



PL.09 14/15
<b>Planning Committee</b>
<b>Date 15 October 2014</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

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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:**

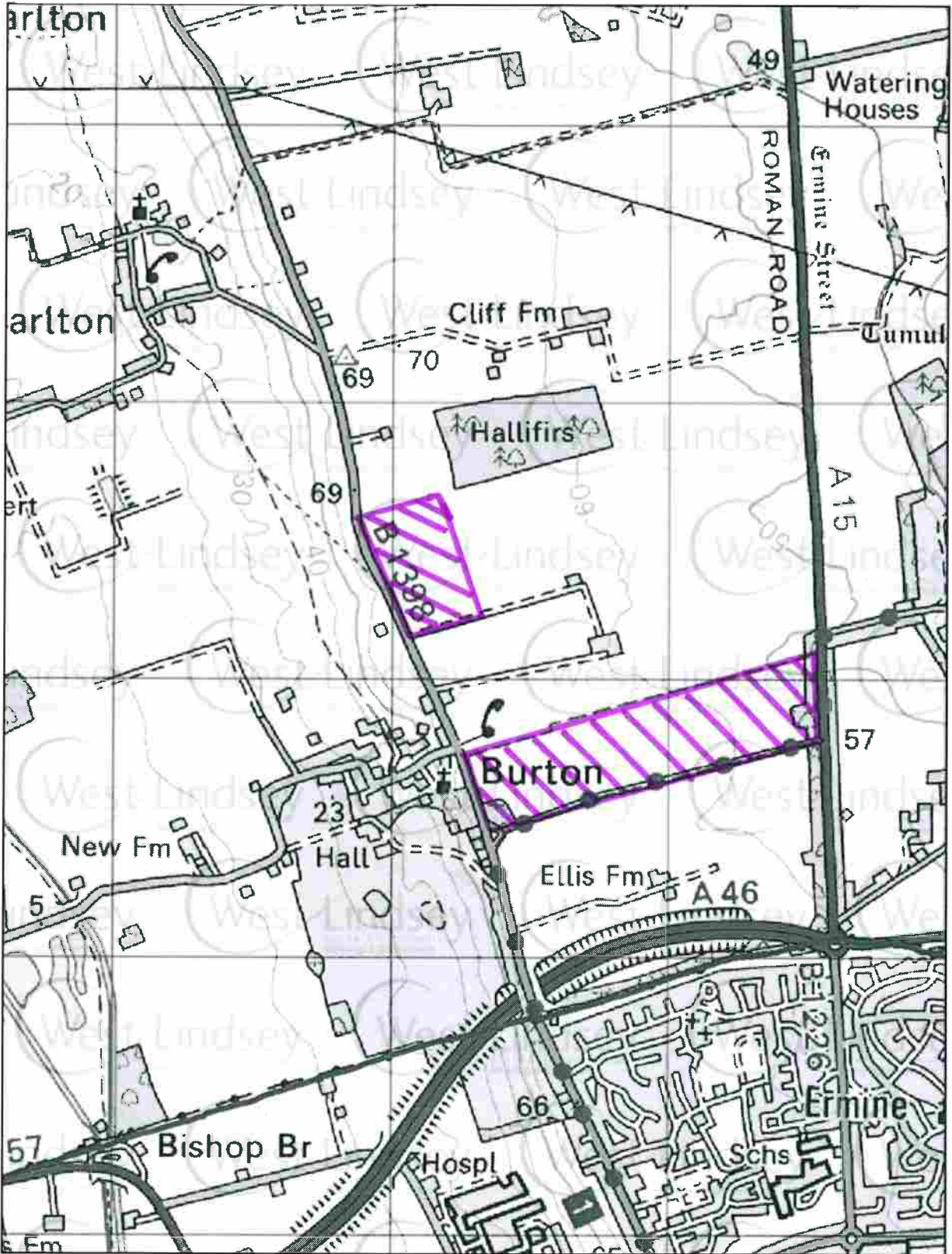
A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**



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## **Officer's Report**

### **Planning Application No: 131507**

**PROPOSAL: Planning application for construction of a solar farm generating up to 20MW and associated works**

**LOCATION: Birch Holt Farm Woodcote Lane Burton Lincoln LN1 2RD**

**WARD: Saxilby**

**WARD MEMBER(S): Councillor Mrs Brockway and Reverend Councillor Cotton**

**APPLICANT NAME: AEE Renewables UK 8 Limited"**

**TARGET DECISION DATE: 03/10/2014**

**DEVELOPMENT TYPE: Large Major - Other**

**I**

**RECOMMENDED DECISION: That the application be delegated to the Head of Development and Neighbourhoods to Grant subject to the following conditions and the receipt of no objections from NATS**

#### **Description:**

**Site** - The site extends to around 41 ha and is comprised of two separate elements connected by accesses. The two main elements are currently in agricultural use and lie to the east of the B1398, Middle Street to the southeast of South Carlton and northeast and east of Burton-by-Lincoln. The southernmost element lies to the north of the Coach Road and is the larger of the two elements extending to around 28ha. A field separates this from the smaller element (13ha). Both elements adjoin Middle Street. A separate area of land on the Lincoln Cliff escarpment was originally included within the application but has since been deleted.

**Proposal** – The proposal in its revised form is for a 20MW solar farm with the panels being mounted at an angle of 20 degrees with the lowest part of the panel being 0.8m above the ground and the highest part a maximum of 2.5m from the ground. They will be fixed in place, rather than moving with the track of the sun, and will face south. Each row will be set between 3 and 4.5metres from the next one to prevent shadowing. There will also be equipment and other development associated with the panels. This comprises:

- security fencing (2metres high)
- strategically located security cameras mounted on poles,
- additional planting at the site perimeter,
- the laying of tracks within the development site,
- 19 transformer stations distributed across the site, each measuring 3.1m x 7m at a height of 3.4m
- DNO (Distribution Network Operator) substation measuring 2.5m x 6m at a height of 3.4m

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

The application has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it was concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1).  
The development is not 'EIA development'.

**Relevant history:**

130821 – Screening opinion for the development as originally proposed (3 elements).

**Representations:**

As detailed in the “description” section of this report, the site originally included three areas of land within which the solar arrays were to be sited. The area to the west of Middle Street on the Lincoln Cliff escarpment, between Burton and South Carlton villages has been deleted from the scheme. The case officer has analysed the comments received from consultees before the amendment and included those which are considered to be still relevant to the revised site as well as the comments specifically received in relation to this revision.

**Chairman/Ward member(s):**

**Burton Parish Council:-** welcomes the reduction in size of the proposed Solar Farm

1. The Parish Council do not support nor object to the planning application.
2. The comments of Parishioners of Burton Village, Burton Waters and surrounding villages should be taken into account.
3. Take account of the NPPF section 9 re Green Belt and use of agricultural land.
4. Also Local Plan Policy NBE10 Protection of Landscape Character and Areas of Great Landscape Value.
5. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.
6. Concern over access onto Middle Street regarding the safety of cyclists, horse riders and walkers with the increase on lorries.

**Riseholme Parish Council - object to proposal:**

1. Solar Farm is a misleading euphemism for an industrial operation.

2. Site enclosed by secure fence with lights and cameras as otherwise vulnerable to vandalism.
3. Significant industrial building works needed to house inverters and transformers
4. Major, but unspecified, power lines required to connect site with the national grid.
5. Access roads and roads within site required for maintenance vehicles.
6. Site currently good farming land which is needed for increasing population and rising transport costs, making local food production essential.
7. Site would be downgraded to brownfield land and therefore accessible for housing or further industrial development.
8. Visual Impact would be devastating to the views of the Cathedral emerging from the rural landscaping on the approach from the north. This view of enormous importance to the City and its heritage.
9. Area to north of A46 is designated as a Green Wedge, has Outstanding Landscape Value status and forms a natural break between the city and the outlying villages. Also important habitat and is within reach for large number of Lincoln residents.
10. This would breach the wedge and set future precedent.
11. Riseholme Parish Council agree with Rt Hon Geoffrey Barker, who said in a press release on 4<sup>th</sup> April 2014, "We want to move the emphasis for growth away from larger solar farms and instead focus on opening up the solar market for the UK's estimated 250,000 hectares of south facing commercial rooftops."

### **South Carlton Parish**

Against the implementation of this Solar Farm because of the loss of agricultural land.

**Sir Edward Leigh MP:** I am convinced from the arguments put forth by my constituents and I hope that the Planning Committee takes their strong concerns into account when making their decision.

**Local residents:** Objections received from Hyrton House, Middle Street;; The Old Post Office, Middle Street; The Old Rectory; Griffinwood; Squirrels Leap, Main Street; Cotswell, Main Street; Kennel Cottage, Main Street; Deeping Cottage, The Goldings, Main Street; Bridge Farm; Applegate House; Windsor House; Lime Trees; Walnut Garth, Main Street, 1 Hall Yard; 3 Hall Yard; 4 Hall Yard, 1 The Granary, Hall Yard (all Burton); Holmerise; Cedar Farm; Edmund Cottage; Hallifirs, Middle Street; South Cliff Farm, Middle Street; Barns, Main Street, Hawthorn Barn, School Lane (all South Carlton); Holmerise, Riseholme Lane, 10 Riseholme Lane, 18 Riseholme Lane, 20 Riseholme Lane, 28 Riseholme Lane, Ridgeway, St George's Lane, High Trees, St. George's Lane, (all Riseholme); 7 Cliff Farm Cottages, Owmbly by Spital, 22, Mons Road, Lincoln: summary of points below:-

1. The Energy Secretary has said that he would like solar farms to be smaller and blend into the environment . Building the largest solar farm

in the UK immediately adjacent to 2 conservation areas makes a mockery of his advice.

2. The WLDC development plan which sets out the future of land use up to the year 2016 in its policy document STRAT 13 clearly states that development will not be permitted if it would detract from the open rural character of undeveloped land when specifically referring to open green spaces or green wedges
3. The proposal is contrary to policy STRAT1 of the West Lindsey Local Plan relating to the safeguarding of the quality of life for residents STRAT12 relating to the protection of the open countryside and and STRAT13 relating to the protection of the green wedge.
4. When the spokesman for AEE was asked how many jobs would be on offer to the people of Lincoln at the public meeting held in March he confirmed that there would be no prospect of employment for anyone even though when they first put their plans to the public there was promise of local employment.
5. It is continually being proven that solar farms are hugely inefficient and highly subsidised and make little contribution to the UK's energy needs. The Department of Energy and Climate Change statistics state that on average solar produces at a very low 8% of capacity during the year and that between January to March at the time when energy demand is at its highest - solar is so ineffective it produces at a virtually insignificant 0.9% capacity. Their official statistics show that solar contributed just 0.3% for the first quarter of 2014!
6. How much is it going to cost to install this farm? The only people who are gaining from this are the renewable energy companies who will benefit from large government subsidies which will be added to the consumers electricity bills, and the farmer who will be paid handsomely for 25 years for the use of his land. The very first question a member of the community put to the AEE spokesman at the public meeting held in March was would the meeting even be taking place if there were no subsidies on offer from the Government. The spokesman confirmed that the meeting would not be taking place if it wasn't for the subsidies.
7. In the Guardian on 4th April 2014 the Minister for Energy said: I do not want solar farms to become the new onshore wind. Solar power enjoys huge popularity, so we have to be careful. I do not want to see unrestricted growth of solar farms in the British countryside." Lincolnshire already has a functioning solar farm at Stow, there are sites that have been approved at Branston, Fiskerton and Faldingworth, the latter site being the largest in the country, and there are more applications being prepared.

He also commented that the Government wanted to move away from large scale solar farms and focus instead on the 250,000 acres worth of south facing commercial rooftops up and down the country: "We

have put ourselves among the world leaders on solar and this ambitious Strategy will place us right at the cutting edge. There is massive potential to turn our large buildings into power stations and we must seize the opportunity this otherwise we will be ruined by turning the area into an industrial setting of thousands of large black solar panels.

8. It will be visible from locations all around the approaches to Burton. The proposed screening planting will take 10+ years to grow to sufficient height.
9. The view from the Lincoln Edge between the two villages will be completely ruined. This view from the B158 is magnificent and to spoil it by industrialising a large area of land just below the Edge will have a huge visual impact on the landscape and the view out to the Trent Valley and will be totally out of character for the area.
10. The size, scale, colouration and the design of the legends on the submitted plans makes it impossible to discern the definitive proportion of the site that will have solar arrays built upon them.
11. Nick Boles MP, when the Parliamentary Under Secretary of State for Planning wrote to Sir Edward Leigh stating "we have been clear in the NPPF that a planning application for renewable energy should only be approved if the impact is, or can be made acceptable. You will be pleased to know that we took the opportunity of the new planning guidance we published in March to set out the particular factors relating to solar farms that a local council will need to consider. These include making effective use of brownfield land and, where a proposal involves agricultural land, being quite clear that this is necessary... The guidance is also very clear that visual impact is a particular consideration for assessing solar farm applications." Solar farms should be on industrial areas, brownfield sites or roofs of industrial buildings, not on green fields. Use former RAF stations instead; Lincolnshire has 65 abandoned airfields. Should not be sited next to Conservation village and major urban area.
12. 170 acres of land, currently in agricultural use, will be covered by 80,000 arrays, each standing between 2.2m and 2.8m tall. There will be thirty, 3m by 6m long sub-stations. It is impossible to understand from the documents on-line where cables connecting different parts of the site will be underground or over ground. If overground this obviously add to the visual blight of the area.
13. The proposed route for building traffic is via Fen Lane, the narrow track can barely cope with the little traffic it currently has. Huge HGVS lorries will destroy it and be dangerous.
14. The entrances for both sites on the Lincoln Edge is off the B158. If planning is approved and the building of the sites commences there will be lengthy disruption to the people of Lincolnshire caused by considerable vehicle movement, for instance HGV's delivering materials as well as cars and vans transporting in the outside



workforce needed to install the solar farm during the construction period. Driving into and out of Lincoln is already difficult. This road is a main artery into Lincoln and is used by thousands of villagers from the cliff villages every day.

15. Burton is one of the closest villages to the north of Lincoln and attracts families and individuals to walk and cycle along the bridle path . This rural amenity will be lost for 25 years as no one wants to enjoy a walk next to tens of thousands of large black solar panels
16. Biodiversity will be lost. Quality land will be kept trimmed by a low density sheep grazing system..
17. If both the proposed solar farms in this area go ahead we will be surrounded by solar panels in all directions
18. Dominate the area around the footpaths/bridleways impacting upon the character of the area and significantly reducing the footpaths/bridleways recreational value to the community. The site at The Old Coach Road has two much loved and much used bridleways running the length of it either side. These bridleways have lovely views across to Lincoln and out towards the Lincolnshire Showground and hundreds of people walk their dogs (I am one of those people), ride horses and bikes along these paths every year. The Old Coach Road has a lot of local history, is a beautiful area with trees that have preservation orders on them, and is the first public bridleway after the Lincoln Bypass which acts as a barrier to the urban spread of Lincoln city, and is less than 30 seconds from Lincoln in a car! Many people come out of Lincoln to use these rural amenities which are literally on their doorstep. The cradles which hold the solar panels stand over 2 metres high and over 14 metres long, there will be electric substations standing over 3 metres high as well as security cameras, all surrounded by a 2m high mesh fence
19. Turn land from productive arable land to an industrial use
20. in support of green energy generation schemes, but object to this proposal as it seems to me to be in a completely inappropriate location
21. In other areas where large solar farms have been built there has been a drop in value of nearby properties.
22. If both applications (this and 131496) are approved then the Coach Road would be bounded on both sides by solar farm development.
23. Hedges and trees are deciduous and so development will be even more prominent in the winter. The additional landscaping will not provide adequate cover due to the soil conditions and species planted. There is a wealth of wildlife on the site.
24. Impact on Conservation Area will be negative in the construction stage and its special character compromised over the longer term.
25. Planning Practice Guidance “does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities”.

26. Noise and light levels minimal currently – this development will significantly increase both for example with construction traffic, security of the site and on-going maintenance.
27. Inefficient production method only financially viable because of large Government subsidies paid for by the tax payer. Too far north for the panels to be efficient. DECC statistics show that solar produces 8% of capacity per annum. In January to March, when energy demand is highest, solar produces 0.9% capacity. Solar contributed 0.3% for first quarter of 2014.
28. Whilst it may secure the farm income for 25years, it is not clear if current farm workers will retain employment or be deployed elsewhere. How much will it cost to install the farm?
29. There will be an archaeological impact given the proximity of Lincoln and many Roman artefacts have been found along the cliff edge. Roman ruins under site will be damaged.

2 Belgravia Close, Lincoln also makes the following comment:-

1. The adjacent rights of way appear to be not affected. Good.

**Environment Agency:** The proposed development will only meet the requirements of the NPPF if it is carried out in accordance with submitted floor risk assessment and specifically that access tracks to be formed from permeable surfacing and swales to be incorporated into the drainage design.

**LCC Highways:** Does not wish to restrict the grant of planning permission. It is considered that by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.

**LCC Historic Environment (Archaeology):** Lincoln was a Roman Colonia; there is a variety of known Roman remains in the surrounding hinterlands. Recently pieces of a statue have been identified as a Roman life-sized statue recovered further along the cliff top in North Carlton. Other archaeological remains in the vicinity include medieval settlement and agricultural remains. Following ground work there is no requirement for further archaeological work

**Lincolnshire Wildlife Trust:** We strongly support the enhancement and management of the site for biodiversity as described within the Landscape and Ecological Management Plan.

**Ministry of Defence:** No safeguarding objection

### **NATS Safeguarding**

**North Kesteven DC:** No objections are raised in respect of the sites to the east of the B1398 (Middle Street) as it is not considered that there will be a material impact on NKDC given that these are unlikely to be visible from Skellingthorpe parish.

## **Relevant statutes, regulations and Planning Policies:**

### **Statute/regulations**

- **Listed Buildings Act 1990**

Sec 66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sec 72(1) - In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

- **Wildlife and Countryside Act 1981 (as amended)** – in relation to protected species and habitat. Reference also to the Habitat Regulations
- **Natural Environment and Rural Communities (NERC) Act 2006** – Biodiversity must be a to material consideration when determining planning applications.
- **Climate Change Act 2008** - establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.
- **Renewable Sources Regulations 2011** – to accord with the EU obligation, this regulation places a duty on the Secretary of State to ensure that the renewables share in 2020 is at least 15%.

### **Development Plan**

- **West Lindsey Local Plan First Review 2006 (saved policies - 2009).** This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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).

The site is in the open countryside and the southern section within the designated undeveloped break and green wedge around Lincoln. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

STRAT 1 – Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12 – Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

STRAT13 – Undeveloped Breaks between Settlements and Green Wedges around Lincoln  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat13>

ECON4 – Farm Diversification  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm#econ4>

CORE10 – Open Space and Landscaping within Development  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE8 – Historic Parks and Gardens  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE10 – Protection of Landscape Character in Development  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

## National policy

- **National Planning Policy Framework 2012**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60772/116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf)
- **National Planning Practice Guidance 2014**  
<http://planningguidance.planningportal.gov.uk/>

Including:

Paragraph: 001 Reference ID: 5-001-20140306 -Why is planning for renewable and low carbon energy important?

<http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/planning-for-renewable-low-carbon-energy-introduction/>

Paragraph: 013 Reference ID: 5-013-20140306 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms?

<http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/>

- **Overarching National Policy Statement for Energy (EN-1) – DECC (July 2011).**
- **National Policy Statement for Renewable Energy Infrastructure (EN-3) – DECC (July 2011).**
- **UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249277/UK\\_Solar\\_PV\\_Strategy\\_Part\\_1\\_Roadmap\\_to\\_a\\_Brighter\\_Future\\_08.10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249277/UK_Solar_PV_Strategy_Part_1_Roadmap_to_a_Brighter_Future_08.10.pdf)

- **UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014)**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/302049/uk\\_solar\\_pv\\_strategy\\_part\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302049/uk_solar_pv_strategy_part_2.pdf)
- **Rt. Hon. Gregory Barker MP, letter regarding UK PV Solar Strategy, 22<sup>nd</sup> April 2014**  
<https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference>

## **Assessment:**

### **Energy need and production**

Policy SUS11, Energy Generation/ Renewable Energy, of the West Lindsey Local Plan was not saved by Government Direction in 2009, and therefore, the Local Plan is silent on renewable energy proposals, including solar farms.

Saved policy STRAT12 restricts development in the open countryside, unless it is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location or otherwise meets an objective supported by other plan policies.

Policy SUS11 would have been supportive at the time policy STRAT12 was written, but it was not saved because it did not have consistency with the then national policy contained within PPS22. The latter was superseded by the NPPF and support can be found in this latest national document. Indeed, in accordance with paragraph 215 of the NPPF, policy STRAT12 must be considered for its consistency with this national framework.

Paragraph 14 of the NPPF states ‘inter alia’ that there is a presumption in favour of sustainable development and that planning permission should be granted where development accords with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

One of the core planning principles set out in paragraph 17 of the NPPF is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy).

The NPPF considers that, “planning plays a key role... supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable

development.” It further states “to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”

The NPPF also makes clear that local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (para 98); and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

The National Planning Practice Guidance also states that planning for renewable and low carbon energy technologies will help to make sure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050 and a 34% reduction by 2020, based on 1990 levels. Linked with this, Paragraph 94 of the NPPF advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Act. In 2005, only 1.5% of energy came from such sources. In 2011, renewable energy accounted for 3.8% of energy consumption, up from 3.2% in 2010. The contribution of all renewables to UK electricity generation was 10.4% for the period July 2011 to June 2012 (it had been 8% in the preceding period).

At a more local level, the Central Lincolnshire Renewable and Low Carbon Energy Study (2011) advises that only 0.2% of Central Lincolnshire’s total annual energy demand was being met by renewable energy (40GWh). West Lindsey only contributed 6.3GWh of renewable energy towards this (0.03% of total Central Lincolnshire energy supply).

In this context, it is noted that the proposal would produce approximately 21.3 GWh per annum. Members will note that this is approximately 3 times the 2011 production for West Lindsey and enough electricity for on average 4,410 homes.

This annual output equates to approximately 38 to 47% of the output of the Hemswell Cliff wind farm refused by this Council last year (based on the 10 turbine scheme and an estimated output ranging from 44 to 55 GWh per annum as reported in the officer’s report for that application).

This contribution to Central Lincolnshire and national targets must be afforded significant weight and is, in principle, a reason for supporting such a development within the open countryside as identified by policy STRAT12.

### **Site choice (land availability, agricultural land grading, grid connection)**

The NPPG states that, to encourage the effective use of land, large solar farms should be focused on previously developed land and non-agricultural land. However, this does not preclude development of arrays on agricultural land; the Energy Minister, Rt Hon Gregory Barker MP, sent a letter to local authorities on 22<sup>nd</sup> April 2014 recognising that there is still a place for larger scale, field based solar in the UK's energy mix but that these installations need to be sensitively placed and the NPPG states that, where a proposal does involve agricultural land, it should be of poorer quality and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

It is acknowledged that, ideally the majority of solar generation would go on previously developed land and existing roofs, but these are not always suitable for solar if for example the roofs are not facing south, the grid connection is not available or the previously developed land is shadowed by buildings.

The majority of the district falls within class 3 although it does not differentiate between class 3a (good quality) and 3b (moderate quality). There is grade 1 land near to the River Trent but this is many miles from the site. Nevertheless, the map appears to indicate that the Lincoln Cliff dip-slope, including the site, falls within grade 2 (very good quality). However, these classification maps are subject to a caveat that local conditions may vary and this is the case here. Analysis of the site reveals that it is grade 3a (good quality). The only Grade 4 land within the District and also near a grid line is within the Lincolnshire Wolds AONB.

Furthermore, as evidenced at the Stow solar array within the district, although the site would be taken out of arable use, it nevertheless will still be used for livestock use; sheep happily graze between the arrays at the Stow site. The proposals will also contribute significantly to improving biodiversity in the area by improving the habitat for ground nesting birds, reptiles and invertebrates. The development is also reversible; the land could be returned to arable use with the dismantling of the panels and removal of the transformers and sub-stations. The NPPG advises that a condition to require removal after the lifetime of the development (25 years) is reasonable

It is acknowledged that this is a finely balanced consideration, but the energy provided, the ability to connect locally to the grid, the ability for an agricultural use to remain and the lack of previously developed land or land available of a poorer agricultural quality that is not in a sensitive location result in support being able to be provided for the this proposal subject to the considerations below.

### **Visual impact on landscape and heritage assets**

The application site is also within the Undeveloped Breaks between Settlements and Green Wedges around Lincoln as defined by the Local Plan First Review. Policy STRAT13 therefore applies and must be considered for

its consistency with the NPPF. Members may recall from the Ryland Road, Dunholme appeal decision that this policy should not be applied as an embargo against development within the designated gap, but each case must be considered on its own merits.

The policy states that to be permitted, development must:-

1. Be located and designed so as to not cause harm to the character of the area.
2. Not detract from the historic or landscape setting of settlements.
3. Not encroach upon open green spaces or green wedges that preserve links between built-up areas with the countryside and should protect the setting of the City of Lincoln or protect views of the Lincoln Cathedral.

These criteria do have consistency with some of the considerations within the NPPF and NPPG. The NPPF states “all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.” The NPPG advises in paragraph: 013 (Reference ID: 5-013-20140306) that great care should be taken to ensure heritage assets, such as Lincoln Cathedral, the Burton Conservation Area, Riseholme Historic Park and Garden and the listed buildings within the locality, are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It continues by stating that, as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. It also states that there should be the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Indeed, the UK Solar PV Strategy Part 2: Delivering a Brighter Future recognises that large scale solar farms provide opportunities for greater generation, but that they can have a negative impact on the rural environment if not well-planned and well-screened. The impact on landscape and heritage assets is therefore a consideration that will be considered separately below in the succeeding sub-section. .

A Landscape and Visual Impact Assessment was submitted with the application. The officer has viewed the site from a number of public vantage points to assess the impact and the findings of the applicant’s Assessment.

The officer concurs with the findings of the submitted impact assessment. The site to the north is an area of 250 x 450 metres set adjacent to Middle Street. The panels will be set between 10 and 20m from the existing hedge and due to the nature of the existing hedge views of the solar panels will be limited to glimpses. The applicants intend to provide planting along this boundary to reinforce the existinh planting. Similarly the proposals include planting along the north and east boundaries of the site to reinforce the existing hedges so that because of the low height of the panels there will be



limited if any view available for Middle Street. The site is 1.2km from the A15 and it is considered that the viewpoints contained within the submission portray an accurate portrayal of the limited impact of the panels due to landform.

The site to the south is larger and covers an area of 840m x 220 m between Middle Street and the A15. There are public footpaths to the north and south of the site. The panels themselves are set 150 metres from Middle Street and 70 metres from the A15. They are set 15 metres from the northern path and 50metres from the southern path. Again there are substantial planting plans proposed to all sides of the development with a grassland buffer strip to be planted. The hedges to the west and north will be reinforced and a new hedge planted to the southern boundary. On the opposite side of Middle Street to the west is the Lincoln Cliff which along Middle Street and around Burton village is within a designated Conservation Area. It is also a Historic Park and Garden. There is a duty to consider the significance of these heritage assets. In this respect it is noted that this significance is derived largely from the collection of historic cottages, later houses and other buildings, such as the listed church, that cluster on the escarpment within trees and behind topiary hedges and surrounded by the parkland associated with Burton Hall that envelopes the village and Lincoln Cliff itself.

