction period and no construction or demolition works shall be carried out outside of the following times:-

Monday to Fridays 08:00 to 18:00 (except Bank and Public Holidays)

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the demolition and construction phases of the development and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

6. The approved scheme for the disposal of surface water from the site as required by condition 3 shall be completed before any of the dwellings hereby approved are first occupied and thereafter retained.

Reason: To accord with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality.

7. The dwellings hereby approved shall be externally faced using materials the details of which shall be in complete accordance with those specified on drawing DB1029 A1/05 received on 5th July 2013. .

Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

8. The dwellings shall not be first occupied until the private accesses marked hatched in red on the approved plan DB1029 A1-02 received on 5th July 2013 have been completed. The private accesses shall thereafter be retained.

Reason: In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

9. None of the dwellings hereby approved shall be first occupied until a landscaping scheme to include tree planting and remedial works to the hedge on the western boundary has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance. The landscaping shall be planted and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that, together with the public open space, an appropriate level and type of soft landscaping is provided within the development given the site's edge of settlement location and to accord with policies STRAT1, RES1, CORE10 and NBE20 of the West Lindsey Local Plan First Review 2006.

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

Committee Report

Planning Application No: 130542

PROPOSAL: Planning application for installation of pole mounted satellite dish in car park

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J. Rainsforth, Cllr T. Young

APPLICANT NAME: Trinity Arts Centre c/o West Lindsey District Council

TARGET DECISION DATE: 25/11/2013

DEVELOPMENT TYPE: Minor - all others

RECOMMENDED DECISION: Grant planning consent

Description:

Trinity Arts Centre is Grade II listed and sits on the eastern side of Trinity Street, in what was the church yard when the building was a church. To the rear is a car park area, accessed from Sandsfield Lane. The wider setting is of terraced houses, with some businesses to the north, shops on Trinity Street and the railway line to the east.

It is proposed to site a satellite dish on a 3m tall rig in the north east corner of the car park. The dish will be 1.2m in diameter. The application also shows the cable route into the building.

The dish will enable events to be screened live at the Trinity Arts Centre, improving what can be offered and supporting future sustainability.

The application has to come before the Planning Committee as West Lindsey District Council is the applicant.

Relevant history:

Various applications in the late 1970's and 1980's relating to the conversion of Holy Trinity Church to an arts centre together with signage.

M00/P/0189 Consent to display name sign, two poster display boards and free standing sign. Granted consent 17/4/00

M02/P/0010 Planning application to construct disabled ramp, boundary treatment, railings and copings and tree works. Granted consent 3/4/02

M04/P/0189 Planning application to form new disabled wc and changes to entrance. Granted time limit only 5/11/04

128386 Listed Building Consent for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear. Granted time limit only 30/08/12

128813 Planning application for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear. Granted time limit only 29/08/12.

Representations:

NB: Report has been written before the end of the public consultation period. Any further representations will be reported at the meeting.

Chairman/Ward member(s): None received

Town Council: None received

Local residents: None received

LCC Highways: None received

Archaeology: None received

Public Protection: No concerns

Relevant Planning Policies:

National guidance

National Planning Policy Framework (March 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

West Lindsey Local Plan First Review 2006

STRAT1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

CORE5 Retention of Existing Car Parks

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the named policies are considered to still be relevant

Draft Central Lincolnshire Core Strategy (2013)

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy has been submitted to the Secretary of State on 21st October 2013 and it is likely that the Examination in Public will be in February 2014. The policies still therefore have limited weight as are still subject to challenge.

http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.centrallincolnshire.lfd.s ubmission-of-central-lincolnshire-core-strategy.117940.articleDownload.56436&ns_type=pdf&ns_url=http://microsite.s.lincolnshire.gov.uk/Download/56436

Main issues

- Impact on the Listed Building and the wider setting

Assessment:

Paragraph 42 recognises that communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services.

Paragraph 131 of the NPPF advises that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Saved policy STRAT1 includes the requirement for development to be satisfactory with regard to the impact on the neighbouring land and on the character, appearance and setting of historic assets including Listed Buildings.

Saved policy CORE5 does not allow for development that would result in the loss of an existing car park unless there is a lack of demand for car parking and the parking area is under-used, or the parking area is no longer required as equivalent or better provision has been made in the locality, or an alternative nearby site can be provided for the demand for car parking.

This pole mounted satellite dish will be in the corner of the car park, away from the building. The wiring will run underground and then through existing conduits with other wiring when inside the building. It is considered that the dish would be inappropriate attached to the building given its listed status. In this position, it is as far from the building as possible and therefore, has minimal impact on this heritage asset.

The loss of one car park space is considered acceptable, given that the dish will enable a broader range of events to take place at Trinity Arts Centre, such as live screenings of shows from the National Theatre and the Royal Opera House, thereby helping to secure its future operation. Additionally, there is a large car park at the Tesco supermarket to the north, where parking is allowed free for up to three hours.

Listed Building Consent is not required as the dish will not be physically attached to the building and as the wiring will run along existing conduit and wiring runs.

Conclusion and reasons for approval

The proposal has been considered against the Development Plan, namely saved policies STRAT1 Development Requiring Planning Permission and CORE5 Retention of Existing Car Parks of the West Lindsey District Council Local Plan First Review June 2006 together with other material considerations. These other material considerations include the advice given in the National Planning Policy Framework March 2012.

In light of this assessment, the proposal is considered acceptable as the satellite dish will enable a broader range of shows to be shown at the Trinity Arts Centre, enhancing this community facility and helping to ensure the future of the venue. The loss of one car parking space is considered acceptable as the rest of the car park will remain and there is alternative car park provision close by. The position of the pole mounted satellite dish will not harm the heritage significance of this Grade II listed building.

Recommendation: That planning permission is granted subject to the following 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:

None

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

2. 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 and photographs received 30th September 2013: Site Location Plan, plan of rig, mock-up of satellite dish shown on an A3 photograph, cable route photographs. 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 saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

3. The pole mounted satellite dish and its associated rigging shall be removed within six months of the equipment ceasing to be used.

Reason: To ensure that redundant equipment does not remain in place unnecessarily and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.