Further to the west, the land falls sharply away from Middle Street and the development will not be visible from the remaining areas of the park and garden, conservation area or the Lincoln Cliff AGLV to the north. It is acknowledged that the site, Burton village, historic park and garden, and the AGLV escarpment will both be visible within the same view as the observer pulls ways further to the west, such as from the A57. However, these views are distant and the site is barely discernable, especially given the dense planting on the west side of Middle Street that lines the horizon from these vantage points.

Due to the tree cover at the Middle Street side of the development the panels will not have a significant impact on the Conservation Area and the Historic Park and Garden.

The view from the A15 is more open and therefore the screening to the north and south boundaries will need to be sufficient to ensure that these views are mitigated. This could be the subject of a condition.

To the south, the site is bordered by the Coach Road (Bridleway Burt/240/3) This is a very popular route, not only for pedestrians and horse riders, but also cyclists; the bridleway forms part of the Sustrans cycle route 1. It is characterised by an avenue of tall, mature trees with some hedge and grasses beneath with views into the fields either side. The development would therefore be visible from this bridleway for much of its distance although the panels will be facing away from the viewpoints and stand only 2.2m above ground level. The transformers, sub-stations, CCTV poles and security fences will be as noticeable, the fence, five transformers and a substation particularly prominent given their proximity to the Coach Road. The site landscaping plan

submitted by the applicant does show a hedge of native species to be planted between the Coach Road and the security fence but more details are required to ensure that there is appropriate mitigation.

The cumulative impact of this development and that proposed by application 131496 to the north of the Coach Road is considered separately later in this report.

It is estimated that the development will be visible from the top of the Cathedral towers and that the panels actually face the Cathedral. Furthermore, members are reminded that policy STRAT13 affords specific consideration to setting of this grade I listed building. However, it is not considered that the development will detract from the experience of the views of the setting of the building from its roof; the site is over 2.2km away at its nearest point, buildings such as Trent View House (15 storeys) are far more prominent and the defining rural grain of the City's hinterland will remain. There will be no harm to the setting and significance of the Cathedral in this regard

No external lighting is proposed

### **Impact on residential amenity**

Policy STRAT1 of the Local Plan Review provides that development must reflect the need to safeguard and improve the quality of life of residents and be satisfactory with regard to the amenities of neighbouring land. This is considered to be consistent with the provisions of the NPPF and afforded significant weight; paragraph 17 of the latter advises that that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF sets out that planning policy should avoid noise from giving rise to adverse impacts.

The nearest dwellings are on Riseholme Road at 70 metres away, those on the frontage of Burton Road being 200 metres away. Given the low level of the solar panels and the distance involved there will therefore be no impact in terms of overshadowing or overlooking.

The properties are also an acceptable distance from the site to ensure that there will be no harm caused through any noise associated with the substations

Noise and disturbance is considered to be a material consideration during the construction phase. Middle Street is a B class road with the associated moderate traffic flows but there are dwellings close to the highway, both in Burton and on Burton Road, Lincoln. The construction vehicle route is along Middle Street (B1398) with the access adjacent to Burton Cliff Cottages, thereby affecting the Burton rather than Lincoln residents. It is anticipated

that the construction phase will take 20 weeks with working hours being 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. It is considered reasonable to require a construction management plan to adhere to the route and times to safeguard residential amenity.

### **Cumulative impact with neighbouring solar farm proposal**

This application was received four days after the proposed development to the north of the Coach Road (reference 131496) which is the subject of a separate report. Cumulative Zones of Theoretical Visibility have been submitted to analyse where both developments could be viewed together and this CZTV analysed and verified by the case officer. Due to the existing screening and the proposed additional landscaping, the points where both developments will be viewed together are minimal. It is more likely that the developments will be viewed sequentially from Middle Street and the A15. The public vantage points most affected will be from the Coach Road and the public footpath Burt/178/1 one field to the north. The Coach Road will be flanked by the two sites. However, the aforementioned landscaping is considered to provide appropriate mitigation. Along the Coach Road, the impact will lessen from moderate to minor as the proposed landscaping grows. Views from Burt/178/1 will be dominated more by this proposal in the foreground when looking south but the cumulative impact will be lessened to acceptable levels not only by the hedge planting on the northern edge of the development under consideration here, but also by the avenue of trees lining the Coach Road.

### **Access and highway safety**

Policy STRAT1 of the Local Plan Review states that development should only be permitted where there is the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems. This consideration is consistent with the provisions of the NPPF, paragraph 32 of which states that safe and suitable access to the site should be sought.

The proposed development will use an existing access and the highway authority has raised no objections. The submission indicates that over the 20 week construction period there will be 432 traffic movements with an average of between 1 and 8 movements per day. Subject to the condition being applied regarding the construction management plan it is considered that the movements associated with the construction of the solar panels will not be harmful to highway safety

### **Glint, glare and aircraft safeguarding**

This is a consideration specifically detailed in the NPPG. The applicant has indicated that the panels would be angled at 25 degrees to the horizontal, which limits the potential for any glint or glare on the ground. They are non reflective (as they need to absorb light to generate electricity). Any glare experienced would appear as a sheen but to a lesser extent than reflection from still water, glass or steel.

The military aircraft safeguarding body raise no objections and the proposal has specifically been considered for its impact on air traffic, including the Red Arrows using the two runways at RAF Scampton. A response is awaited from the civilian aircraft safeguarding body and will be reported at your meeting.

### **Ecology and biodiversity**

Policy STRAT1 of the Local Plan Review requires the retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment;

This is consistent with one of the core planning principles of the NPPF which seeks to conserve and enhance the natural environment, as expanded upon by paragraph 118 which states that planning permission should be refused if it would cause significant harm that could not be adequately mitigated.

The applicants have submitted an Extended Phase 1 Habitat survey as part of the proposals. The report examines the existing habitat and the impact of the development on it and protected species. It concludes that there should be no impact on protected species but also makes recommendations particularly in relation to water voles about buffer zones to protect the species if present.

The report also highlights the potential to enhance existing habitats of watercourses, fields hedgerows and boundaries, mature trees and protected and notable species. The applicant has indicated his intention to enhance the habitats and this stance is supported by the Lincolnshire Wildlife Trust and should be the subject of a condition to ensure this work is carried out in accordance with the submitted report.

### **Flood Risk**

The site is entirely within Flood Zone 1 and therefore, the risk of fluvial flooding is low. A Flood Risk Assessment was submitted as part of the application. The report identifies that the capacity of the swales and bund/swale have ample capacity to contend with the run off from the impermeable areas of the site under rainfall events in excess of the 1 in 100 year storm.

The Environment Agency has requested a condition that the mitigation measures in the FRA be carried out. These measures include that the panels be elevated above the ground as proposed so that they remain operational even during extreme flood events, that sensitive infrastructure be located outside areas prone to surface water flooding, that security fencing be constructed to allow flood water to flow through and that runoff management be considered when designing the new inverter and transformer buildings.

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside and CORE10 – Open Space and Landscaping within Development of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. The Local Plan policies have been considered for their consistency with the National Planning Policy Framework 2012 (NPPF) and the weight afforded to them amended accordingly. The NPPF itself has been afforded significant weight as a material consideration and has the provisions of the National Planning Practice Guidance. The application has also been considered against the duties contained within the Listed Buildings Act 1990, specifically sections 66 and 72. Weight has also been afforded to the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013), UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014) and the letter from Rt. Hon. Gregory Barker MP regarding UK PV Solar Strategy dated 22<sup>nd</sup> April 2014

In light of the above assessment, it is considered that the proposal is acceptable as it contributes to the renewable energy generation targets, is not unduly intrusive in the landscape, does not significantly, adversely affect residential amenity, allows the retention of the public rights of way and improves the hedgerows thereby improving the ecology of the site.

**Recommendation: That the application be delegated to the Head of Development and Neighbourhoods to Grant subject to the following conditions and the receipt of no objections from NATS**

**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. Notwithstanding submitted details, further landscaping is required on the northern, eastern, southern and western perimeters of the site are required to be submitted to and approved in writing by the local planning authority prior to development commencing. Landscaping to be implemented

Reason: Additional screening is required as mitigation for the visual impact given nearby conservation areas and AGLVs and important transport routes and to accord with policy STRAT13 of the West Lindsey Local Plan First Review and the NPPF.

3. Construction management plan required to be submitted to and approved in writing by the local planning authority before development commences.

Reason: In interests of residential amenity of residents of Middle Street, Burton by Lincoln and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and NPPF.

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

4. Completion in accordance with submitted plans received 30<sup>th</sup> June 2014 including surface water drainage details and submitted Flood Risk Assessment.

Reason: This is the development considered to be appropriate subject to conditions and the drainage and FRA compliance are required to ensure no residual risk of flooding and to accord with NPPF and NPPG.

5. Species mitigation measures to be adhered to during construction.

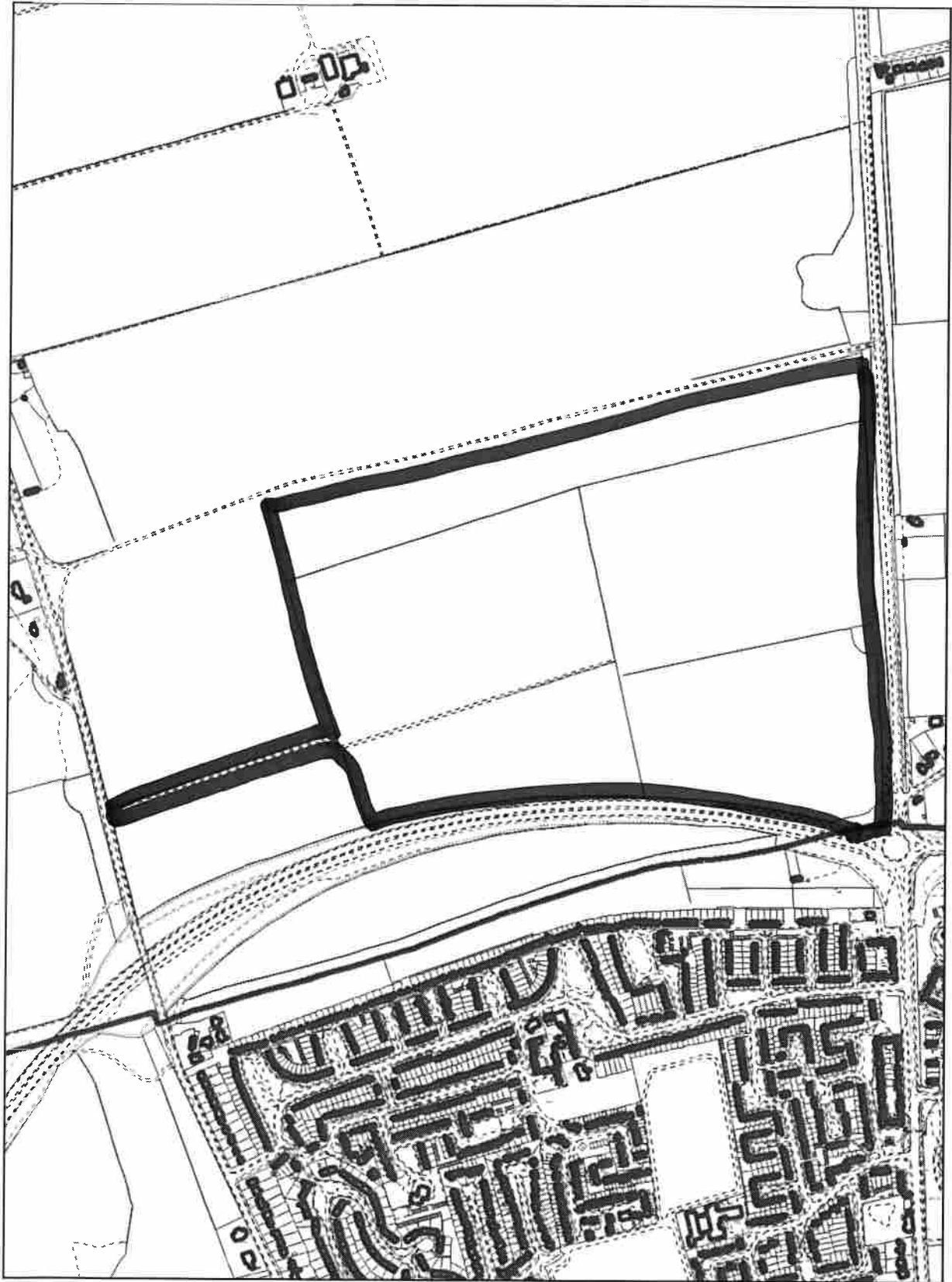
Reason: In the interests of biodiversity and to accord with the NPPF.

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

6. 25 year temporary permission and then and restored to it current condition

**Reason:** Reversibility afforded weight as a material consideration and condition is reasonable and required in accordance with NPPG.

*131496 BURTON*



## **Officer's Report**

### **Planning Application No: 131496**

**PROPOSAL:** Planning application for construction of a 20MW solar farm and associated works

**LOCATION:** Land off Middle Street Burton-by-Lincoln Lincolnshire

**WARD:** Saxilby

**WARD MEMBER(S):** Councillor Mrs Brockway, Reverend Councillor Cotton

**APPLICANT NAME:** Mr Marcus Price, RGE Energy Ltd.

**TARGET DECISION DATE:** 29/09/2014

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to conditions be delegated to the Head of Development and Neighbourhoods subject to the following conditions and subject to the LCC Historic Environment Team confirming in writing that they have no objection to the development proposed.

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#### **Description:**

**Site** - The site extends to around 46.5ha and is in the fields located immediately to the west of the A15 and north of the Lincoln bypass but to the south of the public footpath, known locally as The Coach Road. The access is from an existing field access on Middle Street (B1398) but the two fields either side of the access do not form part of the site. The fields covered by the application site have been used for a variety of arable crops (wheat, peas, oil seed rape).

The village of Burton is to the northwest of the site, much of which is designated as a Conservation Area. Riseholme is to the east, beyond the A15. The site is not within any landscape designations but an Areas of Great Landscape Value (AGLV) covering the Lincoln Cliff escarpment is nearby to the northwest and there are two Historic Park and Gardens for Burton Hall and Riseholme Park.

**Proposal** - It is proposed to develop the site as a 20MW solar farm with the panels being mounted at an angle of 25 degrees with the lowest part of the panel being 0.8m above the ground and the highest part a maximum of 2.2m from the ground. They will be fixed in place, rather than moving with the track of the sun, and will face south. Each row will be set about 5 metres from the next one to prevent shadowing. There will also be equipment and other development associated with the panels. This comprises:



- security fencing (deer fencing style) at 2m in height,
- strategically located security cameras mounted on poles at 4m in height,
- additional planting at the site perimeter,
- the laying of tracks within the development site,
- 11 transformer stations distributed across the site, each measuring 1.8m high by 2.6m long by 1.1m wide
- 3 client substations measuring 2.8m high by 5m long by 3.1m wide
- 1 DNO (Distribution Network Operator) substation measuring 3.3m high by 6.6m long by 3.1m wide.

The construction phase is expected to last around 12 weeks. The proposal would operate for a 25 year period and would then be returned to arable use.

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

A screening opinion was requested (reference 130476) for a solar farm on the same site. It was assessed in the context of Schedule 2 of the Regulations and, after taking account of the criteria in Schedule 3, it was concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1).

**Relevant history:**

130476 - Request for screening opinion re solar park – EIA not required

131507 - Planning application for construction of a solar farm generating up to 20MW and associated works – This is a live application for land immediately north of the Coach Road.

**Representations:**

**Chairman/Ward member(s):** Email correspondence between both Ward Members relating to factual information at an early stage of application but with no predetermination of the application.

**Burton Parish Council:-**

1. The Parish Council do not support nor object to the planning application.
2. The comments of Parishioners of Burton Village, Burton Waters and surrounding villages should be taken into account.
3. Take account of the NPPF section 9 re Green Belt and use of agricultural land.

4. Also Local Plan Policy NBE10 Protection of Landscape Character and Areas of Great Landscape Value needs to be carefully considered with regard to protection of the environment.
5. Concern over access onto Middle Street regarding the safety of cyclists, horse riders and walkers with the increase on lorries.

**Riseholme Parish Council - object to proposal:**

1. Solar Farm misleading euphemism for an industrial operation.
2. Site enclosed by secure fence with lights and cameras as otherwise vulnerable to vandalism.
3. Significant industrial building works needed to house inverters and transformers
4. Major, but unspecified, power lines required to connect site with the national grid.
5. Access roads and roads within site required for maintenance vehicles.
6. Site currently good farming land which is needed for increasing population and rising transport costs, making local food production essential.
7. Site would be downgraded to brownfield land and therefore accessible for housing or further industrial development.
8. Visual Impact would be devastating to the views of the Cathedral emerging from the rural landscaping on the approach from the north. This view is of enormous importance to the City and its heritage.
9. Area to north of A46 is designated as a Green Wedge, has Outstanding Landscape Value status and forms a natural break between the city and the outlying villages. Also important habitat and is within reach for large number of Lincoln residents.
10. This would breach the wedge and set future precedent.
11. Riseholme Parish Council agree with Rt Hon Geoffrey Barker, who said in a press release on 4<sup>th</sup> April 2014, "We want to move the emphasis for growth away from larger solar farms and instead focus on opening up the solar market for the UK's estimated 250,000 hectares of south facing commercial rooftops."

**South Carlton Parish**

Against the implementation of this Solar Farm because of the loss of agricultural land.

**Sir Edward Leigh MP:** Various letters sent following letters from his constituents requesting that their concerns be considered.

**Local residents:** Objections received from Hyrton House, Middle Street; Robinswood, Middle Street; The Old Post Office, Middle Street; The Old Rectory; Griffinwood; Squirrels Leap, Main Street; Cotswell, Main Street; Kennel Cottage, Main Street; Deeping Cottage; The Goldings, Main Street; Bridge Farm; Applegate House; Windsor House; Lime Trees; Walnut Garth, Main Street; 1 Hall Yard; 3 Hall Yard; 4 Hall Yard; 1 The Granary, Hall Yard; (all Burton); Holmerise, Riseholme Lane; 10 Riseholme Lane; 18 Riseholme Lane; 20 Riseholme Lane; 28 Riseholme Lane; Ridgeway, St George's Lane; High Trees, St. George's Lane; Dalefield, St George's Lane; White House, St.

George's Lane (all Riseholme); South Cliff Farm, Middle Street; Barns, Main Street; Edmund Cottage; Hawthorn Barn; School Lane (all South Carlton); 7 Cliff Farm Cottages, Owmbly by Spital; 3 Somme Close, Lincoln. A summary of the points raised follows:-

1. Land is good fertile land that should not be taken out of production, especially given rising population and prices. According to one letter, the tenant farmer wishes to keep farming and producing crops. Will be detrimental to tenant farmer's livelihood.
2. Don't know how land is downgraded from grade 2 to grade 3a, when farmland is so productive. Will need more land as populations rise and recent flooding illustrated how vulnerable UK production is.
3. Loss of production capacity for very little gain in energy security (4410 homes).
4. Visual impact on Conservation Area will be huge and ruins visual amenity for users of footpaths, bridleways and cycle network. The Coach Road is extensively used, is part of the Sustrans cycle network as well as a public footpath and bridleway and is so close to Lincoln, that it can be used by many residents. It is also an historic route between Burton and Riseholme.
5. If both applications (this and 131507) are approved then the Coach Road would be bounded on both sides by solar farm development.
6. If both applications are approved, the area will be overwhelmed by solar farm development. It would be the largest solar farm in England if both approved.
7. Thousands of dark solar panels together with fencing, CCTV cameras and equipment housings will ruin the visual amenity of what is currently arable fields. Metal structures will be too high and too ugly.
8. Ruin views of Lincoln Cathedral, Riseholme Hall and The Wolds.
9. The aspiration of Lincoln to become a World Heritage Site will be damaged due to the spoiling of views from the northern edge.
10. The site is more than the size of the entire village of Burton.
11. Loss of Green Belt
12. Green Wedge must be retained and no development should take place before future strategic planning process considers, and hopefully confirms) the Green Wedge's future role.
13. Hedges and trees are deciduous and so development will be even more prominent in the winter. The additional landscaping will not provide adequate cover due to the soil conditions and species planted.
14. Solar farms should be on industrial areas, brownfield sites or roofs of industrial buildings, not on green fields. Use former RAF stations instead; Lincolnshire has 65 abandoned airfields. Should not be sited next to Conservation village and major urban area.
15. Impact on Conservation Area will be negative in the construction stage and its special character compromised over the longer term.

16. Not supported by national Government policy. Policy changed following larger take up of solar farm development than envisaged originally.
17. Planning Practice Guidance “does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities”.
18. Government ministers have stressed the need for community voices to have more power over what happens locally.
19. Suspect site will not return to green fields after 25 years. Will enable further industrial development or housing. Barrier of A46 will be breached.
20. Difficult to control retrospective applications for security lighting, which will cause light pollution.
21. Noise and light levels minimal currently – this development will significantly increase both for example with construction traffic, security of the site and on-going maintenance.
22. Residents need more control over what happens in neighbourhood. Generous subsidies to councils and landowners undermine long term residents’ views. Brief consultation is not enough. Residents need to be willing partners, not just consultees.
23. Residents choose to live in quiet, peaceful countryside without industrialisation.
24. Minimal time to review the Planning Application documentation. Not all villagers were notified. Applicant did not consult with village or Parish Council [NB this has taken place].
25. Will reduce wildlife. Removing opportunities for all to see skylarks, owls and bats. Fencing will affect migratory patterns of birds and mammals.
26. Why can access not be from A15 rather than Middle Street and avoid Burton village? Access in Conservation Area.
27. Traffic already backs up along Middle Street to Coach Road. Construction traffic will make this worse.
28. Glare distracting drivers on main A roads.
29. High speed and low level flying from RAF Scampton could be distracted by such a large area of reflective glass.
30. DANGER (Defend A Northern Green Environmental Rim) has fought hard and often successfully against development along the Lincoln Edge in line with Government thinking for clean division between town and country.
31. Rugby Club application on same site was refused partly due to traffic impact and unsuitability of Middle Street to cope with additional traffic. Construction traffic will have the same if not greater impact.
32. Is no ground safe from these useless eyesores so someone can tick a box? Choose area for peaceful way of life and this will ruin it. Other

applications approved nearby (Stow, Faldingworth, Fiskerton) so needs to stop now.

33. Inefficient production method only financially viable because of large Government subsidies paid for by the tax payer. Too far north for the panels to be efficient. DECC statistics show that solar produces 8% of capacity per annum. In January to March, when energy demand is highest, solar produces 0.9% capacity. Solar contributed 0.3% for first quarter of 2014.
34. As the applicant lives in Sussex, why can't he site this there?
35. Whilst it may secure the farm income for 25 years, it is not clear if current farm workers will retain employment or be deployed elsewhere. How much will it cost to install the farm?
36. There will be an archaeological impact given the proximity of Lincoln and many Roman artefacts have been found along the cliff edge. Roman ruins under site will be damaged.
37. Balance of Burton Parish Council has more Burton Waters residents, who would not be affected by proposal. Why should they gain from monetary reward when Burton Waters is not affected? Would prefer to see village life and farm land protected.
38. Payments should not be offered to the Parish, which is a bribe and does not change the impact of this proposed development.
39. Will compromise property values.

**Environment Agency:** A condition is advised requiring the development to be carried out in accordance with the approved Flood Risk Assessment, particularly regarding swales being created with a storage capacity of 135 square metres. Also advice note to applicant re pollution control.

**LCC Highways:** Requests conditions regarding a Construction Traffic Management Plan to be submitted and approved prior to construction, the access to incorporate 10 metre radii with a minimal width of the access to be 6 metres for the first 10 metres, obstructions over 1m high to be removed from the vision splays and obstructions kept to no more than 1m., land within the site to be made available for parking and turning and a note to contact the Highways manager before works commence.

**LCC Historic Environment (Archaeology):** Lincoln was a Roman Colonia; there is a variety of known Roman remains in the surrounding hinterlands. The proposed development is alongside the Roman road of Ermine Street which was the main arterial road heading north out of Lindum Colonia. Some pottery scatters have been identified in the fields on the proposed development as well as a potential Roman cemetery being identified during construction of the Eastern Bypass.

Other archaeological remains in the vicinity include medieval settlement and agricultural remains.

In addition to the Heritage Assessment some geophysics has been undertaken on this site in advance of submitting the planning application. Two of the fields (labelled B & E in the geophysics reports) have not currently been

surveyed due to crop coverage. Once these have been surveyed post-harvest we will be able to make comments on any results and further evaluation required on these two fields. Of particular interest is the enclosure identified in field A and the possible enclosures in field C. Both of these will require further investigation in the form of trial trenching should groundworks be proposed in these areas (i.e. stanchion posts, top soil stripping, cable runs and access roads). Trial trenching is required across the site particularly focusing on the potential archaeological features identified by the geophysical survey as well as some focused in the area of potential burials to ground truth the results of the geophysical survey.

**Lincolnshire Wildlife Trust:**

1. Satisfied that there should not be significant negative impacts on biodiversity following the Ecological Appraisal.
2. Support the enhancement to biodiversity through introduction of grass land. Recommend that species-rich grassland seed mixes are used.
3. Will contribute to UK and Lincolnshire Biodiversity Action Plan (BAP) targets for grassland meadow.
4. Meadow grass buffer strip will be substantial area of habitat for invertebrates and mammals. Would encourage wide grassland buffer strips around the whole site.
5. Recommend that a habitat management plan is developed for the site.
6. Recommend that if sheep grazing is used, stocking levels are kept low to maintain species rich sward. Grazing could be used in conjunction with hay cutting to maintain an agricultural interest on the land.
7. Strongly recommend that the species-rich grassland created should be retained and managed in perpetuity.

**Ministry of Defence:** No safeguarding objections

**NATS Safeguarding:** No safeguarding objections

**Natural England:**

1. Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' agricultural land (land graded 1, 2 and 3a) in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.
2. This development would affect 46ha of Grade 3a land.
3. However, we consider that the proposed development is unlikely to lead to significant and irreversible long term loss of this land.
4. LPA needs to weigh up impact and consider all guidance of NPPF and Planning Practice Guidance for Renewable and Carbon Energy (March 2014).
5. Apply standing advice regarding protected species.

**North Kesteven District Council:-** No objections

## **Relevant statutes, regulations and Planning Policies:**

### **Statute/regulations**

- **Listed Buildings Act 1990**

Sec 66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sec 72(1) - In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

- **Wildlife and Countryside Act 1981 (as amended)** – in relation to protected species and habitat. Reference also to the Habitat Regulations
- **Natural Environment and Rural Communities (NERC) Act 2006** – Biodiversity must be a to material consideration when determining planning applications.
- **Climate Change Act 2008** - establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.
- **Renewable Sources Regulations 2011** – to accord with the EU obligation, this regulation places a duty on the Secretary of State to ensure that the renewables share in 2020 is at least 15%.

### **Development Plan**

- **West Lindsey Local Plan First Review 2006 (saved policies - 2009).** This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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).

The site is in the open countryside and within the designated undeveloped break and green wedge around Lincoln. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

STRAT 1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12 – Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

STRAT13 – Undeveloped Breaks between Settlements and Green Wedges around Lincoln

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat13>

ECON4 – Farm Diversification

<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm#econ4>

CORE10 – Open Space and Landscaping within Development

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE8 – Historic Parks and Gardens

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE10 – Protection of Landscape Character in Development

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

## National policy

- **National Planning Policy Framework 2012**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

- **National Planning Practice Guidance 2014**

<http://planningguidance.planningportal.gov.uk/>

Including:

Paragraph: 001 Reference ID: 5-001-20140306 -Why is planning for renewable and low carbon energy important?

<http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/planning-for-renewable-low-carbon-energy-introduction/>

Paragraph: 013 Reference ID: 5-013-20140306 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms?

<http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/>

- **Overarching National Policy Statement for Energy (EN-1) – DECC (July 2011).**
- **National Policy Statement for Renewable Energy Infrastructure (EN-3) – DECC (July 2011).**
- **UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)**



[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249277/UK\\_Solar\\_PV\\_Strategy\\_Part\\_1\\_Roadmap\\_to\\_a\\_Brighter\\_Future\\_08.10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249277/UK_Solar_PV_Strategy_Part_1_Roadmap_to_a_Brighter_Future_08.10.pdf)

- **UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014)**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/302049/uk\\_solar\\_pv\\_strategy\\_part\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302049/uk_solar_pv_strategy_part_2.pdf)
- **Rt. Hon. Gregory Barker MP, letter regarding UK PV Solar Strategy, 22<sup>nd</sup> April 2014**  
<https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference>

## **Assessment:**

### **Energy need and production**

Policy SUS11, Energy Generation/ Renewable Energy, of the West Lindsey Local Plan was not saved by Government Direction in 2009, and therefore, the Local Plan is silent on renewable energy proposals, including solar farms.

Saved policy STRAT12 restricts development in the open countryside, unless it is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location or otherwise meets an objective supported by other plan policies.

Policy SUS11 would have been supportive at the time policy STRAT12 was written, but it was not saved because it did not have consistency with the then national policy contained within PPS22. The latter was superseded by the NPPF and support can be found in this latest national document. Indeed, in accordance with paragraph 215 of the NPPF, policy STRAT12 must be considered for its consistency with this national framework.

Paragraph 14 of the NPPF states 'inter alia' that there is a presumption in favour of sustainable development and that planning permission should be granted where development accords with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

One of the core planning principles set out in paragraph 17 of the NPPF is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy).

The NPPF considers that, "planning plays a key role... supporting the delivery of renewable and low carbon energy and associated infrastructure. This is

central to the economic, social and environmental dimensions of sustainable development.” It further states “to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”

The NPPF also makes clear that local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (para 98); and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

The National Planning Practice Guidance also states that planning for renewable and low carbon energy technologies will help to make sure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050 and a 34% reduction by 2020, based on 1990 levels. Linked with this, paragraph 94 of the NPPF advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Act. In 2005, only 1.5% of energy came from such sources. In 2011, renewable energy accounted for 3.8% of energy consumption, up from 3.2% in 2010. The contribution of all renewables to UK electricity generation was 10.4% for the period July 2011 to June 2012 (it had been 8% in the preceding period).

At a more local level, the Central Lincolnshire Renewable and Low Carbon Energy Study (2011) advises that only 0.2% of Central Lincolnshire’s total annual energy demand was being met by renewable energy (40GWh). West Lindsey only contributed 6.3GWh of renewable energy towards this (0.03% of total Central Lincolnshire energy supply).

In this context, it is noted that the proposal would produce approximately 19.3 GWh per annum. Members will note that this is three times the 2011 production for West Lindsey and enough electricity for on average 4,410 homes.

This annual output equates to approximately 35 to 45% of the output of the Hemswell Cliff wind farm refused by this Council last year (based on the 10 turbine scheme and an estimated output ranging from 44 to 55 GWh per annum as reported in the officer’s report for that application).

This contribution to Central Lincolnshire and national targets must be afforded significant weight and is, in principle, a reason for supporting such a development within the open countryside as identified by policy STRAT12.

### **Site choice (land availability, agricultural land grading, grid connection)**

The NPPG states that, to encourage the effective use of land, large solar farms should be focused on previously developed land and non-agricultural land. However, this does not preclude development of arrays on agricultural land; the Energy Minister, Rt Hon Gregory Barker MP, sent a letter to local authorities on 22<sup>nd</sup> April 2014 recognising that there is still a place for larger scale, field based solar in the UK's energy mix but that these installations need to be sensitively placed and the NPPG states that, where a proposal does involve agricultural land, it should be of poorer quality and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

It is acknowledged that, ideally, the majority of solar generation would go on previously developed land and existing roofs, but these are not always suitable for solar if for example the roofs are not facing south, the grid connection is not available or the previously developed land is shadowed by buildings or within a sensitive location.

The applicant has assessed the District Land Use Statistics for the previously developed land available in the District and their findings have been examined by the case officer. It amounts to 10ha, not all of which is together as one site. A further 30ha are either allocated in the local plan, in use or with planning permission for another form of development. Given that, with the right topography, lack of shadowing and orientation, each hectare could generate only 400Mwh of energy per annum, it is clear that provision on West Lindsey's very limited previously developed land will fall significantly short of the needs already outlined in this report. Therefore, if a significant proportion of this need is to be delivered by solar energy, then this will need to be on agricultural land.

Figure 7.1 Spatial Analysis Plan in the Agricultural Report submitted with the application shows the agricultural land classification (ALC) grading for the whole of the District, where the power grid lines are and the various environmental constraints that are considered to be material to the siting of solar arrays such as AONB and landscape designations.

This shows that the majority of the district falls within class 3 although it does not differentiate between class 3a (good quality) and 3b (moderate quality). There is grade 1 land near to the River Trent but this is many miles from the site. Nevertheless, the map appears to indicate that the Lincoln Cliff dip-slope, including the site, falls within grade 2 (very good quality). However, these classification maps are subject to a caveat that local conditions may vary and this is the case here. Analysis of the site reveals that it is grade 3a (good quality). The only Grade 4 land within the District and also near a grid line is within the Lincolnshire Wolds AONB.

Furthermore, as evidenced at the Stow solar array within the district, although the site would be taken out of arable use, it nevertheless can still be used for livestock use; sheep happily graze between the arrays at the Stow site. The

development is also reversible; the land could be returned to arable use with the dismantling of the panels and removal of the transformers and sub-stations. The NPPG advises that a condition to require removal after the lifetime of the development (25 years) is reasonable.

The grid connection for this site is also immediately to the north of the access point on Middle Street, which was a contributing factor in site choice. The cable connections from the grid therefore only extend to adjoining the site itself and are underground. This very short connection distance is also a material consideration which must be afforded weight here.

It is acknowledged that this is a finely balanced consideration and that the proposal uses agricultural land of a good quality. However, the energy provided, the ability to connect locally to the grid, the ability for an agricultural use to remain, the reversibility and the lack of previously developed land or land available of a poorer agricultural quality that is not in a sensitive location result in support being able to be provided for the this proposal subject to the considerations below.

### **Visual impact on landscape and heritage assets**

The application site is also within the Undeveloped Breaks between Settlements and Green Wedges around Lincoln as defined by the Local Plan First Review. Policy STRAT13 therefore applies and must be considered for its consistency with the NPPF. Members may recall from the Ryland Road, Dunholme appeal decision that this policy should not be applied as an embargo against development within the designated gap, but each case must be considered on its own merits.

The policy states that to be permitted, development must:-

1. Be located and designed so as to not cause harm to the character of the area.
2. Not detract from the historic or landscape setting of settlements.
3. Not encroach upon open green spaces or green wedges that preserve links between built-up areas with the countryside and should protect the setting of the City of Lincoln or protect views of the Lincoln Cathedral.

These criteria do have consistency with some of the considerations within the NPPF and NPPG. The NPPF states “all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.” The NPPG advises in paragraph: 013 (Reference ID: 5-013-20140306) that great care should be taken to ensure heritage assets, such as Lincoln Cathedral, the Burton Conservation Area, Riseholme Historic Park and Garden and the listed buildings within the locality, are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their

setting. It continues by stating that, as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. It also states that there should be the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Indeed, the UK Solar PV Strategy Part 2: Delivering a Brighter Future recognises that large scale solar farms provide opportunities for greater generation, but that they can have a negative impact on the rural environment if not well-planned and well-screened. The impact on landscape and heritage assets is therefore a consideration that will be considered separately below in the succeeding sub-section.

A Landscape and Visual Impact Assessment was submitted with the application. The officer has viewed the site from a number of public vantage points to assess the impact and the findings of the applicant's Assessment. The nearest public vantage points to the west are on Middle Street. The field boundary along the eastern boundary of this road, nearest to the by-pass bridge, is marked by a post and rail fence. This affords clear views into the field adjoining the road but, because the land rises and crests, it is calculated that most of the development will not be readily visible from here. Further north, along Middle Street, a hedge marks the road boundary. This provides more screening than the fence but, due to its deciduous character and poor condition, views are afforded through it. However, again, the topography will largely shield the development from view given the low level nature of the arrays, transformers and sub-stations. Nevertheless, it is considered some additional screening is necessary on the western edge of the main part of the site to lessen the impact further to an acceptable level and for the visually green and natural appearance of the area as viewed from the west to prevail. The submitted site landscaping plan does not propose landscaping per se on this side and therefore it is considered necessary to secure this by a condition requiring revised details to be submitted and agreed before development commences.

From the southwest, on the by-pass bridge and from the south on the by-pass itself, the site is screened by the relatively dense landscaping that adjoins the A46 dual carriageway. The latter is also within a cutting for much of its length within the vicinity of the site and it is not until it is near to the Riseholme (A15) roundabout that it is at grade with the site. Fleeting glimpses will be afforded of the arrays approximately 200m west of the roundabout but the landscape screening thickens nearer to the roundabout itself. Some reinforcement of the hedge boundary is necessary to ensure the natural character of the area when viewed from immediately to the south is retained. Again, the site landscaping plan submitted by the applicant appears to rely on the existing hedge and therefore revised details will need to be secured by condition.

To the east is the A15, Ermine Street. This busy road affords continuous but fleeting views of the site in winter months through the established hedge of native species that marks the boundary. This hedge provides significantly more screening in summer months when in leaf and views become more occasional. However, even in winter the views are always seen through a

“mesh” of branches. This assists in lessening the impact of the development but further landscaping is considered necessary to mitigate the impact to an acceptable level.

To the north, the site is bordered by the Coach Road (Bridleway Burt/240/3) This is a very popular route, not only for pedestrians and horse riders, but also cyclists; the bridleway forms part of the Sustrans cycle route 1. It is characterised by an avenue of tall, mature trees with some hedge and grasses beneath with views into the fields either side. The development would therefore be visible from this bridleway for much of its distance although the panels will be facing away from the viewpoints and stand only 2.2m above ground level. The transformers, sub-stations, CCTV poles and security fences will be as noticeable, the fence, five transformers and a substation particularly prominent given their proximity to the Coach Road. The site landscaping plan submitted by the applicant does show a hedge of native species to be planted between the Coach Road and the security fence but more details are required to ensure that there is appropriate mitigation.

The cumulative impact of this development and that proposed by application 131507 to the north of the Coach Road is considered separately later in this report.

The Cathedral towers are also visible from the Coach Road and are considered part of the enjoyment of the route and contribute to the green wedge designation. However, the distance between the Coach Road viewpoints and the proposed hedgeline will mean that the visible extent of the Cathedral will remain above the highest point of the hedgeline required to screen the development.

Further afield to the west is the Lincoln Cliff which along Middle Street and around Burton village is within a designated Conservation Area. It is also a Historic Park and Garden. There is a duty to consider the significance of these heritage assets. In this respect it is noted that this significance is derived largely from the collection of historic cottages, later houses and other buildings, such as the listed church, that cluster on the escarpment within trees and behind topiary hedges and surrounded by the parkland associated with Burton Hall that envelopes the village and Lincoln Cliff itself. The proposed access abuts this Conservation Area and Historic Park and Garden along Middle Street and the estate parkland and village character of these heritage assets is a defining feature along this part of the highway. Great care therefore will need to be taken to ensure that the access specification at least preserves the character and appearance of the Conservation Area and does not harm this asset or the historic park and garden. The proposed access arrangements onto Middle Street indicate a widening of the existing access and the provision of a new macadam surface that, combined, could harm this setting if not suitably detailed with features such as a timber gate or stone piers. It is also noted that the County Highways Authority require visibility splays to be achieved which could result in further widening. It is therefore advised that a condition is necessary to secure specific detailing of this access.

Further to the west, the land falls sharply away from Middle Street and the development will not be visible from the remaining areas of the park and garden, conservation area or the Lincoln Cliff AGLV to the north. It is acknowledged that the site, Burton village, historic park and garden, and the AGLV escarpment will both be visible within the same view as the observer pulls ways further to the west, such as from the A57. However, these views are distant and the site is barely discernable, especially given the dense planting on the west side of Middle Street that lines the horizon from these vantage points. .

It is estimated that the development will be visible from the top of the Cathedral towers and that the panels actually face the Cathedral. Furthermore, members are reminded that policy STRAT13 affords specific consideration to setting of this grade I listed building. However, it is not considered that the development will detract from the experience of the views of the setting of the building from its roof; the site is over 2.2km away at its nearest point, buildings such as Trent View House (15 storeys) are far more prominent and the defining rural grain of the City's hinterland will remain. There will be no harm to the setting and significance of the Cathedral in this regard.

The site is considered to be too distant and too screened by the boundary hedges that flank the A15 to harm the setting of the listed building and historic park and garden within Riseholme. The impact on residents of Riseholme is considered separately later in this report.

In terms of other heritage assets, members are referred to the comments from the County Historic Environment Team. Paragraph 128 of the NPPF states that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Members are advised that desk based and geo-physical field assessments have noted the presence of Roman assets of archaeological interest within the vicinity and further investigations will be required, hence the recommendation within this report.

### **Impact on residential amenity**

Policy STRAT1 of the Local Plan Review provides that development must reflect the need to safeguard and improve the quality of life of residents and be satisfactory with regard to the amenities of neighbouring land. This is considered to be consistent with the provisions of the NPPF and afforded significant weight; paragraph 17 of the latter advises that that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF sets out that planning policy should avoid noise from giving rise to adverse impacts.

The nearest dwellings are on St George's Lane and the east side of Ermine Street, Riseholme. They are at least 60m from any of the development

proposed and therefore are not impacted upon in terms of overshadowing and overlooking given the relatively low lying nature of the development proposed. There are three transformers that are between 150 and 180m from these houses. The noise levels on the outside face of these installations is calculated to be 58dB which is significantly above the 35dB that would be expected and acceptable outside in a garden in a quiet residential area. However, given the distance to the properties, the proposed and existing landscaping and the presence of road noise from the A15 and the A46, it is not considered that there will be significant impact on residential amenity in terms of noise.

Noise and disturbance is considered to be a material consideration during the construction phase. Middle Street is a B class road with the associated moderate traffic flows but there are dwellings close to the highway, both in Burton and on Burton Road, Lincoln. The construction vehicle route is proposed to be from the A15, via the A1500 (Tillbridge Lane) and then south along Middle Street (B1398), thereby affecting the Burton rather than Lincoln residents. It is anticipated that the construction phase will take 12 weeks with working hours being 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. It is considered reasonable to require a construction management plan to adhere to the route and times to safeguard residential amenity.

Finally, comments have been raised about lighting and the case officer concurs that such lighting needs to be carefully controlled, not only to restrict the urbanisation of the green wedge but also to minimise light pollution and detriment to nearby residents. A condition is reasonable.

### **Cumulative impact with neighbouring solar farm proposal**

This application was received four days before the proposed development to the north of the Coach Road (reference 131507) which is the subject of a separate report. Cumulative Zones of Theoretical Visibility have been submitted to analyse where both developments could be viewed together and this CZTV analysed and verified by the case officer. Due to the existing screening and the proposed additional landscaping, the points where both developments will be viewed together are minimal. It is more likely that the developments will be viewed sequentially from Middle Street and the A15. The public vantage points most affected will be from the Coach Road and the public footpath Burt/178/1 one field to the north. The Coach Road will be flanked by the two sites. However, the aforementioned landscaping is considered to provide appropriate mitigation. Along the Coach Road, the impact will lessen from moderate to minor as the proposed landscaping grows. Views from Burt/178/1 will be dominated more by the other proposal (131507) in the foreground when looking south but the cumulative impact will be lessened to acceptable levels not only by the hedge planting on the northern edge of the development under consideration here, but also by the avenue of trees lining the Coach Road.



## **Access and highway safety**

Policy STRAT1 of the Local Plan Review states that development should only be permitted where there is the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems. This consideration is consistent with the provisions of the NPPF, paragraph 32 of which states that safe and suitable access to the site should be sought.

The County Highways Authority does not object to the proposals, subject to conditions. As discussed in the visual impact section of this assessment, the existing access will be widened to enable heavy construction traffic to enter and exit the site safely. The production and subsequent adherence to a Construction Management Plan will be the subject of a condition to fix the details of construction timing and traffic management. The Transport Statement submitted with the application anticipates that at its most intense time of construction, there will be no more than 10 deliveries a day (20 HGV movements). Following completion of the development, it is expected that vehicles trips to the site will be no more than 20 per year. This is not considered to have a major impact on the local highway network.

## **Glint, glare and aircraft safeguarding**

This is a consideration specifically detailed in the NPPG.

The applicant has indicated that the panels would be angled at 25 degrees to the horizontal, which limits the potential for any glint or glare on the ground. They are non reflective (as they need to absorb light to generate electricity). Any glare experienced would appear as a sheen but to a lesser extent than reflection from still water, glass or steel.

The civilian and military aircraft safeguarding bodies raise no objections and the proposal has specifically been considered for its impact on air traffic, including the Red Arrows using the two runways at RAF Scampton.

The A46 runs perpendicularly to the orientation of the arrays and therefore the panels will not be in the direct line of sight of the driver. They will also be screened from view by the required screening.

Northbound drivers on the A15 could, if there was no boundary screening, note some glint from the arrays but, as already mentioned in this report, the arrays are non-reflective and the hedge along the west side of the road already provides some screening.

## **Ecology and biodiversity**

Policy STRAT1 of the Local Plan Review requires the retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment;

This is consistent with one of the core planning principles of the NPPF which seeks to conserve and enhance the natural environment, as expanded upon

by paragraph 118 which states that planning permission should be refused if it would cause significant harm that could not be adequately mitigated.

The Lincolnshire Wildlife Trust (LWT) acknowledge that the creation of this amount of species rich grassland contributes to the Biodiversity Action Plan targets and also recommends the removal of the topsoil to reduce the fertility of the land, reducing the growth of vigorous weeds. However, this is not viable over such a large area, and whilst the LWT would like the grassland to be managed in perpetuity and not returned to agriculture, the Council cannot insist on this. Indeed, part of the attraction of solar farming is the relatively short time that the land is used, allowing it to revert to agricultural use thereafter. Taking it out of agricultural use for the long term would go against the advice contained in the DCLG's guidance note.

The planting of an additional 1.5km of hedgerow and hedgerow trees will further enhance the biodiversity of the site. As none of the existing hedgerows are to be removed, there will be no loss of habitat. A Habitat Survey was submitted as part of the application and a condition will be added linked to the mitigation measures proposed including avoiding the bird breeding season.

### **Flood Risk**

The site is entirely within Flood Zone 1 and therefore, the risk of fluvial flooding is low. A Flood Risk Assessment was submitted as part of the application. This identifies that there is a small risk of surface water flooding on the site during intense rainfall. This is partly mitigated by the existing land drainage under the site and by the permeable nature of the ground under the panels. There are gaps between the panels to allow water to run off to the ground. The existing run off rate should therefore be maintained. The Environment Agency has requested a condition that the mitigation measures in the FRA be carried out. These measures include that the panels be elevated above the ground as proposed so that they remain operational even during extreme flood events, that sensitive infrastructure be located outside areas prone to surface water flooding, that security fencing be constructed to allow flood water to flow through and that runoff management be considered when designing the new inverter and transformer buildings. A sustainable urban drainage system (SuDs) is proposed and is considered to be acceptable in principle.

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside and CORE10 – Open Space and Landscaping within Development of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. The Local Plan policies have been

considered for their consistency with the National Planning Policy Framework 2012 (NPPF) and the weight afforded to them amended accordingly. The NPPF itself has been afforded significant weight as a material consideration and has the provisions of the National Planning Practice Guidance. The application has also been considered against the duties contained within the Listed Buildings Act 1990, specifically sections 66 and 72. Weight has also been afforded to t UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013), UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014) and the letter from Rt. Hon. Gregory Barker MP regarding UK PV Solar Strategy dated 22<sup>nd</sup> April 2014

In light of the above assessment, it is considered that the proposal is acceptable subject to conditions as it contributes to the renewable energy generation targets, is not unduly intrusive in the landscape, does not significantly, adversely affect residential amenity, allows the retention of the public rights of way and improves the hedgerows thereby improving the ecology of the site.

**Recommendation: That the decision to grant planning permission subject to the following conditions be delegated to the Head of Development and Neighbourhoods subject to the following conditions and subject to the LCC Historic Environment Team confirming in writing that they have no objection to the development proposed.**

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

1. Commencement within 3 years.

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

2. Notwithstanding submitted details, further landscaping is required on the northern, eastern, southern and western perimeters of the site are required to be submitted to and approved in writing by the local planning authority prior to development commencing.

Reason: Additional screening is required as mitigation for the visual impact given nearby conservation areas and AGLVs and to accord with policy STRAT13 of the West Lindsey Local Plan First Review and the NPPF.

3. Notwithstanding submitted details, further details about access onto Middle Street are required to be submitted to and approved in writing by the local planning authority prior to development commencing.

Reason: The access is required to be of a specification to safeguard highway safety but also be sensitively designed to preserve the character and appearance of the adjoining Burton by Lincoln conservation area and designated historic park and garden and to accord with policy STRAT13 of the West Lindsey Local Plan First Review and the NPPF.

4. Details of lighting required before development commences to be submitted to and approved in writing by the local planning authority

Reason: To preserve the character and appearance of the adjoining Burton by Lincoln conservation area and designated historic park and garden. and to accord with policy STRAT13 of the West Lindsey Local Plan First Review and the NPPF.

5. Construction management plan required to be submitted to and approved in writing by the local planning authority before development commences.

Reason: In interests of residential amenity of residents of Middle Street, Burton by Lincoln and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and NPPF.

6. Archaeology condition if required.

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

7. Completion in accordance with submitted plans received 30<sup>th</sup> June 2014 including surface water drainage details and submitted Flood Risk Assessment.

Reason: This is the development considered to be appropriate subject to conditions and the drainage and FRA compliance are required to ensure no residual risk of flooding and to accord with NPPF and NPPG.

8. Species mitigation measures to be adhered to during construction.

Reason: In the interests of biodiversity and to accord with the NPPF.

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

9. 25 year temporary permission and then and restored to it current condition

**Reason:** Reversibility afforded weight as a material consideration and condition is reasonable and required in accordance with NPPG.

**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

**Representors to be notified -**  
*(highlight requirements):*

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Fran Bell      **Date :** 20 September 2014

**Signed:** .....

**Authorising Office** .....      **Date:** .....

**Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee

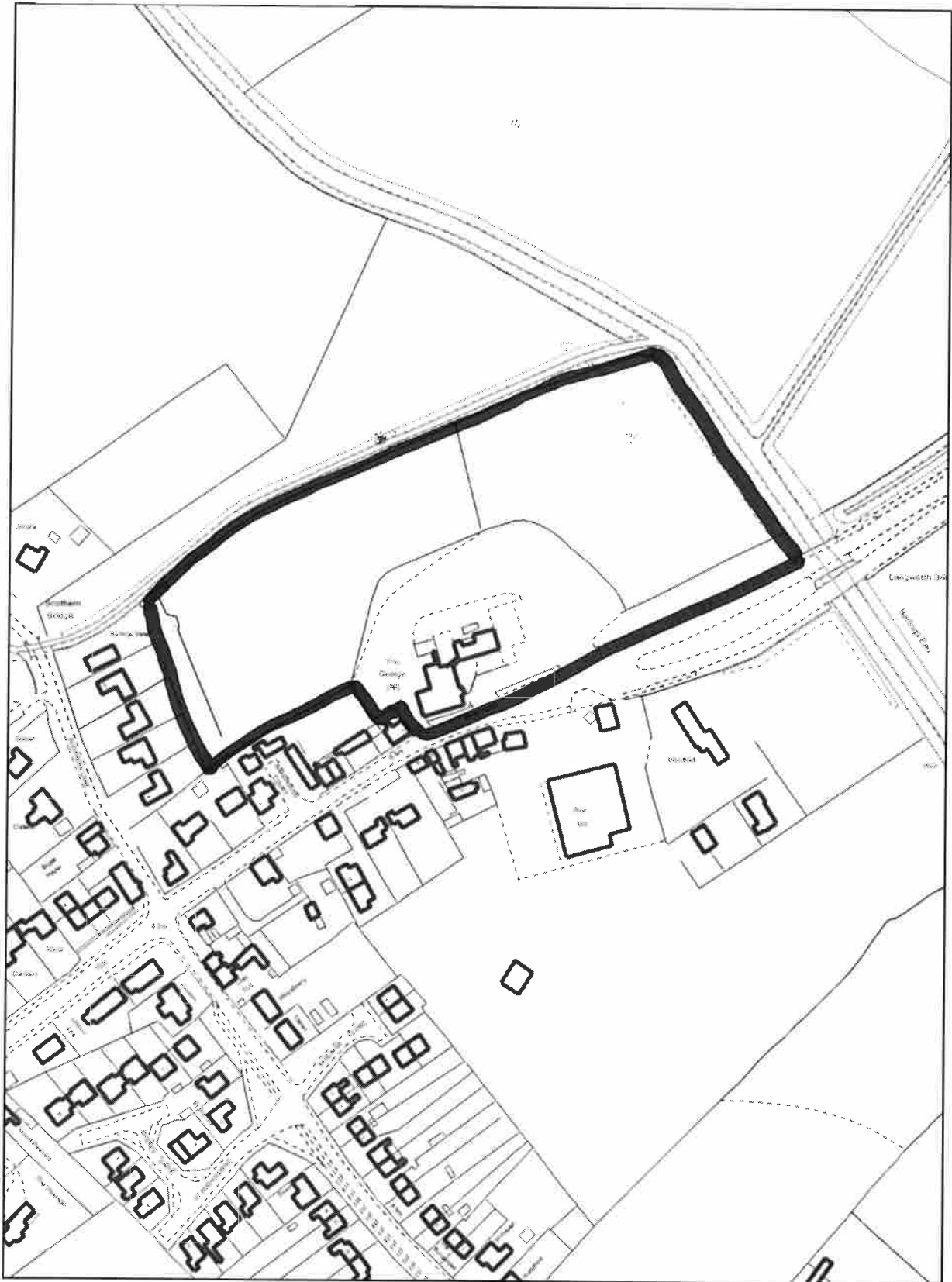
**Main issues**

- Principle of use
- Site choice (land availability, agricultural land grading, grid connection)
- Impact on visual amenity including footpaths
- Impact on residential amenity
- Cumulative impact with neighbouring solar farm proposal
- Highways and access to the site
- Archaeology
- Landscaping and Ecology
- Flood risk



1:2500

130773 LANGWORTH



## **Officer's Report**

### **Planning Application No: 130773**

**PROPOSAL:** Outline planning application, including means of access, for up to 36 dwellings, including affordable provision, ancillary convenience store A1, public open space, ecological reserve and landscaping.

**LOCATION:** George Hotel 15 Main Road Langworth Lincoln, Lincolnshire LN3 5BJ

**WARD:** Fiskerton

**WARD MEMBER(S):** Councillor Darcel)

**APPLICANT NAME:** BW Inns Ltd and MLN Land & Properties Ltd

**TARGET DECISION DATE:** 13/03/2014

**DEVELOPMENT TYPE:** Small Major - Dwellings

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-

1. no more than 50% of the dwellings granted by planning permission to be occupied until works to the public house, including creation of the shop, have been completed to the written satisfaction of the council.
2. no more than 60% of the dwellings granted by planning permission shall be occupied until the Shop use has been implemented.
3. implementation of flood mitigation measures before any dwelling granted planning permission being occupied (flood mitigation and drainage works).
4. ecology area and public open space implementation will occur before occupation of no more than 50% of the open market housing.

But subject to:-

- a) a further consultation period of no less than 14 days being undertaken to all previous consultees and representors
- b) the Environment Agency, Internal Drainage Board, Lincolnshire County Highway Authority and Anglian Water raising no objection in writing following consultation
- c) no written objections being received from representors raising new material considerations previously not considered by this Committee.

And that, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.

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## **Introduction**

Members may recall that this matter was reported to this Planning Committee in April of this year, the report is attached as Appendix E to this report and the minute is attached as Appendix D.

Officers of the Council have been working with the applicant to complete the section 106 agreement as resolved by members at the April Committee meeting. However, it has become clear to both parties that the previously proposed indicative layout does not offer a viable and deliverable housing layout, especially given the existence of greenfield sites with planning permission that do not have the constraints associated with this site which have the potential to be more attractive to house builders in the absence of abnormal costs.

## **Proposal**

In this context, the applicant has submitted a new indicative layout plan. Members may recall that the housing was to be originally confined to the raised area currently used as car parking to the east of the public house building. However, the revised indicative plan (attached as appendix C) varies the layout to enable more dwellings to be built away from the A158 road frontage. This would entail a reengineering of the levels on the site to ensure that increased area of raised land to be designated for the housing is compensated by additional excavated flood storage within the site.

Members may note from the supporting statement (attached as appendix A to this report) that the applicant remains committed to delivering the works to the public house and creating the shop unit. However, as explained in the statement they are not now proposing an affordable housing contribution to aid viability and deliverability.

## **Assessment**

There has been no material change in site or policy context relevant to this application since the consideration of the application by members in April. Therefore, members are referred to the site description, Environmental Impact Assessment, relevant history, representations, relevant planning policy and assessment sections detailed in the previous report appended as Appendix E in relation to material considerations, weight afforded to them and assessment of the principle of the quantum of dwellings, shop and public house uses proposed.

In relation to the revisions, it is considered that the revised indicative plan would still provide a basis for the future viability of the public house, provide shop space, preserve residential amenity and accord with the principles of good design. However, to ensure that the development would be environmentally, socially and economically sustainable, assist with ensuring a deliverable housing supply, it is necessary to undertake a period of reconsultation with those consultees previously consulted and with



representors who have previously made a representation to the Council about this application. Specifically the Council would need to ensure that flood risk is not increased and a degree of betterment is offered and that highway safety is not endangered. This assurance can be secured by the Environment Agency, Internal Drainage Board, Anglian Water and the County Highways Authority raising no objection to the revised scheme and no objections being received that raise new material considerations not previously considered.

It is therefore requesting that members delegate the responsibility for the abovementioned matters to officers, the request for delegation recognising the timescales contained within the applicant's supporting statement and the importance of securing the public house use, the creation of the shop and the flood mitigation.

The lack of provision of affordable housing lessens the sustainability of the development but, nevertheless, is not considered to be a consideration that would result in permission being withheld.

**RECOMMENDED DECISION:** That the decision to grant permission subject to the following conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-

1. no more than 50% of the dwellings granted by planning permission to be occupied until works to the public house, including creation of the shop, have been completed to the written satisfaction of the council.
2. no more than 60% of the dwellings granted by planning permission shall be occupied until the Shop use has been implemented.
3. implementation of flood mitigation measures before any dwelling granted planning permission being occupied (flood mitigation and drainage works).
4. ecology area and public open space implementation will occur before occupation of no more than 50% of the open market housing.

But subject to:-

- a) a further consultation period of no less than 14 days being undertaken to all previous consultees and representors
- b) the Environment Agency, Internal Drainage Board, Lincolnshire County Highway Authority and Anglian Water raising no objection in writing following consultation
- c) no written objections being received from representors raising new material considerations previously not considered by this Committee.

And that, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, access to the development and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The layout details shall restrict housing to the area cross hatched on the indicative layout plan APPENDIX 2 - Indicative Layout" received on 1<sup>st</sup> October 2014 and the layout, scale, appearance and landscaping details shall include the identified flood mitigation measures within the area hatched on the same said plan and within the amended Flood Risk Assessment PM4354 Rev A dated March 2014.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and that the site is protected from flood risk, does not increase the risk of flooding and there an appropriate balance of the natural and built environment, public open space and to accord with policies STRAT1, CORE10 RES1, NBE14 and NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended) and to ensure a deliverable supply of housing as this consideration has been afforded weight in the assessment of the development in the context of the National Planning Policy Framework 2012.

4. The scale of the dwellings shall not exceed two-and-a-half storeys in height.

**Reason:** The area proposed for housing is on land elevated above the open countryside to the north and east and this condition is required to ensure that the housing does not appear over dominant in this edge of settlement location and to accord with policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

5. No development shall be commenced until further details relating to the vehicular access to the public highway (A158) as marked "A" on the indicative layout plan entitled "APPENDIX 2 - Indicative Layout" received on 1<sup>st</sup> October 2014, including the layout, materials, specification of works and construction method, including those works to be undertaken within the public highway have been submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before any of the dwellings hereby approved are first occupied and thereafter retained at all times.

**Reason:** Access was not reserved for subsequent approval and this condition is required in the interests of the safety of the users of the public highway and the safety of the users of the site, 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.

6. No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be first occupied until the works have been completed in accordance with the approved strategy and thereby retained thereafter.

**Reason:** The current foul water system is unacceptable and requires a strategy for upgrading, to accord with policy NBE14 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

7. No development shall be commenced until a surface water drainage scheme for the development hereby approved has been submitted to and approved in writing by the local planning authority based on the principles of sustainable drainage. The approved scheme shall be completed prior to the first occupation of the dwellings that it serves and shall be retained thereafter.

**Reason:** The submitted particulars have demonstrated that an appropriate scheme could be implemented but the details need to be agreed to accord with the provisions of the National Planning Policy Framework 2012

8. Before any of the dwellings hereby approved are occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification and layout previously submitted to and approved in writing by the local planning authority, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling and retained thereafter.

**Reason:** Access was not reserved for subsequent approval and this condition is required in the interests of the safety of the users of the public highway and the safety of the users of the site, 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.

9. No dwelling hereby approved shall be occupied until a travel plan has been implemented the details of which shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** A travel plan is reasonably required in the interests of environmental sustainability to ensure that the potential for sustainability provided by the public transport options on site is maximised and to accord with the provisions of the National Planning Policy Framework 2012.

10. The development shall only be undertaken in accordance with the archaeological monitoring detailed in the written scheme received on 2<sup>nd</sup> April 2014. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

## **Redevelopment proposals at The George Hotel and adjoining land, Main Road, Langworth, Lincolnshire.**

### A statement in support of amending the current 'resolution to approve'.

#### **1. Executive summary**

This statement is in support of suggested amendments to the *'resolution to grant planning consent, subject to a section 106 agreement, granted on 16<sup>th</sup> April 2014, WLDC reference number 130773'* currently in place for land at The George Hotel, Main Road, Langworth.

As the development partner to BW Inns (the land owner), we have been working intensively since the summer of 2013 to deliver this project. Despite our enlightened approach to project finance and releasing residual land values we have been unable to generate any significant industry interest in the project.

We consider this lack of progress is due to a combination of the burden of extensive site enabling works and obligations on this site when compared to considerable competition from unencumbered green field development sites elsewhere in the region.

We need to resolve the viability of this scheme before the end of November 2014, to prevent the Bank and the Revenue from intervening and potentially closing the pub on a permanent basis. We are therefore seeking to amend the current 'resolution to approve etc' by reducing some of the planning obligation burdens in tandem with exploring alternative project financing arrangements and more creative ways to resolve some of the site enabling challenges.

We are confident that with the changes proposed we will have the best possible change of delivering the scheme AND still achieving our overall objective of promoting a sustainable future for the village.

#### **2. Background**

Langworth has the potential to be a sustainable and desirable place to live but only if the recent loss of essential local amenities, over the last few years, is halted. The local shop, post office and the Station Pub have closed and the future of The George Hotel, the only remaining pub, remains in doubt without immediate additional investment.

The George has undergone improvement over the last few years ensuring the pub remains open today. However, the business is unviable in its current format without new investment. The pub site and adjoining land form a visually prominent gateway to the Eastern end of the village, fronting the A158 Lincoln to Skegness Road, although the majority of the site is in a semi derelict condition.

The *National Planning Policy Framework* states the purpose of planning as 'to contribute to the achievement to sustainable development'. There is an opportunity to redevelop The George Hotel site with a comprehensive proposal that will generate immediate economic, social and environment benefits to Langworth and significantly contribute towards the longer terms aim of promoting a sustainable future for the village.

### 3. The planning and delivery process to date

We have been actively working to bring this scheme forward since the summer of 2013 but have so far been unable to generate any significant industry interest in delivering the scheme. We achieved a 'resolution to grant planning consent subject to a section 106 agreement' in April 2104.

Since then, market conditions in the region have changed and despite extensive efforts it has provided impossible to bring the scheme forward. The scheme as it stands is proving to be financially undeliverable for the following reasons:

- The extensive ground remodelling required to both create a development parcel and to provide flood mitigation measures, along with the cost of realigning an existing rising main foul sewer that crosses the site.
- The acknowledgement that whilst there is a regional demand for new homes, Lincolnshire has one of the lowest average house value rates in the UK and Langworth itself has some of the lowest values in the County.
- The market has changed since the recent changes to the planning system, resulting in a higher than usual availability of unencumbered green field sites in more desirable and higher value areas, meaning the competition for land in Langworth is practically nonexistent.

These factors are directly impacting our ability to identify and appoint a build partner, despite our enlightened approach to project finance and the release of residual land values.

We need to resolve the issue of financial viability within the next eight weeks i.e. before the end of November 2014 to prevent the Bank and the Revenue from intervening and closing the pub on a permanent basis.

We are therefore seeking to amend the current 'resolution to approve etc' by reducing some of the planning obligation burden in tandem with exploring alternative financing arrangements and creative solutions to the site enabling works.

We are confident that with the changes outlined in section 4 we will have the best possible chance of delivering the scheme, keeping the pub open and achieving our overall objective of promoting a sustainable future for the village

### 4. The Current Proposals, Suggested Amendments & Justification

<i>Current proposals (as per the 'resolution to grant etc' dated April 2014)</i>	<i>Suggested amendments &amp; Justification</i>
Retain and the pub as a viable and longer term business, integral to the future of the community.	No change.
Open a new village store within the footprint of the pub, with the potential to house a mobile post office counter.	No change.

Mitigate the impact of future episodes of flooding within the village by remodelling the ground works across part of the site.	No change. There is scope within the existing Flood Risk Assessment and Drainage Strategy calculations to realign the development parcel away from the rear of the pub and into the main site (refer to Appendix 1), without any adverse impact. This will considerably improve the marketability of the proposals from an end housing consumer perspective as well as creating a visually more desirable housing arrangement when viewed from the street (refer to Appendix 2).
Provide 4 affordable homes.	Remove this requirement. It can be argued that affordable homes provided elsewhere in the District (on financially unburdened green field developments) is more than sufficient to offset the requirement here.
Provide 32 market homes to supplement the existing offer within the village and to attract new people to the area.	Increase this number to 36 (i.e. by adding the previous requirement of 4 affordable homes to the original number of market homes).
Reinstate the landscape structure at this end of the village.	No change.

## 5. Suggested project delivery timescales

Amended 'resolution to grant consent etc'.	Oct 2014.
Finalise the section 106 agreement.	Oct 2014.
Conclude delivery partner negotiations and sign contracts.	Nov 2014.
Ensure the pub remains open by discharging the land owners' bank and revenue obligations.	Nov 2014.
Complete the works to the pub and create the new village store.	Late 2014 or Early 2015.
Submit reserved matters on the housing land.	Suggested as Summer 2015.
Complete flood mitigation and general site enabling works.	Suggested as Late 2015.
Start on the housing site.	Asap thereafter.

### Report prepared by:

Mark Murphy

Director

MLN (Land & Properties) Ltd

30<sup>th</sup> September 2014

**Appendix 1:** Email from Peter Mason Associates (Flood and drainage consultant) to Greg Smith (Environment Agency) and Alan Gardner (Internal Drainage Board). Dated Tuesday 30/09/2014 16:00

Greg,

You may recall our meeting in the offices of West Lindsey Council earlier this year when we discussed, amongst other items, flood risk on the site of The George, Langworth. You will recall that permission was subsequently granted for the development then proposed.

Circumstances since then have determined that our Client wishes to consider an alternative site layout. See the attached drawing. Whilst a different layout, the general configuration is similar to the original scheme, with proposed floor levels unchanged. This layout has been reviewed against all of the criteria considered in the first scheme and there are no greater (and generally reduced) residual risks.

I have advised the Client to include the text below in his amended planning statement

“The revised layout has been assessed against the same criteria in the Flood Risk Assessment written in support of the approved scheme. Residual flood risks on and beyond the site are the same as or a reduction on previous.

Cut and fill exercises have been carried out using the same cross section method as the approved Flood Risk Assessment. Loss/gain in flood plain volume after earthworks and mitigation excavations has again been considered in 200mm vertical increments across the site from lowest affected level up to the 100 yr +climate change level. Again, there are significant increases in available flood plain storage on site for all events up to and nominally beyond the 100 year flood event. As previously, benefits are lost when flood levels approach the 100 year + climate change water level.

Surface water from the revised scheme will be drained as previous, discharging to Barlings Eau after attenuation of flows to less than existing green field rates.”

I am able to reissue the cut and fill calculations formally, but not in the immediate near future. On the premise of my advices above, and bearing in mind the revised planning statement is required by tomorrow, are you able to make positive comment to Simon Sharp without the rewritten FRA at this point? It would be a week or so before I could get an amended FRA out.

Please note that I have forwarded this to Alan Gardner at WTIDB.

Regards,

Steve Douglas

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consulting civil and municipal engineers

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Landscaped courtyard for parking and circulation.

The scale, density and arrangement of the housing layout reflects the character, built forms and vernacular of the village.

Land shaded green denotes area of POS.

'Public House' (shaded white) and 'Shop Works' (shaded blue as per the section 106 agreement).

Along the entire frontage - Reinstatement the 'Hedgerow Landscape Structure' that exists elsewhere in the village.

'A' denotes vehicular access point to the public highway A158.

Dual aspect elevations to address the character of the streetscape.

APPENDIX 2 - Indicative Layout. Land at The George Hotel, Main Rd, Langworth. Planning ref 130773.

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 16 April 2014.

**Present:** Councillor Stuart Curtis (Chairman)  
Councillor Ian Fleetwood (Vice Chairman)

Councillor Gill Bardsley  
Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Giles McNeill  
Councillor Jessie Milne  
Councillor Judy Rainsforth  
Councillor Geoff Wiseman

**Apologies** Councillor Richard Doran  
Councillor Malcolm Leaning  
Councillor Roger Patterson

**Membership** Councillor Wiseman substituted for Councillor Leaning.  
Councillor Bardsley substituted for Councillor Patterson.

**In Attendance:**  
Zoë Raygen Acting Area Team Manager  
Simon Sharp Principal Area Development Officer  
Dinah Lilley Governance and Civic Officer

**Also Present** Councillor Malcolm Parish  
Councillor Reg Shore  
12 members of the public

### PUBLIC PARTICIPATION

There was no public participation.

### 71 MINUTES

Meeting of the Planning Committee held on 5 March 2014.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 5 March 2014, be confirmed and signed as a correct record.

## **72 MEMBERS' DECLARATIONS OF INTEREST**

Councillors Howitt-Cowan, Bardsley and Wiseman declared a non-pecuniary interest in item 4 as the facility had been approved in principle by the Prosperous Communities Committee.

Councillors Bierley, Cotton and Fleetwood declared a non-pecuniary interest in item 4 as the funding of the facility had been approved in principle by the Policy & Resources Committee.

Councillors Milne and Wiseman declared a non-pecuniary interest in item 3 as being on the board of ACIS.

## **73 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY**

The Acting Area Team Manager reminded Members of the Committee of recent updates to the NPPF which replaced a number of circulars, to which hyperlinks were provided within the planning reports.

The Chairman reminded Members of the significant amount of development required to meet the Central Lincolnshire Housing Land Supply targets. 6,500 homes were required for the five year period.

## **74 PLANNING APPLICATIONS FOR DETERMINATION (PL.14 13/14)**

**RESOLVED** that the applications detailed in report PL.14 13/14 be dealt with as follows:-

### 1 – 130717 - Land off Hutton Way/Jubilee Avenue, Faldingworth

Planning application for erection of 41 detached, semi-detached and terrace dwellings and garages, with associated parking, landscaping, materials, boundary treatments, pedestrian and vehicular access from Hutton Way and internal roads.

The Principal Area Development Officer read out a statement which had been received from the Environment Agency.

“The Environment Agency has received and reviewed additional calculation on the capacity of the receiving watercourse. I can confirm that in conjunction with the confirmed one-off clearance of the watercourse and the maintenance strip, we are satisfied that the proposed discharge rate is acceptable. We are happy for the final SuDS details to be discussed and agreed at a subsequent MAG meeting and would support this element of the development being delegated to you as planning officer.”

Condition 2 responds to this and a Multi-agency drainage group would be convened prior to discharging the condition.

The Principal Area Development Officer also noted that assurances had been sought by residents that their comments had been taken into consideration and that assessment of the access and drainage arrangements had been made by members at the time of the site visit. These were both confirmed.

Issues with the sewerage system were acknowledged, however Anglian Water and EA had no objections regarding capacity. Acknowledgement was also made of the closure of the shop and need to travel to access facilities, and that the services had diminished in the village in the last eight years. Nevertheless, the site was part of an allocation in the Local Plan and it would be expected to be delivered as part of the deliverable land supply.

Trevor Howard, representing Faldingworth Parish Council, addressed the meeting to voice strong objections to the proposal. It was felt that the development would not be sustainable in terms of either the WLLP or NPPF, access to facilities was around five miles away. The Cricket Meadows development was already isolated from the rest of the village and this would be just as bad. The scale of the development would be more appropriate to a market town.

Sally Cheetham also spoke to the Committee on behalf of residents, stating that community views should be acknowledged. Sustainability arguments did not stand up for this proposal and having undertaken research it seemed that there was no demand for housing in Faldingworth anyway. Issues around traffic safety and quality of life were also raised.

Councillor Malcolm Parish, spoke as Ward Member for the application, thanking the Committee for having undertaken the site visit. Councillor Parish felt that Faldingworth was a unique historic settlement, not much more than a hamlet, and that the size of the development would have a dramatic impact. The lack of facilities meant the proposals were not sustainable and would also increase car use and impact on pre-existing traffic problems.

Members debated various aspects of the proposals, acknowledging concerns regarding sustainability, and questioning whether the development would improve or exacerbate the current situation. Clarification was sought on the capacity of the access roads, and it was affirmed that the original Cricket Meadows access had been designed for the full development including the current application.

Whilst several Members had concerns about the application, particularly in terms of sustainability, others felt that there were no justifiable planning reasons to refuse it. An appeal against a refusal would likely win and the ability to apply conditions would be lost.

The recommendation in the report was proposed and seconded, and on being voted upon it was **AGREED** that the decision to grant permission subject to

conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:

- Affordable housing
- Public open space
- Communally managed landscaping belt
- Access easement to existing watercourse

## 2 - 130773 - George Hotel, 15 Main Road, Langworth

Outline planning application, including means of access, for up to 36 dwellings, including affordable provision, ancillary convenience store A1, public open space, ecological reserve and landscaping.

The Principal Area Development Officer informed Members that, since the preparation of the report, negotiations had been continuing in relation to the section 106. This had implications on the milestones contained within the recommendation and the Officer asked members to accept the report recommendation with the following adjustments to the milestones contained within the section 106 agreement:-

- construction of affordable units shall be completed prior to the first of occupation of **50%** of the Open Market Dwellings in the whole of the development.
- no more than **50%** of the dwellings granted by planning permission to be occupied until works to the public house, including creation of the shop, have been completed to the written satisfaction of the council.
- no more than **60%** of the dwellings granted by planning permission shall be occupied until the Shop use has been implemented and been open for not less than 7 hours per week for a period of not less than one calendar month as verified in writing by the council.
- implementation of flood mitigation measures before any dwelling granted planning permission being occupied (flood mitigation and drainage works).
- ecology area and public open space implementation will occur before occupation of no more than **50%** of the open market housing.

It was considered important to bring the flood mitigation measures right to the forefront to increase safety from flooding and allow occupation of more houses prior to the requirement for the shop in the interests of the viability of the scheme.

The recommendation with amended conditions was proposed, seconded and voted upon. It was then **AGREED** unanimously that the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-**That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-**

- **construction of affordable units shall be completed prior to the first of occupation of 50% of the Open Market Dwellings in the whole of the development.**
- **no more than 50% of the dwellings granted by planning permission to be occupied until works to the public house, including creation of the shop, have been completed to the written satisfaction of the council.**
- **no more than 60% of the dwellings granted by planning permission shall be occupied until the Shop use has been implemented and been open for not less than 7 hours per week for a period of not less than one calendar month as verified in writing by the council.**
- **implementation of flood mitigation measures before any dwelling granted planning permission being occupied (flood mitigation and drainage works).**
- **ecology area and public open space implementation will occur before occupation of no more than 50% of the open market housing.**

**That, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.**

### 3 - 130886 – Queensway, Sturton By Stow

Planning application for the demolition of 20 garages and the construction of 8 affordable dwellings.

Christopher Elkington of Sturton Parish Council spoke to the Committee and reiterated previously raised concerns regarding surface water drainage and flooding experienced by residents. Whilst the Parish Council was in favour of affordable housing development in Sturton the proposed application was inappropriate not only because of the flooding problems, but also the provision of open space and play areas in the village. Mr Elkington referred to the 42 page drainage report which had been submitted and highlighted several flaws in the document.

Geoff Bates, of the local action group, also cited the severe flooding problems experienced by residents and, with his drainage experience, claimed that the proposed measures would not alleviate the problems.

Councillor Reg Shore, Ward Member for Sturton, echoed the concerns raised by the two previous speakers, and stated that the problems had to be solved before adding to the situation.

The Principal Area Development Officer reminded Members that the granting of planning permission cannot be dependent upon betterment of the problem, merely that it should not exacerbate the situation.

In depth discussion then ensued, and it was proposed and seconded that the application be refused. However, the Principal Area Development Officer suggested to Members that if they were minded to defer the decision this would enable further negotiation to be undertaken with the applicant and in consultation with the Parish Council to attempt to secure a solution to the problems. The motion to refuse was then withdrawn and a proposal to defer the application was moved and seconded.

On being voted upon it was **AGREED** that the application be **DEFERRED** to enable negotiation to take place, as it was agreed that the flood mitigation proposed was not sufficiently robust to not exacerbate the current situation.

#### 4 – 130940 - Wembley Street, Gainsborough

Planning application for demolition of existing light industrial storage - B1-buildings and erection of 12 bedroom Foyer and communal facilities - sui generis - with associated car parking and landscaping.

The Principal Area Development Officer introduced the report, reminding Members that the provision of the facility fitted the objectives in the Council's Corporate Plan.

Alan Lewin, Chief Executive of Axiom, gave background information about the Foyer initiative, describing how it would provide a sound base to assist young people in securing employment or further education and help to alleviate homelessness.

Brief discussion ensued, with Members being wholly supportive of the scheme and the benefits it would provide for the young people of Gainsborough.

The Recommendation in the report was moved and seconded, and on being voted upon it was **AGREED** that permission be **GRANTED** subject to conditions.

## **75 DETERMINATION OF APPEALS**

**RESOLVED** that the determination of appeals be noted.

The meeting concluded at 8.15 pm.

Chairman

## **Officer's Report**

### **Planning Application No: 130773**

**PROPOSAL:** Outline planning application, including means of access, for up to 36 dwellings, including affordable provision, ancillary convenience store A1, public open space, ecological reserve and landscaping.

**LOCATION:** George Hotel, 15, Main Road, Langworth, Lincoln, Lincolnshire LN3 5BJ

**WARD:** Fiskerton

**WARD MEMBER:** Councillor Darcel

**APPLICANT NAME:** BW Inns Ltd and MLN Land & Properties Ltd.

**TARGET DECISION DATE:** 18/4/2014

**DEVELOPMENT TYPE:** Small Major - Dwellings

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-

1. **Affordable housing – 3 x one bed bungalows and 1 x one bed flat. All social rent.**
2. **Phasing to ensure**
  - a/ **delivery of works to public house,**
  - b/ **implementation of shop use**
  - c/ **implementation of flood mitigation measures**
  - d/ **Ecology area**
  - e/ **Public open space**

**before occupation of no more than 33% of the open market housing.**
3. **Maintenance and management of**
  - a/ **Flood mitigation works**
  - b/ **Ecology area**
  - c/ **Public open space**

**That, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.**



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## **SUMMARY**

- 1. This development is seeking to ensure that there is betterment with regards to reducing flood risk in this part of Langworth.**
- 2. This development is seeking to retain the public house as a viable business and provide a shop for the village.**
- 3. Affordable housing to exactly respond to an identified village need is being delivered.**
- 4. There is a presumption in favour of sustainable development in the NPPF.**
- 5. This is a development that, subject to conditions and the signing of the section 106 agreement, is economically, socially and environmentally sustainable and therefore accords with the guiding principles of the NPPF.**
- 6. Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF.**
- 7. Central Lincolnshire can only evidence a 3.5 years' housing land supply.**

## **Description:**

### **Site**

The George Hotel lies at the eastern end of the village of Langworth, approximately 10km east-northeast of the centre of Lincoln and on the north side of the A158. The southern boundary fronts this road, the western boundary marked by a flood defence bund, beyond which are dwellings fronting Scothern Lane. The northern boundary is marked by Nettleham Beck and the eastern boundary by the Barlings Eau river.

The site extends to approximately 2.7ha and includes the George Hotel public house (class A4 as defined by the amended Use Classes Order 1987 in the absence of letting rooms and hotel facilities) flanked by hard-surfaced ancillary parking. This previously developed land is elevated above the rest of the site and is assessed as made ground having been historically raised above the natural ground level.

The remainder of the site is unmanaged grassland of low amenity value with landscaping of any height restricted to adjoining the Nettleham Beck, the

southern part of the Barlings Eau boundary and the eastern end of the A158 frontage.

## **Proposal**

The application is in outline with all matters reserved except for access. A series of parameter plans have been submitted with the application, amendments being received on 3<sup>rd</sup> March 2014.

The development includes:-

- Up to 32 open market dwellings – the precise composition would be determined at reserved matters stage but the application particulars cite an intention to deliver a broad mix of dwellings, of which 40% would be semi-detached dwelling, 35% terraced and 4% detached.
- 4 affordable dwellings to exactly respond to the need identified in a parish needs survey undertaken by Community Lincs. The three bungalows and one flat would be for social rent and owned and managed by a Registered Provider.
- A small convenience shop to be created from 60 sq m of the existing public house footprint (the southwest corner of the building nearest to the village centre).

The indicative layout plan and other application particulars indicate that the open market and affordable housing would be integrated into one area on a table of raised land, approximately correlating to the existing raised land along the A158 frontage and to the immediate rear of the public house.

The remaining lower level, greenfield land would be used for:-

- Flood mitigation – this includes reengineering some levels to create additional flood water storage with the volumes modelled to respond to events up to 1 in 100 year event (plus 30% increase allowance for climate change).
- An area of ecological enhancement and public open space.

There are currently two vehicular accesses into the site; that nearest the village centre would be retained for the public house and the shop, whilst the eastern access (currently to access the larger of the two car parks) would be for the housing, access to the public open space and access for maintenance vehicles from the Environment Agency and Internal Drainage Board.

### **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 after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

### **Relevant history**

The application was the subject of a pre-application enquiry and a presentation to the Parish Council followed by a separate event with parishioners hosted at the application site.

The public house has been the subject of various historic proposals to assist in its viability as a going concern. These have included the provision of a commercial kitchen (implemented) and associated motel accommodation (permitted but not implemented).

### **Representations:**

**Chairman/Ward member(s)** - No written comments received.

### **Langworth PC :-**

- 3 storeys are not in keeping with surrounding properties.
- Traffic problems are envisaged – lorries could not pull up on the main road to purchase items from the shop (could a lay-by be provided). The development would also cause many extra vehicles to exist onto the A158.
- Flooding – main concern is flooding of surrounding properties.
- No development should take place until Anglian Water has upgraded the Langworth sewerage system to enable it to cope with the additional flow of sewerage.
- No development should take place until Lincolnshire County Council have established a proper system for discharging surface water from the site and the adjacent A158.'

**Local residents** - Comments for original plans (prior to revision of indicative layout and revised Flood Risk Assessment).

- 6, Scothern Lane – The justification for the development included increasing the viability of the pub, the fact is that 38 dwellings will have little impact on the pub's viability. Just tidying the area and improving management will improve viability.

The other justification for the development was the creation of a village shop. A shop is needed, but the village had a shop and it was only through mismanagement that the shop closed. The shop is a private dwelling now but no change uses was applied for, the owner blocking the shop from fulfilling its potential, original use.

The planning officer raised concerns about 3 storeys dwellings at the public meeting, but three storey buildings are actually suitable for an area vulnerable to flooding. Aesthetics must come second to safety. I am not against development, but I question this proposal on this site. A more innovative approach is needed to develop this site, uninspired low brick boxes are not suitable. There is an excellent example of new suitable development in the village; Cool Milk on Scothern Lane. The development is in a flood zone and this will make the properties difficult to sell.

- The Bungalow, Stainton Lane – No opinion either way on the proposed development around the public house, but concerns that any attempt to raise the level of the land must not redirect any flood water onto my land. The overtopping of The Barlings Eau is a regular occurrence. Our house has not been flooded, but we must express our concern that, if it is following this development, we are compensated by WLDC. Photographs enclosed which will be made available to members.
- Village volunteer flood wardens (Messrs Buttress and Dearman) – We make no comment on the possibility of the properties to be built as the developers seem to have taken flooding into account. However, we must comment that the George field has flooded since the time stated in the application particulars. LCC highways surface water drainage maps are incomplete.  
At present the sewerage system cannot cope with the present volume of sewerage. The system should be upgraded by Anglian Water prior to the development taking place.
- 8, Main Road - I am happy to support this application, Langworth needs further developments. The Village will 'die' if it is allowed to stagnate as it is with many derelict, empty properties and no new communities appearing. The addition of a local shop would be an asset. Perhaps traffic lights at the access road would help prevent traffic build up for those attempting to access the A158 during busy periods.

#### Comment received since consultations

- 4, Bakehouse Court – The planned flood mitigation measures would undermine my house. The Planning Statement also states that the George Hotel is the only public house in the village, but the Station is a restaurant with a bar and open for business. The play area seems a strange location for such a use; it is peripheral to the village and not safely accessible. A planning application was refused for 20 dwellings

in 2005 (which seems strange to now approve an application for more dwellings on the same site)

**LCC Highways** - Advise that a travel plan is required and details of the access and road specification as well as laying out of the parking for the public house

**Anglian Water** –

- Reepham Sewage Treatment Works has capacity
- Foul network - Development will lead to unacceptable risk of flooding downstream but this can be dealt with by a pre-commencement condition
- Surface water – The preferred method of surface water disposal is via a sustainable drainage system with connection to the sewer seen as the last option.

**Environment Agency** - No objection subject to conditions

**LCC Historic Environment (Archaeology)**: Originally advised that further intrusive investigations were required due to the potential for archaeology on the site. Such investigations have now been completed and they now have no objection subject to a condition.

**Natural England** – No objection

**Lincolnshire Police** – No objection

**LCC Education** – Seeks a contribution as a result of the impact on the primary schools serving the site.

**WLDC Environmental Protection - Drainage** - No objection to the principal of the development subject to conditions.

**Witham 3<sup>rd</sup> Internal Drainage Board** – Comments awaited for revised plan.

### **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. However, paragraph 215 of the National Planning Policy Framework states that due weight should be given to relevant policies in existing plans 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). The site is partially within the settlement limit for Langworth but the majority falls outside within the “open countryside.” The relevant policies to be considered for their consistency with the NPPF are:-

STRAT 1 Development Requiring Planning Permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 3 Settlement hierarchy  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT 6 - Windfall and infill housing development in Primary Rural Settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat6>  
Pertaining to area within settlement limit

STRAT 9 Phasing of Housing Development and Release of Land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>  
Pertaining to area outside of settlement limit.

SUS4 – Cycle and pedestrian routes in development proposals  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

RES 1 Housing Layout and Design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES 2 Range of housing provision in all housing schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES 5 Provision of play space/recreational facilities in new residential development.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

CORE 10 Open Space and Landscaping  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

RTC6 Neighbourhood retailing  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm#rtc6>

NBE 14 Waste Water Disposal  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE20 Development on the edge of settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

## Local

- West Lindsey Strategic Flood Risk Assessment (2009)  
[http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-base-and-monitoring/strategic-flood-risk-assessment-\(sfra\)/104839.article?tab=downloads](http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-base-and-monitoring/strategic-flood-risk-assessment-(sfra)/104839.article?tab=downloads)
- Draft Central Lincolnshire Joint Core Strategy (2013)

Langworth is defined as a Primary Supporter in the Portrait of Place evidence that helped inform the draft Core Strategy. 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– Affordable housing on rural exception sites  
CL22 – Strategy for the rural areas of Central Lincolnshire

[http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.centrallincolnshire.ldf.submission-of-central-lincolnshire-core-strategy.117940.articleDownload.56436&ns\\_type=pdf&ns\\_url=http://microsites.lincolnshire.gov.uk/Download/56436](http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.centrallincolnshire.ldf.submission-of-central-lincolnshire-core-strategy.117940.articleDownload.56436&ns_type=pdf&ns_url=http://microsites.lincolnshire.gov.uk/Download/56436)

The Draft Strategy was approved by the Central Lincolnshire Joint Strategic Planning Committee on 8<sup>th</sup> July 2013. However, members of subsequently resolved to withdraw the Strategy on 6<sup>th</sup> January this year following comments expressed by the government appointed inspector during the Examination stage.

## **Assessment:**

### **Introduction**

This development proposal includes residential and non-residential elements.

The ability for the scheme to be sustainable, and therefore accord with the underpinning principles of the development plan where it is has consistency with the National Planning Policy Framework (NPPF) and of the NPPF itself, is dependant on a specific sequence of delivery:-

- Engineering operations to change the ground levels across much of the site to create a higher “table” for the housing to sit above predicted flood levels and for additional flood storage to be created within the site to ensure flooding probability to existing residential properties is not

worse and there is actually a degree of betterment. This is required to contribute to the environmental sustainability of the development.

- Development of some open market housing to provide a return to finance the works to the existing public house, the creation of the shop unit and the provision of affordable housing. These are required to ensure that the scheme is economically sustainable.
- Delivery of the aforementioned works to the existing public house, the creation of the shop unit and the provision of affordable housing to ensure the social sustainability of the scheme.
- Delivery of the remaining open market housing to not only ensure overall viability for the developers, but also to ensure that this housing element assists in the future viability of the public house and shop. This is necessary to ensure the economic sustainability of the scheme.

The development is therefore considered in this context in more detail below, the assessment also considering other considerations which are material to the determination of the proposal.

However, members are reminded that the application is made in “outline” and the delivery of this development would not guarantee the future viability of the public house or of the proposed shop; what can be assessed though is whether the characteristics of the development in terms of indicative layout and quantum of housing provides the framework for the future viability of the commercial elements and would not actually make the situation worse. For example, the visibility of the pub and shop from the road and the accessibility including pedestrian linkages and car parking will be key components of the assessment.

### **Principle of housing**

The open market housing represents the majority of the development in terms of value and is required for viability (a verified viability appraisal has been submitted with the application).

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.

A small part of the site including the public house building, the car park to the west and a small element of the car park to the east, is within the settlement limit for Langworth. This area of the site falls within the Primary Rural Settlement of Langworth as defined by policy STRAT3. Policy STRAT6 therefore is applicable as it sets the framework for non-allocated residential developments in such settlements. The policy is largely favourable to limited housing although its degree of consistency with the NPPF is dependant on whether such sites are sustainable with regards to issues such as flooding and access to services and facilities without reliance on the car.



The majority of the site is outside of the settlement limit, including most of the area indicatively proposed for housing. Policy STRAT3 therefore defines it as being within the “open” countryside with policy STRAT12 being applicable.

Policy STRAT12 is written in the prohibitive form and states that development including housing should not be permitted in open countryside locations unless there is justification for it being in such a location or it can be supported by other plan policies. This has commonly included housing for agricultural workers or development to respond to a need for affordable housing within the adjoining village (so called exceptions sites). In this instance there is no agricultural need but the proposal is providing the ability to secure affordable housing, development to aid the potential future viability of the public house and the provision of a shop. All of these are material considerations. Furthermore, the publication of the NPPF and the presumption in favour of sustainable development is a material consideration with all policies of the Local Plan Review, including policies STRAT12 and STRAT6 considered for their consistency with the national framework.

In addition there is a need to deliver open market housing within the next five years as required by paragraph 48 of the NPPF. The supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that “until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public.” The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. A five year requirement of 6,985 dwellings is identified within the Lincoln Policy area of which Langworth is part. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years’ supply. The provision is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision. This undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13. This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years’ deliverable supply against the 5 years required by paragraph 48 of the NPPF must be afforded significant weight as a

material consideration. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement.

In this context, there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined Langworth settlement limit, provided that the development is sustainable and is acceptable when considered against other material planning considerations.

The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Core Strategy is only afforded very limited weight itself, policy CL6 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and are consistent with principles of the NPPF itself:-

*Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)*

The location is at the very least adjacent to the existing settlement and could be argued to be within the built up area of Langworth, a point reflected in part of the site being designated within the settlement limit. It abuts dwellings to the west and there are buildings on the opposite side of the A158 for much of the site frontage.

The majority of the area where housing is proposed is also considered to constitute previously developed land; there is an ancillary, macadam surfaced car park to the west of the public house itself. An area of made ground to the north of this, also indicatively proposed for the housing, is not macadam surfaced, but is levelled with hard-core and historically used for parking. The NPPF encourages the effective use of such land and it is considered to comprise part of the built-up area of Langworth ,

*Accessible and well related to existing facilities and services (social and environmental sustainability).*

The designation of Langworth as a Primary Rural Settlement in the 2006 Local Plan Review reflected the status of the village as one of the larger settlements in the district. Since that time the village shop and post office has shut with a consequent decline in the level of locational sustainability offered to existing and future residents. Nevertheless, the Portrait of Place assessment which forms part of the evidence base for the Central Lincolnshire Local Plan classifies Langworth as a Primary Supporter, recognising the level of services and facilities that remain in the village. For example there remains a restaurant, a haulage yard, two caravan/holiday home parks, a church and a village hall in addition to the George Hotel itself. All of these services and facilities are connected to the site by existing pavements with distances varying from 350m (village hall) to 1,500m for the

restaurant varying The Old School offices suite is also within a reasonable 400m walk from the site eastwards along a pavement.

Nevertheless, and notwithstanding that Langworth is served by public transport, it is considered that the acceptability of the housing is predicated on the retention of the public house use and provision of the shop use within the site, in format that provides a viable platform for their future retention. A shop use is notably absent from the village and there are no other public houses other than the George Hotel. Both uses are intrinsically linked to the social fabric vitality and wellbeing of a sustainable village, not only providing a portal for goods and services but also focal points for community interaction and village activities. Their importance and the desire for their retention is highlighted by paragraph 28 of the NPPF.

The indicative layout has now been amended to demonstrate how development of much of the raised land could be developed but still retain more than adequate levels of car parking for the public house and the shop in the retained area to the west of the existing building; it is estimated that of 45 car parking spaces could be provided in that area allowing for manoeuvring and for service vehicle bays. Specifically, LCC's approved parking standards state that 1 space should be provided per 3 sq m of public drinking area, 1 space per 5 sq m of public dining area and 1 space per 14 sq m for the shop. With a shop area proposed of 60 sq m, a similar area for public drinking and approximately 80 sq m for public dining, this equates to a need for a maximum of 40 spaces.

The amended plans also show how the housing is set back from the road to retain a clear line of sight of over 250m to the public house from both directions along the A158; such early visibility being important to tempt potential passing trade to call in. The clear availability of parking is also important as well as the site's surroundings; the current layout suffers from areas of significant previous investment such as the east car park being bordered by areas of neglect.

The retention, reordering and enhancement of the community facilities within the site is therefore required to make the development acceptable and the phasing of the development to include delivery of these elements prior to the occupation of the majority of the open market housing is considered to be a reasonable requirement, meeting the tests within Regulation 122 of the Community Infrastructure Regulations 201. It can therefore be included as an obligation in a section 106 agreement.

*Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability).*

There are east and west bound bus stops on the A158 within 200m of the site, the eastbound stop being connected to the site by a continuous pavement. The stops are not improved, they do not include a raised platform for level access, nor do they have shelters, timetable information or real-time displays. The westbound stop is readily accessible as the case officer observed that many dropped kerbs for driveways are opposite each other on this stretch of road. There is an improved westbound bus stop with shelter, timetable and raised platform adjacent to the village hall, approximately 350m west of the

site and a similar eastbound stop, albeit with shelter, a further 50 to the west. There is also a signal controlled pedestrian crossing enabling safe access to the westbound stop. These improved stops are all within a reasonable walking distance given that the topography is flat.

All of these stops are served by the Interconnect No. 6 service which would enable future residents of the site to access, employment and medical services in Lincoln throughout the day. This is a 7 day per week service and is supplemented by the No. 10; 6 buses per day, 6 days a week service between Lincoln and Louth. There also 2 buses per day to Market Rasen as well as school buses.

In this context, it is considered that the public transport options offer a high degree of sustainability but the County Highways Authority's request for a travel plan is reasonable.

*Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)*

Langworth is not the subject of any neighbourhood plan and in advance of the Central Lincolnshire Local Plan preparation there is no development plan to provide guidance as to what proportion of the growth provision or Central Lincolnshire should be attributed to Langworth. The village currently has a population estimated to be around 500 and, as detailed in preceding sections, has a range of facilities. However, concerns have been expressed by some residents about the ability of the infrastructure serving the village to take new development.

Flood defence and surface water drainage infrastructure is considered in a later section and highways infrastructure is not considered to be a significant issue given that the development will access directly onto the A158; the level of traffic associated with the development is predicted to be insignificant in the context of existing traffic flows on this primary route that connects Lincoln and much of South Yorkshire and the East Midlands with Lincolnshire's holiday coast.

The public house is already connected to the foul water main sewer, indeed a public sewer traverses the site. Anglian Water has confirmed that there is capacity at the Sewage Treatment Works, but that a strategy is required due to issues with the existing foul sewers serving the village. They have advised that this can be dealt with by a pre-commencement condition. Given this is an outline application and there is the capability to upgrade the system, then this is a reasonable approach to take rather than withhold the grant of permission.

It is noted that the County Highways Authority have requested a contribution in relation to the provision of capital infrastructure for the primary school. This is a reasonable request that complies with the Community Infrastructure Regulations 2011 but, in the context of viability (given the abnormal costs associated with the delivery of the scheme), it is, on balance, not appropriate to require this contribution. Members are reminded that viability is a material consideration cited in the NPPF.

There are no other known infrastructure issues associated with the development, such as potable water supply. The On-Lincolnshire Broadband project supported by the County Council indicates that the area around and including the site is part of phase 2 of the roll-out due to be completed this year (<http://www.onlincolnshire.org/my-area/maps>)

*Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)*

The land is, as already stated in this report previously developed. It is also neither a registered playing field nor an area of important open space or frontage as defined by policy CORE9 of the Local Plan Review. The indicative layout plan actually includes a large area of public accessible enhanced habitat for flora and fauna as a part of the flood mitigation works. Such an area is a reasonable requirement of policy RES5 of the Local Plan Review, a necessity consistent with the social and environmental sustainability provisions of the NPPF. The area of land constitutes an overprovision in terms of the scale required by policy RES5; the proposal is for up to 36 dwellings on a site with a gross total area of 2.7 ha and the policy stipulates an open space provision of 5% of the area for such sites (over 20 dwellings and between 1 and 3 ha). However, there is only a limited amount of such open space within Langworth that is publicly accessible. There is a playing field to rear of the village hall and the area to the front of this hall also appears to act a focal point for the village, but these areas are relatively small and the formal sports pitch use to the rear of the hall restricts its wildlife value. In this context, it is considered another reasonable requirement for an area of public open space of enhanced biodiversity value to be provided within the development prior to the delivery of the majority of the open market dwellings. Given the intended, multiple functions of this land, responding to the need for flood mitigation, biodiversity enhancement and public open space, it is considered that the land take for this facility is commensurate in scale to the development proposed, despite being in excess of that required by policy RES5 of the Local Plan Review and it is considered to be a necessary delivery to make the development acceptable. This approach is consistent with paragraph 17 of the NPPF.

The provision of the space can be secured through the section 106 agreement or conditions.

*Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)*

This is a consideration partly detailed in policy NBE14 of the Local Plan Review although little of this policy is consistent with the provisions of the NPPF in terms of the preference of the latter for sustainable drainage.

The main thrust of the NPPF policy guidance is to locate development in areas which are at lowest probability of flooding (zone 1) as defined by the Environment Agency. The NPPG accompanying the NPPF states that "More Vulnerable" such as the housing proposed uses can also be appropriate in

flood zones 2 and 3a but only if the above-mentioned Sequential Test has been passed first playing the Exceptions Test if applicable, also detailed in the NPPF (para 102 refers).

The site is assessed as being within flood zone 3a and is therefore an area of high probability of flooding as a result of watercourse overtopping (fluvial flooding). This is largely due to the site abutting Nettleham Beck on its northern boundary and the Barlings Eau on the eastern boundary (the confluence of these two watercourses abutting the northeast corner of the site).

The default area of search for the Sequential Test is the whole of the district and it is known that many sites are available for housing in areas at lower probability of flooding across West Lindsey. However, given the underpinning provision of affordable housing and contribution to the future viability of the public house, it is considered that it is reasonable to restrict the area of search to Langworth. Specifically, to foster balanced and mixed communities (in the interests of social sustainability) it is beneficial to locate the open market housing with the affordable housing and, as the latter is to respond to the needs identified for the village, both tenures of housing should be located within the parish. It should also be located within reasonable walking distance of the public house because, although this quantum of housing can by no means guarantee the future viability of this business, it can make a material contribution to this viability. Only sites within the parish would be within reasonable walking distance of the village.

There are currently no known sites with extant residential permissions in Langworth (other than those with holiday occupation conditions). There is one allocated site within the Local Plan Review not developed for residential use. It is site L3 with a capacity for 20 dwellings but is currently occupied by a haulier. The continued use of this employment site would be a factor which might deem this site unavailable and its loss, inappropriate in planning terms. It is also within flood zone 3a and therefore at no less a probability of flooding than the application site and has a record of property being flooded whereas the area proposed for housing on the application site is on the same elevated land as the public house which has no recorded flooding against it (WLDC records)

An examination of sites within the Strategic Housing Land Availability Assessment (SHLAA) includes sites within flood zones 1 and 2 but these sites are known to have potential other ecological constraints and are without the wider sustainability benefits of the proposal.

In this context, for the development to pass the Exception Test (para 102 of the NPPF):-

- I. it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment (SFRA) where one has been prepared; and
- II. a site-specific flood risk assessment must demonstrate that the

development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

A SFRA has been prepared for West Lindsey in 2009. Areas such as Langworth are assessed at Level 1 without the detail associated with Level 2 analysis. Nevertheless, flooding attributed to the Barlings Eau and Nettleham Beck overtopping is cited throughout the Assessment including the events of the summer of 2007 when 16 properties in Langworth were affected. A specific problem identified at paragraph 4.48 is the backing up of Nettleham Beck from the Barlings Eau, due to the surcharge of the latter resulting in dwellings on Scothern Lane being flooded. The works within the application site will not prevent flooding as result of blockages or the restricted freeboard capacity of bridges upstream but they do have the potential to provide additional attenuation volume for overtopping of the Nettleham Beck if the Barlings Eau is surcharged. This ability will be provided if the area is designed to flood during flood events and not protected by flood bunds. Therefore the works are considered to have wider sustainability

The impact of the proposed works has been modelled showing the impact at 200mm tranches as agreed following a multi-agency meeting attended by officers and/or engineers representing the Environment Agency, the Witham Third Internal Drainage Board, Lincolnshire County Council Floods and Drainage team and West Lindsey DC. The analysis also looked at the characteristics of the two watercourses, the existing rate and volume and runoff from the site and ability of the Environment Agency and Internal Drainage Board to access and maintain the Barlings Eau and Nettleham Beck respectively.

The analysis and strategy, which includes detailed site sections of the proposed engineering works have been verified by the statutory agencies to evidence betterment and no increase in the probability of flooding within the wider area as a result of the development during all flood events up to and including a 1 in 100 year event (plus an additional 30% increase as a result of climate change. It must be reiterated that such works cannot prevent existing properties in Langworth or elsewhere being flooded in the future but the betterment provided by the additional flood storage is considered to be a wider sustainability benefit. It would therefore not be reasonable to withhold the grant of planning permission on these grounds and a conditional permission is considered appropriate.

Additional such benefits are accrued from the biodiversity enhancement of part of the undeveloped land.

*Generally consistent with economic, environmental and social sustainability*

The proposal also includes the provision of affordable housing. The inclusion of this housing is derived from a housing needs survey undertaken by Community Lincs. The survey was paid for by the applicant but is independent, publicly available and could be used by other parties, without cost, to support other housing schemes in Langworth. The provision of affordable housing is important in making development socially sustainable,

ensuring that people with close connection with the village, that have a desire or need to live there, can do so. This objective, detailed in policy RES6 of the Local Plan Review is considered to be consistent with the NPPF. There is an outstanding need in Langworth and various factors such as flood risk and depressed market conditions have meant that housing responding to the need has not been delivered. In this context, the proposed delivery of affordable housing to exactly match the identified need must be afforded significant weight as a material consideration.

The evidenced need for open market housing to enable the delivery of this affordable housing is also considered acceptable, not only in terms of viability (a consideration embedded within the NPPF), but also to ensure a range of housing and balanced and mixed communities, to accord with, the NPPF consistent, policy RES2 of the Local Plan Review.

### **Principle of shop**

It has already been established that the shop is important to achieving the social and economic sustainability of the development. It must also be noted that the change of use of part of the public house to a shop would not normally require an application for planning permission as such a change is permitted by Class A, of part 3 of Schedule 3 of the amended General Permitted Development Order 1995. Nevertheless, even in the absence of this fall-back position, it is considered that the use is acceptable. Policy RTC6 supports small shops such as that proposed here (60 sq m) if they serve a local need and there are no unacceptable implications for nearby residential amenities, there is car parking and the design is acceptable. The provision of car parking has already been assessed in this report, the application is in outline and therefore any external alterations can be agreed at reserved matter stage and the scale of the shop is clearly such that it is designed to serve the villagers rather than impact on the trade of city and town centres such as Lincoln or Wragby. This policy approach is consistent with the NPPF, but there needs to be a balance between requiring the provision of the shop to provide sustainability and acknowledging the fall-back permitted change of use, but also restricting its size to ensure no adverse impact on centres elsewhere. It is considered that a restriction to the size proposed is a reasonable requirement to be secured through the s106 agreement.

### **Design, character and appearance and landscaping**

Members are advised that this application is in outline, but the Authority needs to be sure that the land not used for the public house, shop, car parking, flood mitigation, public open space and biodiversity enhancement is sufficiently large to accommodate the housing proposed at an appropriate density and it is in a location that preserves or enhances the visual amenity of the area.

The preceding sections of this report have established that the area outlined for the housing is on raised land adjacent to the A158 and to the immediate rear of the public house. This land is just within, but clearly on the edge of the settlement, hence policy NBE20 of the Local Plan Review applies. The 1999 West Lindsey Landscape Character Assessment identifies village edge



development sites as sensitive areas given the potential for long views across the relatively flat landscape devoid of large areas of woodland. The site is prominent, being visible from the A158 approximately 250m from the west along the A158 and 300km from the east. Prominent views are also afforded from the northeast from Stainton Lane. The tree belt along the A158 frontage and the Barlings Eau softens the hard impact of the car parking and the kitchen extension of the public house. The introduction of housing on the raised ground has the potential to harden the village edge still further, but it is noticed that the amended indicative layout shows the housing set back with natural new screening to the river and A159 frontages. The revised layout also successfully places housing in front of the rather incongruous kitchen extension, consequentially enhancing the public view points. The loss of the existing planting on frontage is unfortunate but the Council's tree officer has visited the site and her report notes that all the trees are poor specimens and many are diseased and nearing the end of their life. New planting within the housing layout as proposed on the indicative layout plan to compliment the wildlife area to the east would therefore ensure the natural environment of the site, provide a soft edge to the settlement and, in doing so, accord with NPPF consistent principle of policies CORE10 and NBE20 of the Local Plan Review.

The net density of the proposed housing would equate to approximately 32 dwellings to the hectare (dph) excluding the food mitigation and public open space areas. This is significantly at odds with prevailing densities within the area; Barlings Lane and Main Road, Langworth having evolved gradually to a current density of around 20 dph. However, reasonably including the open space, the proposed density falls to 20 dph. Furthermore, significant weight must be afforded to the need for housing to enable the non-residential development. In this context the density is considered acceptable.

The scale of dwellings cited in the submitted Design and Access Statement range from bungalows to two-and-a-half storey houses, arranged in terraces, as pairs of semi-detached houses or detached houses. Members should note in this regard that the applicant has clarified that the tallest dwellings are two-and-a-half storeys high, not three storeys, thereby responding to the concerns about flooding on the one hand and impact on visual amenity on the other.

Although this is an outline application, these parameters are considered to reflect the rather eclectic diversity of dwelling sizes and types found in Langworth; Main Road east of the junction with Barlings Lane includes a myriad of housing ages, heights, styles, plot sizes and positions of the dwelling within the plots.

### **Access and highway safety**

Access is a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review. It is not reserved for subsequent approval and the layout plans shows two vehicular/pedestrian access points; one serving the public house and shop, the other serving the housing and open space. They correlate to the existing access points and both are within the 40mph

restricted area of the A158. Although this part of the road has been historically widened and straightened, with a new bridge over the river, the observed speeds are within the speed limit. The access points also afford adequate visibility to accord with LCC standards and the layout shows sufficient width to enable vehicles, including HGVs, to pass each other at junctions without vehicles having to wait on the A158.

Nevertheless, a detailed specification of the works within the highway and the layout of the internal roads will be required to ensure highway safety is embedded into the development. This can be secured through conditions.

### **Residential amenity**

This is a consideration highlighted in policies STRAT1 and RES1 of the Local Plan Review and is considered to be material consideration. Amenity can be affected by noise and disturbance during construction and following occupation, as well as from overshadowing and overlooking. In all of these aspects it is noted that there is a significant distance from the proposed housing and the nearest existing dwellings, the only exception being between the proposed dwellings nearest to the public house on the A158 frontage and the existing houses opposite. However, a busy main road separates these houses which already experience noise, disturbance and overlooking from users of this highway.

### **Archaeology**

This is a consideration detailed in the NPPF and the significance of any archaeology in the area and the impact of the development on it and its significance needs to be assessed.

The site is bounded to the north, adjoining Nettleham Beck, by a former Roman road and there are many records attesting to the Roman presence in this area. Additionally LCC have prehistoric material recorded from the immediate vicinity as well as a number of earthworks which have the appearance of field boundaries. Archaeological evaluation was therefore undertaken in accordance with Paragraph 128 of the NPPF and following the investigations, the County Historic Environment Officer has advised no objection subject to conditions.

### **Conclusion**

The application has been considered in the first instance against the provisions of the development plan, specifically policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT 6 - Windfall and infill housing development in Primary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, 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, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, RTC6 Neighbourhood retailing, NBE20 Development on the edge of settlements, NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review 2006 (saved policies 2009). Each policy has been considered against the National Planning Policy Framework (2012) and judged for its consistency with this document with the weight afforded to the policy amended accordingly. The National Planning Policy Framework itself has been afforded significant weight as has its accompanying National Planning Policy Guidance suite (2014).

In light of this assessment the proposal is considered to be acceptable subject to conditions. Specifically, the development would be environmentally, socially and economically sustainable, assist with ensuring a deliverable housing supply, respond to an identified housing need, preserve highway safety, not increase flood risk actually offering betterment, provide a basis for the future viability of the public house, provide shop space, preserve residential amenity and accord with the principles of good design.

**RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Head of Development and Neighbourhoods upon the signing and completion of a s106 that delivers:-**

1. **Affordable housing – 3 x one bed bungalows and 1 x one bed flat. All social rent.**
2. **Phasing to ensure**
  - a/ **delivery of works to public house,**
  - b/ **implementation of shop use**
  - c/ **implementation of flood mitigation measures**
  - d/ **Ecology area**
  - e/ **Public open space****before occupation of no more than 33% of the open market housing.**
3. **Maintenance and management of**
  - a/ **Flood mitigation works**
  - b/ **Ecology area**
  - c/ **Public open space**

**That, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next**

**available Planning Committee for determination following the expiration of the 6 month period.**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, access to the development and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The layout details shall restrict housing to the area cross hatched on the indicative layout plan 13-010-S-004 dated 3<sup>rd</sup> March 2014 and the layout, scale, appearance and landscaping details shall include the identified flood mitigation measures within the area hatched on the same said plan and within the amended Flood Risk Assessment PM4354 Rev A dated March 2014.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and that the site is protected from flood risk, does not increase the risk of flooding and there an appropriate balance of the natural and built environment, public open space and to accord with policies STRAT1, CORE10 RES1, NBE14 and NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended) and to ensure a deliverable supply of housing as this consideration has been afforded weight in the assessment of the development in the context of the National Planning Policy Framework 2012.

4. The scale of the dwellings shall not exceed two-and-a-half storeys in height.

**Reason:** The area proposed for housing is on land elevated above the open countryside to the north and east and this condition is required to ensure that the housing does not appear overdominant in this edge of settlement location and to accord with policies STRAT1, RES1 and

NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

5. No development shall be commenced until further details relating to the vehicular access to the public highway (A158) as marked "A" on the indicative layout plan 13-010-S-004 dated 3<sup>rd</sup> March 2014, including the layout materials, specification of works and construction method, including those work to be undertaken within the public highway have been submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before any of the dwellings hereby approved are first occupied and thereafter retained at all times.

**Reason:** Access was not reserved for subsequent approval and this condition is required in the interests of the safety of the users of the public highway and the safety of the users of the site, 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.

6. No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be first occupied until the works have been completed in accordance with the approved strategy and thereby retained thereafter.

**Reason:** The current foul water system is unacceptable and requires a strategy for upgrading, to accord with policy NBE14 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

7. No development shall be commenced until a surface water drainage scheme for the development hereby approved has been submitted to and approved in writing by the local planning authority based on the principles of sustainable drainage. The approved scheme shall be completed prior to the first occupation of the dwellings that it serves and shall be retained thereafter.

**Reason:** The submitted particulars have demonstrated that an appropriate scheme could be implemented but the details need to be agreed to accord with the provisions of the National Planning Policy Framework 2012

8. Before any of the dwellings hereby approved are occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification and layout previously submitted to and approved in writing by the local planning authority, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling and retained thereafter.

Reason: Access was not reserved for subsequent approval and this condition is required in the interests of the safety of the users of the public highway and the safety of the users of the site, 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.

9. No dwelling hereby approved shall be occupied until a travel plan has been implemented the details of which shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** A travel plan is reasonably required in the interests of environmental sustainability to ensure that the potential for sustainability provided by the public transport options on site is maximised and to accord with the provisions of the National Planning Policy Framework 2012.

10. The development shall only be undertaken in accordance with the archaeological monitoring detailed in the written scheme received on 2<sup>nd</sup> April 2014. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

### **Human Rights Implications:**

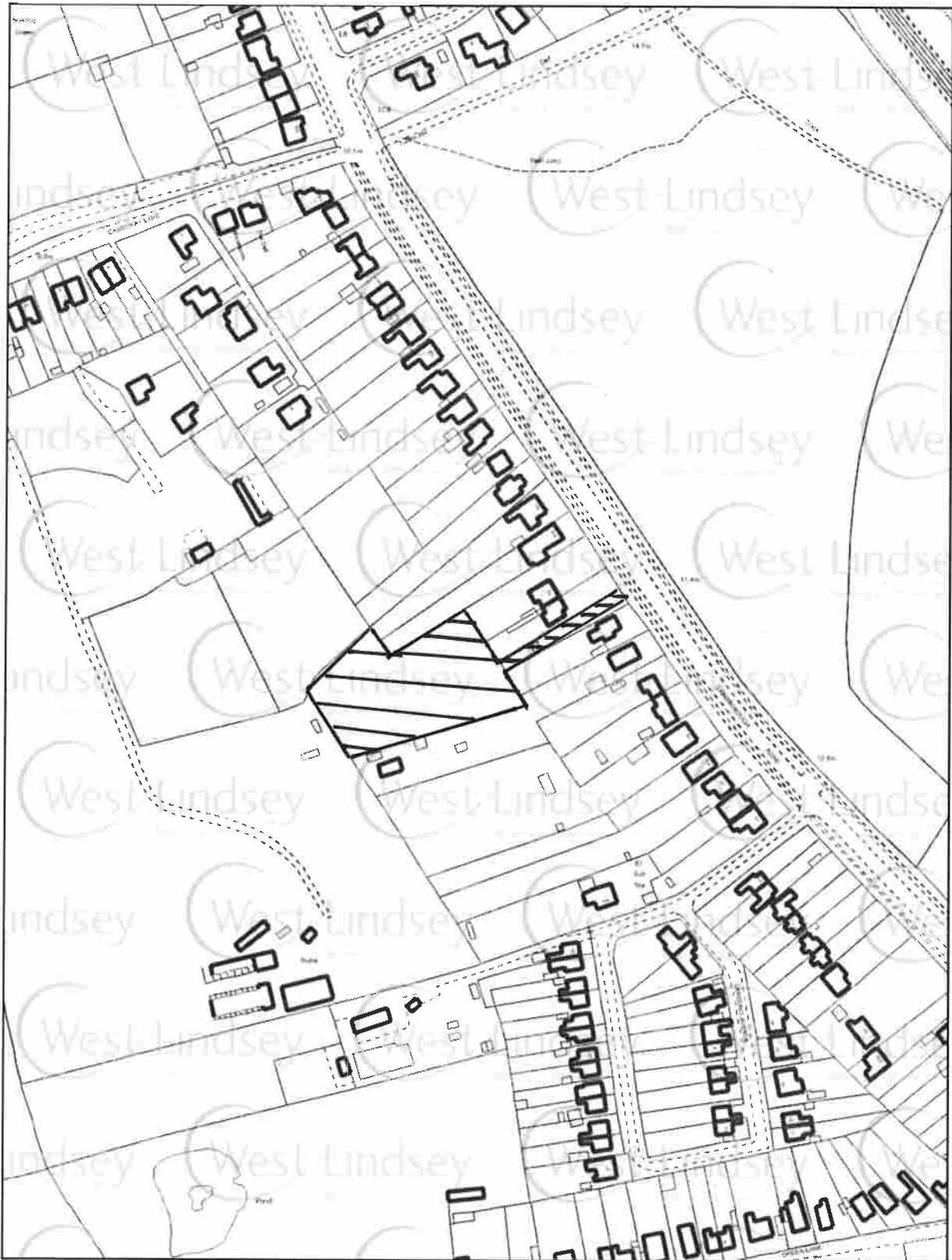
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



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## **Officers Report**

### **Planning Application No: 131364**

**PROPOSAL:** Outline planning application for erection of 4no. dwellings-access to be considered and not reserved for subsequent applications

**LOCATION:** 89 Gainsborough Road Lea Gainsborough, Lincolnshire  
DN21 5JJ

**WARD:** Lea

**WARD MEMBER(S):** Cllr Mrs J B Milne

**APPLICANT NAME:** Mr Carl Godley

**TARGET DECISION DATE:** 08/07/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

**RECOMMENDED DECISION:** To delegate authority to the Head of Development and Neighbourhood Services to grant permission subject to conditions and the signing of section 106 agreement securing the following:

**A contribution of £48434 towards the provision of affordable housing in Lea**

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#### **Description:**

The application site is an area of garden space to the rear of 89 Gainsborough Road, Lea. It is screened by a mix of soft and hard boundary treatments and shares boundaries with 87 and 91 Gainsborough Road. The land is set well back and below the level of Gainsborough Road and is currently accessed down the driveway to 89. The driveway to 89 runs adjacent its south elevation and in close proximity to the north elevation and rear garden space of 87 Gainsborough Road. The site sits within an area of great landscape value and a large proportion of the site is within flood zone 2.

The application seeks outline planning permission for the erection of 4 dwellings. Only the access is to be considered as part of this application and not reserved for subsequent applications.

#### **Relevant history:**

M05/P/0549 – Planning application to erect 3 houses and garages and form new road and erect extension and garage to 89 – Refused – 29/07/05 – Part Allowed/Dismissed – 21/03/06  
(Appeal No. APP/N2535/A/05/1190842)

M06/P/0719 – Planning application to erect one dwelling with garage/car port – Refused – 31/08/06 – Appeal Dismissed – 10/07/07



M06/P/0752 – Planning application to erect 3 dwellings and garages with road access (resubmission of M05/P/0549) – Refused – 31/08/06 – Appeal Dismissed - 10/07/07  
(Appeal No. APP/N2535/A/07/2036904 & APP/N2535/A/07/2037012)

**Representations:**

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

**Parish/Town Council/Meeting:**

- There are at least 14 properties up for sale in this area of Lea alone therefore there is no shortfall of housing within Lea.
- The lack of facilities demonstrates the lack of sustainability of the project. The new occupants would require a car for work, doctors etc.
- New houses will overlook the other existing and other new properties will lose their privacy.
- There will be an increase in traffic.
- Access will create noise and disturbance for existing residents. New properties are likely to bring at least 2 vehicles each.
- The development is still on the flood plain.
- The development if allowed will set a precedent for other property owners.
- This in an application that was refused in 2005 and 2006 and has since lost 2 appeals. It is our opinion that nothing as changed since and we strongly oppose it.

**Local residents:**

Representations received from 87, 91, 91a, 93 and 95 Gainsborough Road, Lea:

- No additional facilities have been added to Lea since the refused application in 2005 and 2006 therefore car use will still be required making the site an unsustainable location.
- The site is at risk of flooding as it is on a flood plain and has flooded 3 times since the 1930's.
- The site is a green field site not appropriate for residential development.
- The development will set a precedent, allowing further developments on land between the river and Gainsborough Road.
- There is no demand for housing in Lea with 15 properties up for sale of varying prices.
- The new access will impact on highway safety for all vehicles including waste collection vehicles.
- The access may not be wide enough for emergency vehicles and refuse collections.
- It will cause a loss of privacy to the neighbouring dwellings.
- It will cause noise and disturbance on the neighbours particularly the occupants of 87 who will be adjacent the access road.
- The reasons for the previously 2 refused applications still stand.
- Concerns over sewage drainage,

**LCC Highways:**

Requests that any permission given by the local authority shall include the conditions below:

- No objection in principle to the proposals. Access road will need to be a minimum of 4.5 metres in width for the first 10 metres and 3.7 metres in width thereafter.

Note: A maximum of 5 dwellings only to be served from a private drive. Please refer to Lincolnshire's Design Guide for Residential Areas.

**Environment Agency:**

This site is within flood zone 2 and the development is therefore covered by our national flood risk standing advice.

Further comments received on 17<sup>th</sup> September 2014:

Myself (Nicola Farr) and Paul Hands agree that the NPPF and Planning Practice Guidance intend our flood zones to be used to determine whether the sequential test is needed (see for example Table 3 of Flood Risk section of Guidance) but that the SFRA should be used to help compare sites while **applying** it. The Guidance on this topic links to our advice note, which echoes this in paragraph 2.4,

[http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/static/documents/Sequential\\_test\\_process\\_4.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/static/documents/Sequential_test_process_4.pdf). The example given reflects that most often the SFRA will be used to compare sites within the same zone (2 or 3) to refine the relative risk. However, the principle is to use the SFRA to compare risk at available sites.

This site is shown to be largely in Flood Zone 2 on our Flood Map, so the sequential test should be applied. However, the boundary in this area is a straight line, indicating that the degree of confidence in the detail is relatively low. The applicant is correct that the site is (just) outside of Zone 2/3 on the SFRA. The boundary is more curved so may more accurately follow the contours and likely flood flows – I cannot confirm this. When applying the test, you may therefore conclude that overall there isn't the evidence to say that the site is at higher risk than available sites in Flood Zone 1 (our map).

Paul is correct that we would not object to the application in principle, as in the circumstances the dwellings could be provided with an acceptable standard of safety. However, the sequential test should be passed before moving on to considerations of safety (part 2 of the exception test) - we leave this to the local planning authority to determine.

**Public Protection Officer:**

The environmental consideration report for planning app 131364 is fine and shows that sound levels from traffic utilising the access road should not be a significant noise problem for neighbouring properties.

Whilst the considered acoustic fencing is to be welcomed in further improving noise attenuation it will be of little value if it does not extend the full length of the boundary. It is apparent from the drawing that there will be a significant

gap in the mid-section of the boundary with 87 Gainsborough Road thus negating benefit from the fence. As discussed there should also be consideration for a similar full length fence along the boundary of 89 Gainsborough Road.

**Archaeology:** No objections

**Building Control:** No representations received to date

**Housing and Communities Project Officer:**

There will be a requirement of the housing on this proposal to be delivered as affordable housing. As this will amount to 1 unit it will not be practical in housing management terms for it to be delivered on site. Therefore in this instance as off-site contribution will be acceptable.

Based on West Lindsey SPG off site contributions for Affordable Housing (2010 update) the contribution equates to £48,434.

**Relevant Planning Policies:**

West Lindsey Local Plan First Review 2006(saved policies)

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>

STRAT 7 – Windfall and Infill Housing Development 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>

RES 1 – Housing Layout

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

RES 6 – Affordable Housing

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

CORE 10 – Open Space and Landscaping within Developments

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

NBE 10 – Protection of Landscape Character and Areas of Great Landscape Value

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

**The Core Strategy**

Draft Partial Central Lincolnshire Joint Core Strategy (2012)

This document has been withdrawn and will be replaced by the Central Lincolnshire Local Plan which is set to be adopted in 2016.

**National Policy**

National Planning Policy Framework (NPPF):

Chapter 6: Delivering a Wide Choice of High Quality Homes

Chapter 7: Requiring Good Design

## Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Other:

West Lindsey District Council Strategic Flood Risk Assessment (SFRA)  
Final Report - July 2009

<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=strategic+flood+risk+assessment&x=45&y=20>

### **Main issues:**

- Principle of Development  
*Sustainable Development*  
*Housing Supply*  
*Flood Risk*
- Access
- Neighbour Amenity
- Impact on Area of Great Landscape Value
- Housing Contribution

### **Assessment:**

#### Principle of Development

The application has been submitted to construct 4 dwellings on land to the rear of 89 Gainsborough Road, Lea. The previous appeal decisions are acknowledged, however the report will revisit the principle of the development and the proposed access (including the driveway). All other matters to be assessed at the reserved matters stage if outline permission is granted.

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.

The site is green field land and lies within the settlement of Lea and therefore policies STRAT 3, STRAT 7 and STRAT 9 are relevant to be considered.

Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

Therefore the strategic elements of saved policies STRAT 3, STRAT 7 and the whole of saved policy STRAT 9 cannot be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This current position is supported in paragraph 31 of a recent planning appeal (APP/N2535/A/13/2207053) for housing at land west of Ryland Road, Dunholme.

*Sustainable Development:*

A presumption in favour of sustainable development is a key objective of the NPPF. This is a recurring theme of the NPPF and particularly stated in paragraph 14.

*Housing Supply:*

The supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that “until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public.” The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years’ supply. The provision is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision. This undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years’ deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight given the context of paragraph 29 of the NPPF. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement.

In this context, there should be a presumption in favour of housing development, even within the areas outside of the principal urban areas and the primary rural settlements, provided that the development is delivered early (a condition can secure an earlier than normal commencement), sustainable and is acceptable when considered against other material planning considerations.

The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the Core Strategy is only afforded very limited weight itself, policy CL6 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and are consistent with principles of the NPPF itself

*Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)*

Lea is connected to and has a close relationship with the Town of Gainsborough. The site is within the built up area of Lea and the Town Centre is only 1.4 miles from the site. To the front of the site are well lit pedestrian footpaths on both sides of the road meaning the town centre is approximately a 30 minute walk away and has excellent access to regular public transport.

*Accessible and well related to existing facilities and services (social and environmental sustainability)*

The village of Lea includes a primary school, recreational park with children's play area, Village Hall, Methodist Church, Church of St Helen's and an off licence which is susceptible to ceasing trading and reopening again. The nearest supermarket 0.8 miles away.

*Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability)*

The site is on the main road to Lincoln and Gainsborough and there is a frequent bus service running along this road. The nearest railway is in Gainsborough approximately a mile away

*Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)*

The level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities

*Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)*

The land is private garden land

*Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)*

On initial assessment of West Lindsey's mapping system and in light of the Environment Agencies (EA) response it was considered that the site sits within Flood Zone 2. Therefore in this case the site is potentially inappropriate for development and as specified in paragraph 100 of the NPPF the sequential test must be applied and passed.

Paragraph 101 of the NPPF states:

*'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'*

After discussion the applicant contested the flood zone 2 status and it was formally agreed to extend the time limit of the application to allow time to submit evidence to support this opinion. One of the discrepancies is the lack of consistency between the EA maps and the SFRA. The EA maps show the site in flood zone 2 and the SFRA shows the site as adjacent flood zone 2.

On receipt of the additional supporting evidence it was referred to the EA for a more detailed and specific comment to confirm their stance. In summary there are a number of crucial statements made in the EA response:

- Although the site is within flood zone 2 according to EA maps it is clear that the EA have low confidence in this detail and the SFRA is potentially more accurate.
- The EA would not object to the application in principle, as in the circumstances the dwellings could be provided with an acceptable standard of safety. However, the sequential test should be passed before moving on to considerations of safety (part 2 of the exception test).
- When applying the test, you may therefore conclude that overall there isn't the evidence to say that the site is at higher risk than available sites in Flood Zone 1 (our map)".

It is therefore considered that as the EA have little confidence in the accuracy of their maps and in their words declare that there isn't the evidence to say that the site is at a higher risk than available sites in Flood Zone 1 and it would not be appropriate to expect the sequential test to be passed or even applied.

Therefore in line with the approach from the EA the site is appropriate for housing as appropriate mitigation measures could be incorporated to provide an acceptable standard of safety from flooding.

After weighing up all the considerations and the expert advice it is considered that the principle of this application is acceptable.

*Generally consistent with economic, environmental and social sustainability*

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This particular site meets criteria ii as the population of Lea is below 3,000 and the proposal intends to construct 4 dwellings.

As stated by the Housing and Communities Project Officer this will amount to the inclusion of 1 unit but it will not be practical in housing management terms for this to be delivered on site. Therefore in this instance an off-site contribution will be acceptable and based on West Lindsey SPG off site contributions for Affordable Housing (2010 update) the contribution equates to £48,434.

This suggested contribution will need to be legally agreed through a signed Section 106 agreement. This document will provide details on the amount and timings or trigger points of the contribution or contributions.

The payment of the off-site affordable housing contribution has been agreed in writing by the applicant in email dated 24<sup>th</sup> September 2014.

It is therefore considered that the proposed site is within a sustainable location

Access

The submitted plans have included the position and dimensions of the access and the outline of the road to the proposed 4 dwellings.

The proposed access will be situated in the same location as the existing access to 89 Gainsborough Road. The Highways Authority has no objection in principle to the proposals but requested that the access road to be a minimum of 4.5 metres in width for the first 10 metres and 3.7 metres in width thereafter.

The site plan dated 13<sup>th</sup> May 2014 meets the 4.5 metre requirement but does not meet the 3.7 metre requirement for the rest of the access road. The middle section of the access road only measures 3.2 metres but there is adequate enough room to extend this section of the road to 3.7 metres.

The applicant has confirmed in writing (email dated 14<sup>th</sup> September 2014) to meet to the above access road width requirements and an appropriate condition will be attached to the outline planning permission.

Neighbour Amenity

The position of the access road will be close to the south east elevation of 89 Gainsborough Road, the north west elevation of 87 Gainsborough Road and their garden spaces. The applicant has submitted an environmental consideration report using specialist advice to support his case that the use of



the driveway will not cause unacceptable noise disturbance to the neighbours. It states the following noise levels:

Vehicles (9,000 per day) using the A156 at 40mph	=	80 decibels
Normal conversation	=	60 decibels
Vehicles (approximately 17-34 per day) using the access road at less than 15mph	=	Less than 55 decibels

The predicted noise levels will therefore be lower than normal conversation without any mitigation measures installed. The proposal has included the installation of acoustic fencing in two sections along the shared south east boundary with 87 Gainsborough Road. This will reduce the level of noise by a further 13.6 decibels.

The noise levels in the environmental report have been checked and established to be fine by a West Lindsey Public Protection Officer. The officer went further to state that the 'sound levels from traffic utilising the access road should not be a significant noise problem for neighbouring properties'. It is therefore considered that the noise levels are accurate and the predicted noise levels are acceptable.

I do have concerns that the acoustic fencing is limited to two sections along the boundary shared with 87 Gainsborough Road. In my opinion the acoustic fencing should be installed the full length of both sides of the access drive to reduce the noise impact on each neighbour. This opinion is further supported by the public protection officer.

The applicant has confirmed in writing (email dated 14<sup>th</sup> September 2014) to install the suggested acoustic fencing and an appropriate condition will be attached to the outline planning permission.

#### Impact on Area of Great Landscape Value

The impact of siting 4 dwellings on the area of great landscape cannot be assessed as the scale, appearance, layout and landscaping details have not been submitted with this application.

#### **Conclusion and Reason for Decision:**

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, RES 1 Housing Layout, RES 6 Affordable Housing, CORE 10 Open Space and Landscaping within Developments and NBE 10 Protection of Landscape Character and Areas of Great Landscape Value of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework Chapter 6 Delivering a Wide Choice of High Quality Homes, Chapter 7 Requiring Good Design and Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. The proposed dwelling depending on design will not harm the street scene or the Area of Great Landscape Value. The site is in a location with limited facilities but Lea has a close connection with

Gainsborough through public footpaths and public transport. The site is therefore considered as sustainable as the future residents will be able to take advantage of numerous services. The proposal will not have an adverse impact on highway safety and the access road will not have a significant impact on residential amenity with the inclusion of appropriate acoustic fencing. On assessment and after consideration of the Environment Agency comments the site is not considered as having a high risk of flooding providing appropriate mitigation measures are incorporated to meet acceptable safety standards. Therefore a grant of planning approval is considered appropriate.

**Recommendation:**

**To delegate authority to the Head of Development and Neighbourhood Services to grant permission subject to conditions and the signing of section 106 agreement securing the following:**

**A contribution of £48434 towards the provision of affordable housing in Lea**

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the appearance, layout and scale of the building(s) to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development shall take place until details of a scheme for the disposal of foul/surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

5. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review June 2006.

6. No development shall take place until details (including the colour) of the position, type and height of the acoustic fencing have been submitted to and approved by the Local Planning Authority.

Reason: To protect the amenity of the adjacent neighbour's from undue noise to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

7. The development shall be carried out only using the details approved in condition 2, 4, 5 and 6 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. The proposed access road shall be 4.5 metres in width for the first 10 metres from the access from the A156 and at least 3.7 metres in width thereafter. It shall thereafter be retained and maintained.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site 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:**

9. Construction work shall only be undertaken between the hours of 7am and 6pm Monday to Friday and 7am to 1pm on a Saturday and not on a Sunday or Bank Holiday

Reason: To preserve residential amenity in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006

10. The development shall not be brought into use until the surface water drainage as approved under condition 4 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

### **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



REV	COMMENTS	DATE	BY
B	PLOT 3 AND STORE REMOVED	08/14	BSC
A	ROAD NAME ADDED	02/14	BSC

W. LINDSEY DC  
 PLANNING  
 21 AUG 2014  
 131768  
 VALID

DEVELOPMENT: PROPOSED HOUSING  
KIRKBY  
SITE LOCATION PLAN

**Truelove Property & Construction Ltd**  
- established 1968 -

4A Eastgate, Lincoln, LN2 1QA  
Tel: 01522 526979  
Fax: 01522 527599  
[www.trueloveproperty.co.uk](http://www.trueloveproperty.co.uk)

SCALE (A4): 1:1250  
DRAWN BY: BSC  
DATE: JANUARY 2014  
DRAWING NO: TL-017-13-22B

## **Officers Report**

### **Planning Application No: 131768**

**PROPOSAL: Planning application for erection of two live work units consisting of two dwellings with garages with work space above. Resubmission of Planning Application No.130937**

**LOCATION: Land off Church View Kirkby Cum Osgodby Lincs LN8 3PH**  
**WARD: Middle Rasen**  
**WARD MEMBER: Councillor Wiseman**  
**APPLICANT NAME: Brant Clayton (Truelove Property Limited)**

**TARGET DECISION DATE: 16/10/2014**  
**DEVELOPMENT TYPE: Minor - Dwellings**

**RECOMMENDED DECISION: Refuse permission**

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#### **Description:**

This outline application seeks permission to erected two detached dwellings with associated live work units at the above site. Matters under consideration include: access, layout and scale. The application is a resubmission of planning application 130937 which was refused by this committee on 23<sup>rd</sup> July 2014.

The two dwelling proposed would front the highway and be detached in nature. Two storeys in height, the dwellings would have four and five bedrooms respectively. The live work units would be two storey detached buildings to the outer sides of the site. These would consist of a domestic garage at ground floor with an office above. Access would be to the highway via two distinct driveways.

The application site is within the open countryside immediately to the west of the village of Kirkby. The application site is approximately 1710 sq. m in area and directly adjoins the village. Fronting High Street, ground levels fall to the north. The site has a 3m plus high hedge to the road side with access via field gate to High Street. A pathway is positioned to road side giving access to Kirkby and Kingerby. To the east of the site is a semi-detached dwelling with a garage to the side/rear. Opposite the site, south, across the road and to the north are further agricultural fields. Further to the west is a large three storey detached dwelling, Beech House, grade II listed, whilst to the south west is Kingerby Manor another grade II listed building.

#### **Relevant history:**

130937 Outline planning application to erect 3no. detached dwellings, to include 2no. live-work units, additional annex to one dwelling and materials store building for fencing business, together with associated garages and

infrastructure. Access, layout and scale to be considered and not reserved for subsequent applications. Refused 23<sup>rd</sup> July 2014

### **Reasons for refusal**

1. The proposed residential/ commercial development would be located within an unsustainable and isolated location, where future occupiers would not have access to essential services without the use of a motor vehicle. Without an overriding defined local need, it is not deemed essential to locate this development at the application site and is considered contrary to the principles of sustainability contained within the provisions of the National Planning Policy Framework 2012.
2. The proposed development would close a small area of open countryside eroding the traditional visual gap between Kirkby cum Osgodby and Kingerby which would detract from the character of the area, create a ribbon development and detract from the setting of listed buildings contrary to saved Policies STRAT1, STRAT13, NBE20 of the West Lindsey District Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 which seeks to protect heritage assets.

### **Representations:**

Ward member: The ward member objects and requests that the application be dealt with under delegated powers. Refusal reasons should be the same as 130937.

Parish Council: The Parish Council objects on the grounds that the site is positioned within open countryside and would detract from the character of the area. The land is not allocated for any building within the Local Plan. Kirkby is allocated within the Local Plan as a small rural settlement which is unsuitable for further development. The area is also an important archaeological site. The NPPF seeks to protect heritage assets. The proposal would compromise the setting of listed buildings. The live work units do not meet the size requirements for this type of development. The lack of office floor space is a sign that the proposals are really for residential accommodation and the business use would be part time. The proposals would require motorised transport which would be contrary to sustainable principles. There are other more appropriate locations including brown field sites within Osgodby. Kirkby and Kingerby were excluded as the settlements were considered too remote. Drainage is at capacity and the highway is unsuitable for additional traffic.

Local residents: Kingerby Hall Kingerby; Afton House, Belmont, Chelsea Reach, Heathercroft, Paths End, Pebbles, Summerlede, Kirkby cum Osgodby: Residents have the following objections which they wish to be taken into account: The site's address is incorrect and proposals should be withdrawn. Certain councillor's declared an interest at the last committee and then proceeded to take part in the proceedings this should not be the case.

The village has few facilities for residents and is not suitable for further development. Two dwellings would have little impact on reducing housing need in West Lindsey. No needs assessment for housing has been provided to justify the proposal. There are plenty of other infill sites within Osgodby where development could go rather than developing this important final open field between Kirkby and Kingerby. The development would set a precedent for further development. Proposal for business use would destroy the peaceful character of the area and detract from residential amenity. Privacy would be reduced as a result of the position of the live work units. The road is not suitable for additional traffic being single track only. Proposal would erode the gap between settlements and would detrimentally impact on listed structures and archaeological sites. The proposal would result in the loss of agricultural land. Proposals by the applicant for wind turbines and now housing shows that the key issue in this venture and others is profit.

#### LCC Highways: Request conditions

Archaeology: The proposed development is within an area of archaeological remains associated with the medieval settlement of Kingerby. At the time of the Domesday Survey (1086AD) there was a church with a priest, a mill and a minimum population of 33 heads of household. A variety of archaeological artefacts have been found in the vicinity including Roman coins, Anglo-Saxon brooches and medieval coins and artefacts.

The proposed development site is now part of an arable field and therefore the earthworks associated with the settlement have already been levelled, but there will remain significant sub-surface archaeological remains. The proposed development will impact on these remains.

It is recommended that conditions be imposed on any grant of permission to ensure that the site is investigated thoroughly.

In response the application is determined only on material planning considerations. The actions of Councillors are not a matter for this report. Equally the applicant previously confirmed that the address given is correct. The reason for the application, whether or not it is for profit is not a material consideration.

#### **Relevant Planning Policies:**

West Lindsey Local Plan First Review 2006 (saved policies - 2009) – This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework states that due weight should be given to relevant policies in existing plans 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). The site is considered to be within the “open countryside.” Therefore, the relevant policies to be considered for their consistency with the NPPF are:-

STRAT1: Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>



STRAT3: Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT8: Windfall and infill housing developments in small rural settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat8>

STRAT12: Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

RES1: Housing layout and design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES6: Affordable housing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

NBE8: Historic Parks and Gardens

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE20: Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

### National Planning Policy Framework (NPPF)

The NPPF indicates a presumption in favour of sustainable development and instructs decision makers to “approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF also notes that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In particular it notes that the sustainable growth of all types of business and enterprise in rural areas should be supported through conversion of existing buildings and well designed new buildings.

The NPPF seeks to significantly boost housing supply and authorities should ensure a 5 year supply of readily available land. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date, however, if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

To promote sustainable development in rural areas, the NPPF notes that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities, it states, should avoid new isolated homes in the countryside unless there are special circumstances to support such decisions. This includes:

- an essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

The NPPF underlines that design is an important consideration in determination of applications. Permission, it notes, should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Finally, the NPPF seeks local planning authorities to 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.

## **Main issues**

- Principle of housing in this location
- Character, design and heritage matters
- Highway safety and drainage
- Residential amenity
- Other matters

## **Assessment:**

### **Principle of housing in this location**

Central Lincolnshire does not currently have a 5 year supply of readily available housing land. This shortfall is significant and is a material consideration in the determination of residential planning applications. Without a 5 year supply of housing land the provisions of the NPPF take precedence over the saved Local Plan policies. As such there is a presumption in favour of sustainable housing development. The proposal, therefore, has to be assessed with respect to this provision.

Kirkby is noted within the Local Plan as a small rural settlement which supports only limited services and facilities. Kingerby is not mentioned as it is only a small hamlet and is classified as open countryside within the saved policy STRAT3. Although the detailed strategic classification of settlements within both STRAT3 and STRAT8 are no longer consistent with the NPPF their general focus on the sustainability does conform to the Framework. Kingerby does not have any facilities or services (including public transport) whilst Kirkby has a school it would not meet sustainable goals as residents have to travel to access basic life facilities and services indeed even the village shop has closed. As such it is considered that the villages of Kingerby and Kirkby are inherently unsustainable and new housing development should not be located here.

Exceptions to this policy stance are provided within policy RES7 which has a level of consistency with the NPPF. The exceptions noted include the provision of affordable housing or individual proposals which seek to meet a specific local need within the existing community as opposed to catering for inward migration. In particular it seeks to enable those people with a strong local connection to a particular settlement to remain living there.

The proposal does not provide affordable housing. One of the dwellings would be sold on the open market, albeit to fund the principal residence. As with the previous application the other dwelling would be used by the owner of a fencing/ sand school and farm contracting business. Unlike the previous application any machinery or materials associated with the business would be placed within existing local farm buildings elsewhere. The future owner of these properties would, however, use one of the rooms above the garage (in one of the live/work units) as an office. The relocation of the main business limits the need to construct dwellings within this specific location reducing the justification for the proposal on essential employment grounds.

Equally, the family of the potential purchaser of the site currently lives within the Swallow area and has no specific ties to Kirkby except for the sand school business/ agricultural contracting business, which operates across Lincolnshire. The choice of this site therefore appears to be principally based upon the opportunity for purchasing the land from the applicant. Such a situation does not, on the face of it, represent sufficient connection to the area and a reason for granting permission in this inherently unsustainable location.

The applicant also notes the purchaser's grandson's business providing employment for locals and businesses. This includes the supply of labour, plant and machinery and materials along with the creation of sand schools

and ménages. General contracting includes the cutting/ topping and bailing of straw/hay, construction and maintenance of fencing/ hedging, ploughing, sowing, muck spreading, spraying of crops and harvesting along with general farm labouring.

The NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Limited detail as to the need for the business to be located in Kirkby other than friendship and contractual ties to the applicant's farm. No significant detail has been provided as to the financial vitality of the business or any specific need to be physically located within Kingerby/ Kirkby.

Equally the live work units would include an office area above the detached garage. The gross floor area of each unit equates to 50 sq. metres which represents approximately 18% of the floor area of the smallest dwelling and slightly less for the larger property. The applicant also offers no guarantees to ensure such areas are retained for business use. Whilst such offices could provide additional working environment for future occupants, it is of a size that could equally be provided within an existing residential dwelling (spare room or garage). This indicates that the need for a purpose built dwelling with a live work unit would not fulfil an essential need nor provide a significant advantage for the village. In principle, therefore, the proposal represents a departure from the Local Plan and National Planning Policies and would if approved make it difficult for the Local Planning Authority to resist similar proposals elsewhere.

### **Character, design and settlement break**

The application site is positioned within the open countryside between the village of Kirkby and the hamlet of Kingerby. The location is not a designated settlement break in the Local Plan, but this 225m gap of open farmland is prominent and forms a distinct end to the built environment of Kirkby. Saved policy STRAT13 is not confined to designated settlement breaks and it is noted from a recent appeal decision at Ryland Road, Dunholme that each case should be considered on its own merits with respect to the impact an encroachment into an open gap would have on the character of an area.

This application differs from the previous proposal as a third dwelling and associated industrial unit have not been included within the submission. The proposal would now directly adjoin the existing village but would continue extend into the open gap by 45m, one fifth of the total size of the gap (previously this amounted to a reduction in open space by one third). Such an encroachment, along with the two storey scale of the buildings would increase the presence of ribbon urban development between these two distinct settlements closing the open gap. Whilst the reduction in development is welcomed it is still considered that remaining 180m would be insufficient to maintain the distinct nature of these two settlements. The nature of the hedging as a screen is noted but this would be ineffective in maintaining the appearance of open countryside due to the position and nature of the two storey designs, the frontage position of the houses and the potential pressure

to remove or at least reduce the height of the hedge by future occupiers. The proposal would therefore demonstrably harm the countryside character effectively leaving such a small gap between Kingerby and Kirkby that the individual identity of the settlements would be lost contrary to saved Policy STRAT 13.

The proposals would also extend along the road in a ribbon design which again would erode the original character of the village detracting from its character and settlement around the historic Church of St Andrews.

It is noted that the applicant and objectors note the potential for future development on the remaining land but this is conjecture at this time and would in any case be the subject of a future planning application.

### **Setting of heritage assets**

The site is close to Kingerby Hall and grounds a grade 2 listed building and registered historic park and garden. The grade 2 listed Beech House and grade 1 listed St Peter's Church are also within close proximity to the application site. Historically these areas would command a prominent position away from the general villages to which they are associated. The proposals would therefore erode their setting by effectively linking the village to the hamlet of Kingerby and the grounds of the hall contrary to NBE8 and the provisions of the NPPF.

Matters of scale and layout are under consideration but appearance is reserved despite indicative elevations being provided. The scale and layout are suburban in character with large detached properties fronting the site which is not a characteristic of the village. The significant scale of designs, lack relief and suburban layout with significant garaging/ driveways are more appropriate to an urban area rather than a village location and would be contrary to saved Policies STRAT1 and RES1 of the Local Plan.

### **Highway safety**

Many of the objections received raise concerns over highway safety due to the nature of the highway, the position of the access points and general increase in traffic. The proposals have not, however, generated any objection from the county highways authority indeed they have requested conditions subject to a recommendation for approval.

The highway is currently utilised by large farm vehicles and, although narrow, has a grass verge and a footpath linking it to Kirkby reducing safety concerns. The access would be sufficient distance from the bend in the highway to ensuring sufficient visibility of passing traffic which would allow safe access/ exit to and from the site.

Whilst the live work units proposed are noted, these along with the erection of two dwellings would not generate levels of traffic that would create unacceptable traffic flows. Similarly, driveways to properties could

accommodate approximately 8 cars; more than sufficient to cope with demand.

### **Floor risk and drainage**

Concerns have been raised with respect to drainage. The site is not within Environment Agency designated flood risk zone 1 and therefore the preferred location to site more vulnerable uses; the development passes the Sequential Test detailed in the NPPF.

No objections have been received from Environmental Protection officers on this matter; the site is not recorded as having drainage problems. The detailed consideration of this matter can be adequately dealt with at reserved matter stage to ensure a technical solution can be found.

### **Residential amenity**

The plots are located to the west of existing houses at Kirkby but would be sufficient distance to dwellings to protect residential amenity in terms of scale, massing, light and sunlight. Traffic generation, noise and nuisance for the live work units would not be significant given the detached nature of the designs. Landscaping to the development is a reserved matter but could nonetheless be utilised to further protect residential amenities.

### **Other Matters**

The objectors to the scheme have outlined concerns that future phases of the scheme would cause significant traffic concerns. The current application is for the development outlined and future phases are not under consideration and would be assessed through a separate application.

The Natural England Stewardship Scheme is not a material planning consideration but the applicant has indicated the site's inclusion into the scheme is to be reviewed towards the end of the year.

Finally, the applicant has confirmed the address of the development and officers placed a site notice opposite the plot to publicise the proposals.

### **Conclusion**

Whilst assisting, in a very minor way, to meet the housing land shortfall within the district, the site is located unsustainably adjoining a small rural settlement where access to most life services would require the use of a motor vehicle. Without sufficient overriding justification, it is not considered that there is a reason to approve a development within a highly unsustainable location.

In addition to this, the siting of the development within countryside adjoining two settlements would lead to the coalescence of Kirkby and Kingerby which would detract from the traditional character of both areas and detract from the

setting of a group of listed buildings contrary to both Local Plan policies and the provisions of the NPPF.

#### Reasons for refusal

1. The proposed residential/ commercial development would be located within an unsustainable and isolated location, where future occupiers would not have access to essential services without the use of a motor vehicle. Without an overriding defined local need, it is not deemed essential to locate this development at the application site and is considered contrary to the principles of sustainability contained within the provisions of the National Planning Policy Framework 2012.
2. The proposed development would close a small area of open countryside eroding the traditional visual gap between Kirkby cum Osgodby and Kingerby which would detract from the character of the area, create a ribbon development and detract from the setting of listed buildings contrary to saved Policies STRAT1, STRAT13, NBE20 of the West Lindsey District Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 which seeks to protect heritage assets.

#### **Human Rights Implications:**

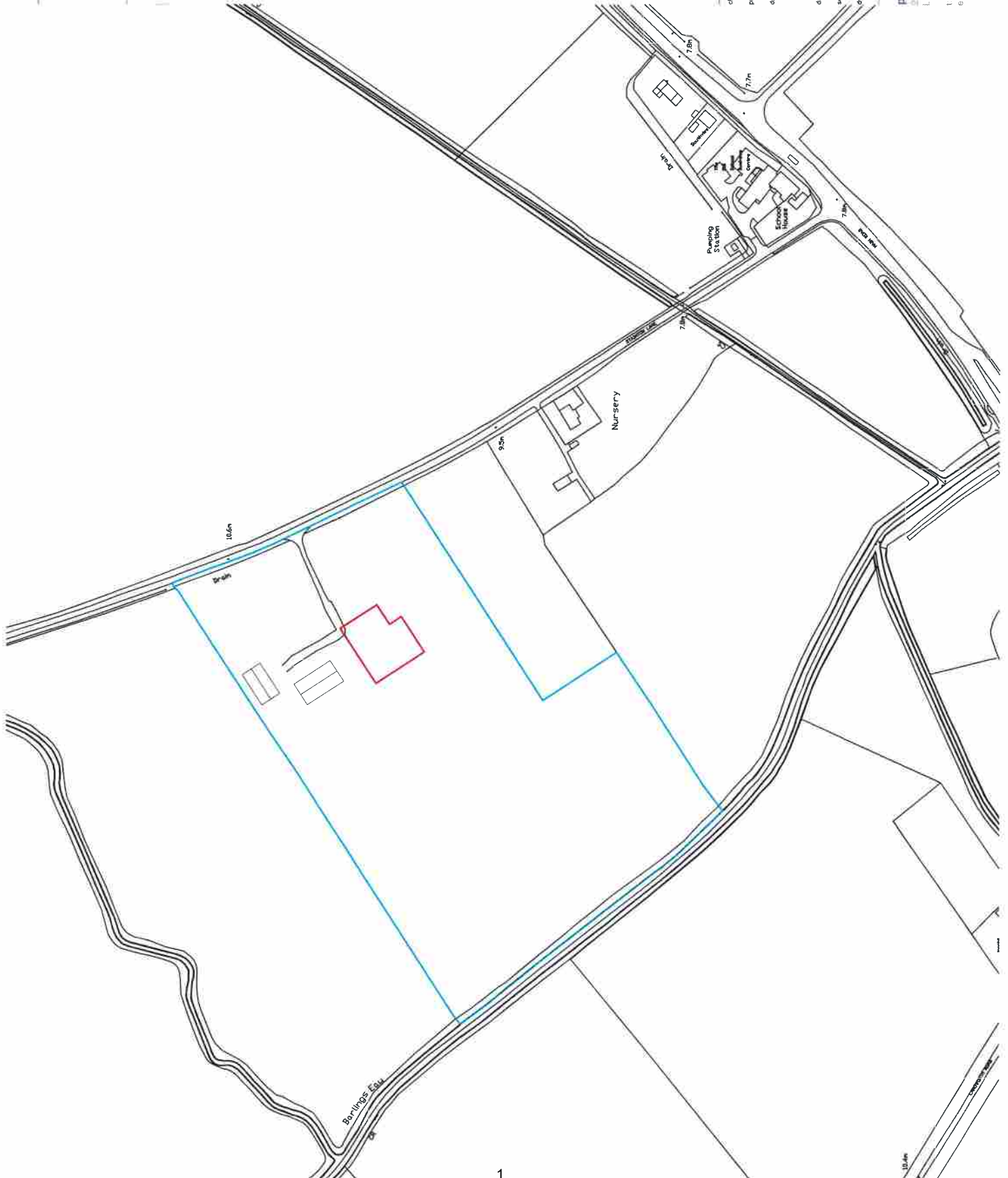
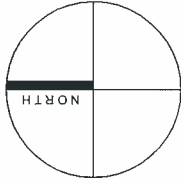
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

**Notes**  
 Dimensions to be verified on site. Figures/notations to take precedence over drawings. All discrepancies to be clarified with project Architect.  
 Orthographic Survey method to be used with the permission of The Controller of the HANCO, © Crown Copyright/AIR 159670.  
 © place architecture

Revisions		Text
Rev	Date	
A	19-07-2013	Site Boundary Amended
B	10-02-2014	Site Boundary Amended



# EXISTING

client	Mr & Mrs Siddans
project	New House, Stainton by Langworth
drawing	Site Location Plan
date	May 2013
scale	1/2500 @ A3
dwg. no.	P476 - E001B



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## **Officer's Report**

### **Planning Application No: 130189**

**PROPOSAL:** Planning application for erection of a two storey agricultural dwelling

**LOCATION:** Land at Stainton Lane Near Stainton By Langworth Lincoln  
Lincolnshire

**WARD:** Fiskerton

**WARD MEMBER(S):** Cllr Darcell

**APPLICANT NAME:** WPD Holland & Son, Walk Farm, Newball

**TARGET DECISION DATE:** 13/09/2013

**DEVELOPMENT TYPE:** Minor - Dwellings

**RECOMMENDED DECISION:** Grant permission subject to conditions

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#### **Description:**

The site is located within open countryside between the village of Stainton by Langworth in the north and the A158 to the south. It sits on slightly raised ground level and for that reason is designated Flood Zone 1, with some land directly adjacent being Zones 2 and 3. Access into the site exists and is gained from Stainton Lane.

The site consists of agricultural land which currently hosts two agricultural buildings, but also planning permission granted for a third on the site. It is predominantly open in nature with low level boundary treatments to all aspects. Agricultural land sits to the north, east and west, while a parcel of paddock land and associated stable block abuts directly to the south, with an individual residential property set beyond.

The application seeks permission to erect a two storey detached agricultural workers dwelling for Mrs and Mr Siddens and their family, who are the daughter and son in law of the Mrs Holland of WPD Holland and Son of Walk Farm Newball, currently residing at South View, Stainton by Langworth.

#### **Relevant history:**

128338 – Agricultural determination for cattle shed - PANR

128342 – Agricultural determination for agricultural store - PPR

128445 – Planning application to erect agricultural store - GC

130482 - Planning application for erection of livestock and multi-purpose agricultural shed - GC

## **Representations**

**Chairman/Ward member(s):** Councillor Darcel requests application is determined at planning committee due to no proven need for an agricultural workers dwelling and residential amenity issues.

**Parish/Town Council/Meeting:** Object to the proposal

- No justification for the dwelling. The applicants already have an established business in Newball and an associated dwelling only 1 mile from the proposed site.
- Concerns in relation to the development and future growth of this business.
- Residential amenity issues
- Infringement of agricultural dwellings act
- Visible on the skyline

**Local residents:**

The Bungalow, Stainton Lane, Langworth Objects to the application:

- Detrimental impact on residential amenity
- Other suitable locations
- No necessary need

Manor Farm, Lissington

- Supports application in enhancing the area in a positive way and bringing younger people into agriculture.

Westhall Farm, Welton

- Supports the proposal in safeguarding and developing the Lincoln Red breed
- The development would allow an increase in the size of herd while allowing the highest level of animal care is available.

**LCC Archaeology:** No objections/comments

**Building Control:** Principle of Drainage strategy is ok subject to size of soakaways and drainage field being determined by percolation test.

**LCC Highways:** Supports application subject to conditions

- The access is currently constructed in a loose bound material, and should be improved in accordance with the recommended conditions.

**Witham Internal Drainage Board:**

- Details and clarification of surface water discharge/drainage required and in accordance with Part H of the Building Regulations

**WLDC Environmental Protection** (130482 relating to the provision of an additional agricultural livestock and general storage barn): The nearest neighbouring property is located some 230 metres away from the proposed development and south east directionally. Given the distance involved and prevailing winds being south westerly, odour from the development should not be an issue.

### **Relevant Planning Policies:**

#### **Development Plan**

- **West Lindsey Local Plan First Review 2006 (saved policies - 2009).**  
This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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). The site is in the open countryside. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

STRAT 1 – Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12 – Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

RES 10 – Agricultural and forestry housing requirements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res10>

CORE10 – Open Space and Landscaping within Development  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE 14 – Waste Water Disposal  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

#### **National policy**

- **National Planning Policy Framework 2012**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)
- **National Planning Practice Guidance 2014**  
<http://planningguidance.planningportal.gov.uk/>

#### **Main issues**

Principal, including size of dwelling  
Visual Amenity  
Flood risk and drainage  
Residential Amenity  
Highway Safety

**Assessment:**

**Principle:**

The National Planning Policy Framework sets out a presumption in favour of sustainable development – economically, socially and environmentally. The core principles recognise the intrinsic character and beauty of the countryside, while seeking to support the rural economy and thriving rural communities within it.

Paragraph 55 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It advises that new isolated homes in the countryside should be avoided unless there is special circumstance such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph 28 of the Framework seeks to support the sustainable growth and expansion of rural business; and the development and diversification of agriculture.

Saved Local Plan Policy STRAT 12 relates to development within the open countryside and seeks to resist development in these locations unless it is essential to the needs of agriculture, horticulture or other land uses which necessarily require a countryside location. Similarly RES 10 relates to new dwellings within such locations and indicates that such development will only be permitted for agricultural or forestry workers where criteria are met. This policy approach was also considered to be consistent with the provisions of the NPPF in planning appeal APP/N2535/A/12/2186890 determined in April 2013 and policy RES10 is afforded significant weight accordingly.

The criteria set out in RES 10 are therefore considered appropriate in assessing whether a proposal can be considered essential and consequently the assessment will consider each individual criterion of Policy RES 10.

*Criterion i. A dwelling and its proposed siting on an agricultural or forestry holding are essential to the efficient and operational running of the enterprise.*

The farming business of WPD Holland and Son Ltd are based at Walk Farm and comprises a mixed farming enterprise of arable cropping, dairy heifer rearing (under contract), suckler cow beef enterprise, turkey rearing (under contract) and some agricultural contracting.

All of these enterprises generate a requirement for labour which the applicant has stated is estimated to be 5.3 full time workers in 2013/2014 rising to 6.1 full time workers in 2015/2016. Currently the only resident of Walk Farm is Mrs J Holland; all employed staff, live off-site in private accommodation and travel in daily.

The applicant's essential need for an additional agricultural workers dwelling away from Walk Farm arises from the expansion of the Lincoln Red suckler cow enterprise, the risk of disease transmission between the two groups of cattle (Dairy and Reds) and additional animal welfare needs.

It is due to these specialised circumstances, the risks involved and associated operational management requirements that the LPA have employed ADAS to carry out a specialist and independent advice, in which this report draws upon their assessment and findings. The ADAS report is appended to this report.

It is the applicant's case that the operation of the dairy heifer rearing enterprise alongside the suckler cow enterprise is incompatible, due to the risk of disease transmission between the two groups of cattle. In this regard it is noted that the dairy heifers are reared under contract to Cranes of Stixwold and are from a "closed herd". i.e. breeding is confined to within the herd and no new cattle are introduced, thereby reducing the risk of introducing infectious diseases. The Lincoln Red suckler herd on the other hand is not a "closed herd" due to the requirement to increase herd size with the introduction of additional breeding stock and bloodlines.

The applicant has also advised that there has been a number of recent health scares including potential BVD and TB cases. Should any animals have tested positive to TB then both herds (Dairy and Reds) would have been placed under a "no movement order". This would have had serious implications for both herds but especially to the Dairy heifers being prevented from returning to the dairy herd; a concern also evident within a letter from WS Crane, who emphasise the importance of biosecurity within their herd and the risk of this being compromised by the proximity of their dairy heifers to the suckler cows at Walk Farm.

It is however noted that the dairy heifer rearing enterprise has been in operation since 2004 and the suckler cow enterprise was established on the farm in 2009. It is therefore the case that the two enterprises have been operating from Walk Farm for a period of some 4 years. Consequently it is reasonable to ask what has changed in this time to now necessitate a need for the separation of the two herds on grounds of biosecurity when none was previously necessary.

The applicant has stated that the suckler cow enterprise has grown in numbers over this period, as the herd has been established, and therefore occupying more buildings at Walk Farm; consequently making it increasingly difficult to afford any physical separation between the two herds (Dairy and Reds). This coupled with the recent health scares are said to have resulted in the essential need to separate the two herds.

It is with such risk and specific operational matters that the LPA refer to the specialist independent advice from ADAS in assessing the validity of this requirement. Their report in addressing this matter confirms that they consider that it is practically impossible to maintain adequate biosecurity whilst the two

herds are accommodated in adjacent buildings and there needs to be a physical separation between them of some distance. Consequently it is their specialist opinion that there are sound practical and financial reasons why it is beneficial to maintain a physical separation between the two herds in order to maintain adequate biosecurity, an opinion shared by their veterinary surgeon through a supporting letter.

In this respect, ADAS note that the separating distance between Walk Farm and the application site is approximately 1.3km and state that this distance would provide sufficient separation providing other precautions were also taken, including ensuring adequate biosecurity of farm machinery and personnel moving between the two sites.

It is therefore considered that the separation of the two herds is essential to the efficient and operational running of the enterprise and consequently the essential need for the new agricultural dwelling dependent on the herd of Lincoln Reds and their need for supervision.

Again ADAS have provided specialist advice on this element of the efficient and operational running of the enterprise. They have advised that a resident herd of 60 suckler cows, plus followers being reared to finish at 18 months of age, results in a labour requirement for a suitably skilled and competent person to be on hand at most times of day and night and in particular during calving, to ensure the adequate operation and management of the enterprise and ensure animal welfare at all times. Again the letter provided by their veterinary surgeon reiterates this, stating that in providing good husbandry and animal welfare standards, it is essential that accommodation is provided for someone to live on site.

ADAS have also considered the use of CCTV and, although recognise that this can be a useful aid to monitor housed cattle and security of the premises, it is not considered an adequate substitute for a physical presence, particularly where accommodation is within sight and sound of the housed cattle. It is therefore considered essential to animal welfare and the efficient operational running of the enterprise for accommodation to house a suitably skilled worker to be provided on the separated site and within site and sound of the cattle.

It is nevertheless importantly noted that the herd of Lincoln Reds on its own would not constitute a viable enterprise in its own right and therefore not sustainable on its own. In this regard it is therefore considered reasonably necessary to condition any planning permission to ensure the occupancy of the proposed dwelling is not only related to agriculture but also in connection with the farming enterprise currently known as WPD Holland and Son and its associated holding; thereby not readily being separated from it in the future and providing a dwelling in an otherwise unsustainable location.

It is also important to ensure that the proposed livestock barn, subject to planning permission 130482 being erected prior to the occupation of the dwelling, due to its acceptability in its location being reliant on the welfare

needs of the existing and expanding herd of Lincoln Reds; which cannot realistically be met without this additional agricultural building.

*Criterion ii: The need is for accommodation for a full time worker;*

The agent and applicants consultant have provided an estimate labour requirement for the suckler cow enterprise, which have again been subject to a professional and specialist assessment by ADAS. They have noted that the estimate of 256.5 SMDs (Standard Man Days) provided are equivalent to 275 days per annum (2, 200 hours) and therefore the labour requirement for the suckler cow enterprise is theoretically 0.93 of a full time worker.

They have also noted that in practical terms labour requirements will vary on many factors and there will be variation on averages, with labour requirements being higher and lower in some circumstances. They have however concluded that in practical terms the need for the separate accommodation in connection with the suckler cow enterprise (Reds) arises from the need for a full-time worker and not from a part time requirement.

The proposed accommodation in housing Mr and Mrs Siddens as dual workers at the farm and responsible for the Lincoln Red herd is therefore considered to be in connection with the full time role.

*Criterion iii The unit and the agricultural or forestry activity concerned have been established for a minimum of 3 years and profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;*

In respect of this criterion it is important to note that, although the need for the dwelling arises through the increase in number and welfare needs of the Lincoln Red herd, the proposed dwelling will form part of the wider WPD Holland and Son business and not a separate agricultural unit in its own right. In this circumstance, the establishment of the Lincoln Reds will be assessed but the profits relating to the red herd element of the farm business has been considered amongst that of the whole farming enterprise.

The Lincoln Red suckler cow enterprise was established on Walk Farm in 2009 and has since developed, with plans for further expansion subject to appropriate supervisory accommodation being available. This element of the overall farm enterprise has therefore been established for a minimum of 3 years.

The applicants have made available, in confidence, the accounts (Unaudited Abbreviated and Reported and Financial Statements) for WPD Holland and Son Ltd for the year ending 31<sup>st</sup> October 2013. ADAS. as part of their specialised assessment, have examined the Accounts and have established from a Gross Margin Budget that the Lincoln Red suckler cow enterprise as proposed will make a significant contribution to the overall farm profit. They conclude that the accounts demonstrate the farm business to be trading profitably and to be financially sound.

*Criterion iv No other housing accommodation is already available locally, whether occupied or not, to meet the need;*

The only residential accommodation available to the farm enterprise is at Walk Farm, which is approximately 1.3km from the application site. However, the report carried out by ADAS recognised that Mr and Mrs Siddens do own South View, Stainton by Langworth and previously owned by a family member. South view is approximately 650 metres from the site by road and 466 metres by an undeviating route. This property is however separated from the site by a watercourse, trees, hedge line and open fields and not therefore within reasonable site and sound of the existing farm buildings. It is therefore considered that South View is not suitable for the supervisory accommodation functionally required to meet the operational needs of the Lincoln Reds and overall farming enterprise.

The only other property within close proximity to the application site is a neighbouring bungalow, which is currently privately occupied and not available to purchase or rent.

Consequently it is considered that to meet the essential functional need for supervisory accommodation, as identified; it is necessary to site the dwelling within sight and sound of the housed cattle and therefore no other housing accommodation is reasonably available to meet this need.

Comments have also been received relating to other alternative sites being available within the holding as a whole to host the development and associated cattle. It is however noted in relation to this, that each application must be assessed on its own merits and applications determined accordingly.

*Criterion v The necessary accommodation cannot be provided by the conversion of a building on the holding;*

The application site hosts two existing agricultural buildings used to house cattle and store feed/forage. There are no other buildings on the site and therefore no buildings suitable for conversion to living accommodation.

*Criterion vi The new dwelling is sited within any farmstead or other group of rural buildings on the holding;*

The new dwelling will be sited within the context of the existing and proposed agricultural buildings on the site.

*Criterion vii The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain.*

The size of the proposed dwelling has been reduced from when the application was initially submitted and now comprises of a three bedroom detached two storey house, incorporating farm office and medical room. The



size of the dwelling alongside the footprint of the garage is still however noted to be particularly generous in size and proportion for a three bedroom property. In this regard it is noted that there are no size standards for dwellings in the NPPF or saved local plan policies to act as a guide and acceptance must also be given that any farm worker undertaking an essential supervisory role may require a family home.

With no such guidance in place and, when considering a three bedroom property with associated garaging could be provided through a smaller footprint, the matter of the new dwelling being no larger in size than is justified by the needs of the enterprise is consequently considered to be finely balanced.

As part of this assessment and judgment it is also important to ascertain if the dwelling would be more expensive to construct than the income of the enterprise. ADAS again have provided specialised advice in this matter and from the accounts provided in confidence, have concluded that the dwelling as proposed is capable of being funded from the trading of the farm business and the farm business is capable of sustaining the build cost of the dwelling.

With both these factors in mind and when considering that an essential functional need has been established, it is considered most appropriate to afford weight to the presumption of sustainable development within the NPPF and particularly Paragraph 28 of the Framework, which seeks to support the sustainable growth and expansion of rural business; and the development and diversification of agriculture.

When bearing in mind that the provision of the proposed accommodation will not only meet an essential functional need but also allow for the herd of Lincoln Reds to expand further, significant weight is afforded to paragraph 28 of the NPPF and therefore the size of the dwelling, subject to it not causing significant environmental or landscape impact can be supported.

*Criterion viii The new dwelling does not cause significant environmental or landscape impact;*

The location of the proposed dwelling is within proximity of the two agricultural buildings on site and the one proposed, which are of a substantial size and scale. These buildings will, to some extent, screen views of the dwelling from the north as will the tree belt to the South. Therefore although the new dwelling and garage, being generous in size and scale and on raised ground level, will have a visual presence; they will also be read within the context of the existing agricultural buildings and consequently read as a group and farm cluster within the existing agricultural landscape and wider countryside setting. A provisional landscaping scheme has also been submitted indicating the location of additional planting to be incorporated as part of the development and, with sufficient numbers and appropriate species being provided, will over time further reduce visual presence from public vantage points. A condition will however form part of any permission to ensure its appropriateness, implementation and retention.

The dwelling and garage has also been designed with a more agrarian vernacular, taking reference from the existing agricultural buildings on site. Materials have also been specified and also take lead from the existing barns, providing a link between the two and creating visual unity between them. Details are shown on Drawing No P476-P302 and shall be subject to a condition of any planning permission.

With these factors in mind, the size, scale and siting of the dwelling is considered to be acceptable; not having a significantly adverse impact on the environment or landscape, nor the character of the wider countryside setting.

### **Flood Risk and Drainage**

The site is located within flood zone 1. The sequentially preferred location for more vulnerable uses as advised by the NPPF, but is directly adjacent to land within Zones 2 and 3. A flood risk and drainage strategy have been submitted on the 19<sup>th</sup> August and considered to be acceptable in principle, subject to measures within it being incorporated and the drainage field being determined by a percolation test. These matters will therefore be secured through conditions of any planning permission.

### **Residential Amenity**

Policy STRAT1 of the Local Plan Review provides that development must reflect the need to safeguard and improve the quality of life of residents and be satisfactory with regard to the amenities of neighbouring land. This is considered to be consistent with the provisions of the NPPF and afforded significant weight; paragraph 17 of the latter advises that that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF sets out that planning policy should avoid noise from giving rise to adverse impacts

Concerns have been raised and objections been submitted in relation to the associated impacts of utilising the land to house the extended herd of Lincoln Reds as a result of supervisory accommodation being available on site. Concerns relate to the additional shed and cattle increasing nuisance by virtue of noise and smell, as well as traffic movement. It is however noted that the nearest residential property is located approximately 200 metres away from the proposed dwelling and approximately 230 from the proposed cattle shed, in a south east direction. The application site and neighbouring property is also predominantly surrounded by agricultural land within a predominantly countryside setting; which along with the application site could host cattle and attract agricultural vehicles and machinery regardless of structures or a dwelling being present or not. Weight is also afforded to the fall back position that the cattle shed has planning permission and could in theory be built and house more cattle, despite the provision of the new dwelling.

Consideration is also given to the strip of land forming the buffer between the site and the neighbouring property, which has permission to be utilised as paddock land with associated stables on site and within closer proximity. Given these factors, plus the separating distance involved and prevailing winds being south westerly, odour and noise from the development is not considered to be a significant issue and it therefore unreasonable to withhold permission purely on these grounds.

### **Access and highway safety**

Policy STRAT1 of the Local Plan Review states that development should only be permitted where there is the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems. This consideration is consistent with the provisions of the NPPF, paragraph 32 of which states that safe and suitable access to the site should be sought.

Access into the site is gained via an existing field access and currently constructed in a loose bound material. Lincolnshire County Council have no objections to the proposal but have requested a condition securing further details relating to the vehicular access to the public highway, including materials, specification of works and construction method.

### **Conclusion**

The decision has been considered against saved policies STRAT 1, STRAT 12, RES 10 , NBE 14 and CORE 10 of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework (2012) and the National Planning Practice Guidance. The Local Plan policies have been considered for their consistency with the NPPF and the weight afforded to them amended accordingly. In light of the assessment it is considered that the proposal subject to conditions is acceptable, meeting an essential operational need for a full time worker and supports the sustainability and growth of an existing farm business and the therefore the wider rural economy. The proposed dwelling is also not considered to have a significantly detrimental impact on the character and appearance of the agricultural landscape and wider countryside character; nor residential amenity, highway safety or flood risk.

### **Recommendation: Grant permission 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:**

2. No development shall be commenced on site until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method have been submitted to and approved in writing by the the Local Planning Authority..

Reason: In the interest of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. .

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

3. With the exception of the detailed matters referred to by the conditions of this permission, the development hereby approved shall be carried out in accordance with the following drawings: E 001B, E 002, P001B, P 002 B, P 003 B, P004 B, P 101 B, P 102 B, P 104, P 105, P 005, P 103 A, P 106 AND P302 dated Feb, July and September 2014. 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 Policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

4. The dwelling hereby approved shall not be first occupied until a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review policy STRAT 1 and CORE 10 and the provisions of the National Planning Policy Framework 2012. .

5. All planting, seeding or turfing comprised in the approved details of landscaping secured by condition 4 above shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in the interests of the visual amenities of the locality in accordance with West Lindsey Local Plan First Review policies STRAT 1 and CORE 10 and the provisions of the National Planning Policy Framework 2012. .

6. The dwelling hereby approved shall not be occupied until the erection of the barn subject to planning permission 130482 has been erected and completed in accordance with the approved plans.

Reason: To ensure that the erection and occupation of the dwelling relates to the essential and efficient operational running of the farming enterprise to accord with policy RES10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. .

7. The development shall be completed and the dwelling occupied in accordance with the Flood Risk and Drainage Strategy dated and submitted August 2014. Should however the results of the undertaking a percolation test in compliance with British Standard BS6297 (1983) indicate that the submitted system will not function adequately, then details of an alternative system shall be submitted to and approved in writing by the Local Planning Authority. All works approved shall be implemented prior to first occupation of the development.

Reason: To ensure satisfactory arrangements for the development in accordance with West Lindsey Local Plan First Review Policy NBE14 and the provisions of the National Planning Policy Framework 2012. .

8. The approved details secured by condition 2 relating to access above shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interest of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. .

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

9. The dwelling hereby approved shall be occupied by a person solely or mainly working in agriculture or forestry in connection with the farm business and associated holding currently trading as WPD Holland and Son, Walk Farm, Newball, Lincoln, LN3 5QD, or a widow or widower of such a person and any resident dependant.

Reason: To ensure the dwelling is not used for residential purposes unrelated to the efficient working of the rural economy as this consent has been granted to meet the needs of the existing farm holding in an area where new residential development would not normally be acceptable, in accordance with the National Planning Policy Framework and saved Policy RES 10 of the West Lindsey Local Plan First Review 2006.

10. If any trees or plants planted in accordance with conditions 4 and 5 above die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, they shall be replaced in the next planting season with others of similar size and species.

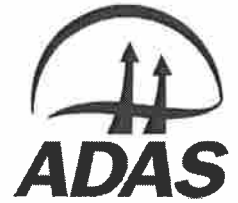
Reason: To ensure that initial plant losses are overcome in the interests of the visual amenities of the locality in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10 and the provisions of the National Planning Policy Framework 2012. .

**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



15 August 2014

Ms J Sizer  
West Lindsey District Council  
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Dear Ms Sizer

**Re: T & J Siddans & WPD Holland & Son Ltd, Dawson Farm, Stainton by Longworth – Agricultural Dwelling House Appraisal**

Further to your instructions I can confirm that I have examined the application for an agricultural workers dwelling at Dawson Farm, Stainton by Longworth (Application No: 130189) and have undertaken a site visit on Wednesday 6<sup>th</sup> August to discuss the operation of the farm business with the applicant; WD Holland & Son of which Mrs Jillian Holland and Mrs Joanna Siddans are directors. Also present at the meeting were Mr Tom Siddans, (husband of Joanna Siddans) and Mr Charles Holt, consultant to the applicant's.

In addition to discussing the application and the operation of the farm business I was shown around the farm buildings at Walk Farm, Newball and driven to Dawson Farm, Stainton by Longworth which is the site for the proposed dwelling. I was shown the farm buildings and the site of the proposed dwelling along with the location of South View, Stainton by Longworth the home of Mr & Mrs Siddans.

As instructed I have prepared an independent assessment of the justification put forward by the applicant for the provision of accommodation at Dawson Farm based on Policy Res 10 – Agricultural and Forestry Housing Requirements as laid down in the West Lindsey Local Plan First Review (June 2006) Document 2.

### **Policy Res 10 – Agricultural and Forestry Housing Requirements**

*Planning permission will only be granted for an agricultural or forestry worker's dwelling in the open countryside provided that:*

- 1. A dwelling and its proposed siting on an agricultural or forestry holding are essential to the efficient and operational running of the enterprise;***

The farming business of WPD Holland & Son Ltd comprises a mixed farming enterprise of arable cropping, dairy heifer rearing under contract, suckler cow beef enterprise, turkey rearing under contract and some agricultural contracting.

All of these enterprises generates a requirement for labour which the applicant has stated is estimated to be 5.3 full-time workers in 2013/14 rising to 6.1 full-time workers in 2015/16<sup>1</sup>.

The most significant labour requirement is that arising from the turkey enterprise (45%), followed by the arable (18%), suckler cows (18%) and dairy heifers (9%) and other (28%) using the forecast labour requirement for 2015/16 provided by the applicant.

Currently the only resident on the farm is Mrs Jill Holland who resides at Walk Farm, all employed staff live off-site in private accommodation and travel in daily. Mr & Mrs Siddans have recently purchased and relocated to South View, Stainton by Longworth which is located between Walk Farm and Dawson Farm. There is no residential accommodation at Dawson Farm.

The applicant's requirement for accommodation at Dawson Farm arises from the expansion of the Lincoln Red suckler cow enterprise which is currently predominantly located at Walk Farm.

It is the applicant's case that the operation of the dairy heifer rearing enterprise alongside the suckler cow enterprise is incompatible, due to the risk of disease transmission between the two groups of cattle and the risks that this poses to the continued operation of both enterprises.

The applicant's therefore propose to relocate the suckler cow enterprise from Walk Farm to Dawson Farm to enable them to maintain two discrete herds. The applicants have erected two agricultural buildings for this purpose and have secured planning permission for a third building. They have advised that they are awaiting a decision on the application for a dwelling at Dawson Farm before undertaking this further investment.

The applicant has advised that dairy heifers are reared under contract to Cranes of Stixwold and are from a 'closed herd' i.e. breeding is confined to within the herd and no new cattle are introduced thereby reducing the risk of introducing infectious diseases.

It is understood that the Lincoln Red suckler herd is not a 'closed herd' due to the requirement to increase herd size with the introduction of additional breeding stock and bloodlines.

The applicant has also advised that there has been a number of recent 'health scares' including an incidence where a Lincoln Red they had purchased from Cornwall was traced to them as a potential TB (Tuberculosis) case but subsequently tested –ve<sup>2</sup>.

If this animal had tested +ve to TB then both herds (dairy heifers and Lincoln Reds) would have been placed under a 'no movement order' until it was established that both herds were free from TB.

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<sup>1</sup> Agricultural Dwelling House Appraisal, dated 28<sup>th</sup> March 2013.

<sup>2</sup> The Farm Consultancy Group letter dated 14<sup>th</sup> October 2013.



This would have had serious implications for both herds, and in particular for the dairy heifers which would have been prevented from returning to the dairy herd. It is evident from a letter received from WS Crane that they recognise the importance of biosecurity and the risk to their business where biosecurity is being compromised by the proximity of their dairy heifers to the suckler cows at Walk Farm<sup>3</sup>.

Whilst the Cranes do not state that they would cease the contract with WPD Holland & Son to rear their heifers if they fail to relocate the suckler herd away from the dairy heifers, they indicate that they would need to consider this option.

I am of the view that given the recent 'health scares' it would be prudent for the Cranes to source heifer rearing where biosecurity is less compromised and therefore the loss of the dairy heifer rearing enterprise to the applicant is a real possibility and therefore an identifiable risk to the business.

It is however noted that the dairy heifer rearing enterprise has been in operation since 2004 and the suckler cow enterprise was established on the farm in 2009, it is therefore the case that the two enterprises have been operating from Walk Farm for a period of some 4 years.

It is therefore reasonable to ask what has changed in this time to now necessitate a need for the separation of the two herds on grounds of biosecurity when none was previously considered necessary.

In response to this the applicant has stated that the suckler cow enterprise has grown in numbers over this period, as the herd has been established, and therefore occupying more buildings at Walk Farm making it increasingly difficult to afford any physical separation from the dairy heifers.

In addition there have been a number of 'health scares' including the potential TB case already referred to as well as the case of BVD (Bovine Viral Diarrhoea)<sup>4</sup>.

The applicant has also produced a letter from their veterinary surgeon<sup>5</sup> which is supportive of maintaining two discrete herds and states that from the point of view of good husbandry and animal welfare it is in their view essential that accommodation is provided for someone to live at the yard (Walk Farm) at Stainton by Longworth.

I am of the view that there are sound practical and financial reasons why it is beneficial to maintain a physical separation between the two herds in order to maintain adequate biosecurity, and to satisfy the owner of the dairy heifers that their animals are not being exposed to infectious diseases from other stock, which would pose a risk to their business.

I am also of the view that any failure on the part of the applicant to maintain adequate biosecurity is likely to place the rearing of dairy heifers under contract in jeopardy. I also consider that it is practically impossible to maintain adequate biosecurity whilst the two herds are accommodated in adjacent buildings, there needs to be a physical separation between them of some distance.

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<sup>3</sup> Cranes of Stixwold, letter dated 27<sup>th</sup> March 2013 & email of 5<sup>th</sup> August 2014.

<sup>4</sup> Farm Consultancy Group letter dated 14<sup>th</sup> October 2013.

<sup>5</sup> A.M. Dodds BVMS, MRCVS dated 12<sup>th</sup> August 2014.

The distance afforded by the separation between Walk Farm and Dawson Farm is approximately 1.33km linear distance between the farm buildings at Walk Farm and Dawson Farm. In my view this distance would provide sufficient separation providing other precautions were also taken including ensuring adequate biosecurity of farm machinery and personnel moving between the two units.

As regards to the requirement for supervisory accommodation at Dawson Farm, I am of the view that with a resident herd of 60 suckler cows, plus followers being reared to finish at 18 months of age, there will be a labour requirement for a suitably skilled and competent person to be on hand at most times and in particular during calving, to ensure the adequate operation and management of the enterprise and to ensure that emergency incidents can readily be recognised and responded to day and night.

I am also of the view that whilst CCTV can be a useful aid to monitor housed cattle and for security to the premises it is not an adequate substitute for a physical presence, particularly where accommodation is within 'sight and sound' of the housed cattle.

## **2. The need is for accommodation for a full-time worker;**

The applicant's agent has estimated the labour requirement to be 5.3 SMDs (Standard Man Days) in 2013/14 and rising to 6.1 SMDs in 2015/16 using standard reference data from the Farm Management Pocketbook<sup>6</sup>.

Of this total estimated labour requirement approximately 15% (256.5 SMDs) are required specifically for the suckler cow enterprise. With a SMD being equivalent to 275 days per annum (2,200 hours) it can be seen that the estimated labour requirement for the suckler cow enterprise is theoretically 0.93 of a full-time worker.

In practical terms labour requirements will vary dependent upon the size and type of enterprise, farm layout, facilities, logistics and management. It should also be noted that these estimates are averages and there will be variation where labour requirement will higher and lower.

I am of the view that in practical terms the need for accommodation at Dawson Farm arises from the need for a full-time worker and not from a part-time requirement.

## **3. The unit and the agricultural or forestry activity concerned have been established for a minimum of 3 years and profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;**

The applicant has advised that the family has been farming at Walk Farm since the 1940's and the farm now extends to some 204.45 ha (505 acres) with an additional 17.43 ha (43 acres) of woodland.

On request the applicant has made available, in confidence, the accounts (Unaudited Abbreviated and Report and Financial Statements) for WPD Holland & Son Ltd for the year ended 31<sup>st</sup> October 2013.

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<sup>6</sup> Agricultural Dwelling House Appraisal, dated 28<sup>th</sup> March 2013.

I can confirm that I have examined the accounts and they demonstrate the farm business is trading profitably and is in my opinion financially sound.

It is also noted that the applicant's consultant, Charles Holt, has prepared a Gross Margin Budget which shows a farm profit after "notional" costs of . This budget is based on the continuation of the current farm enterprises including the dairy heifer rearing under contract and the expansion of the Lincoln Red suckler herd to 60 cows<sup>7</sup>.

I can confirm that it is considered that this budget is realistically achievable and that the suckler cow enterprise as proposed will make a significant contribution to the overall farm profit.

It is also evident from both the farm accounts and the forecast gross margin budget that the farm business has the capacity to fund the construction of the proposed dwelling from trading profits.

I come to this conclusion on the basis that assuming a build cost funded by a 90% loan was required to fund the cost of the dwelling and assuming an interest rate of 5% over a 20 year borrowing the annual charge (interest & capital repayment) would be per annum<sup>8</sup>.

In practice the applicant has advised that they have access to capital for funding the construction of the dwelling and should any borrowing be required it is likely to be significantly less than the 'theoretical 90%' that I have used in this calculation.

I am therefore of the view that the dwelling as proposed is capable of being funded from the trading of the farm business and the farm business is capable of sustaining the build cost of the dwelling.

***4. No other housing accommodation is already available locally, whether occupied or not, to meet the need;***

The only accommodation on the farm is at Walk Farm which I estimate is approximately 1.33km from Dawson Farm

The nearest dwelling to the farm buildings at Dawson Farm is a neighbouring bungalow which it is understood from the applicant is currently occupied and is not on the market to purchase or rent.

Mr and Mrs Siddans have recently purchased South View, Stainton by Longworth. It is understood that this house was previously owned by a family member and it has recently become available for the Siddans to purchase.

I estimate South View to be approximately 647m by road from Dawson Farm and approximately 466m linear distance.

It should however be noted that South View is in the private ownership of Mr & Mrs Siddans whilst Dawson Farm is in the ownership of Mrs Holland and Mr & Mrs Siddans.

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<sup>7</sup> Agricultural Dwelling House Appraisal, dated 28<sup>th</sup> March 2013.

<sup>8</sup> Ref: John Nix Farm Management Pocketbook 43<sup>rd</sup> Edition (2013) page 248 Annual Charge to write off £1,000 at 5% interest over 20 years is £80

Nevertheless it is in my view pertinent to examine whether the South View dwelling could meet the functional requirement for supervisory accommodation at Dawson Farm.

Examination on the ground shows that South View is separated from Dawson Farm by a road, watercourse, trees/hedge line and open fields. It was evident at the time of my visit that South View was not readily visible from the farm buildings at Dawson Farm.

I am therefore of the view that in applying a test as to whether or not the South View dwelling could meet the functional requirement for supervisory accommodation at Dawson Farm, in my opinion South View is insufficiently close to meet this need.

I reach this conclusion on the basis that to meet the essential functional need for supervisory accommodation as identified, it is necessary for this accommodation to be within 'sight and sound' of the housed cattle.

I am of the opinion that the South View house is too remote from the farm buildings at Dawson Farm to adequately fulfil this requirement.

***5. The necessary accommodation cannot be provided by the conversion of a building on the holding;***

Dawson Farm comprises an area of 7.29ha (18 acres) with two modern agricultural buildings, comprising of cattle housing and feed/forage storage with planning permission approved for a second cattle building.

There are no other buildings on the holding and therefore no buildings suitable for conversion to living accommodation.

***6. The new dwelling is sited with any farmstead or other group of rural buildings on the holding;***

The preferred location of the proposed dwelling, in terms of environmental and landscape impact, is a matter for the Planning Authority. However, it is noted that the siting of the dwelling as proposed would afford supervision of the housed cattle, being located within 'sight and sound' and provide for security with a view of the road access to the property.

***7. The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain;***

The applicant had advised that the size of the proposed dwelling is 197m<sup>2</sup> of which 153.6m<sup>2</sup> comprises of living accommodation and 43.4m<sup>2</sup> accommodation in respect of the farm business.

The living accommodation comprises; kitchen/breakfast/dining room, living room and utility (downstairs) and 3 bedrooms (1 en-suite) and a family bathroom (upstairs).

The farm accommodation comprises; farm archive/medication room (downstairs) and a farm office (upstairs).

It is understood that this dwelling is significantly smaller than what was originally proposed at 366m<sup>2</sup> comprising of 266m<sup>2</sup> of residential floor space, 62m<sup>2</sup> of farm accommodation and 38m<sup>2</sup> of seasonal worker accommodation.<sup>9</sup>

The issue of the size of the proposed dwelling should reflect both the needs of the enterprise and the ability of the enterprise to fund and sustain the dwelling.

On the basis that planning permission is being sought for a dwelling with a floor area of 197m<sup>2</sup> this is considered to be within the 'typical range' of 150m<sup>2</sup> to 200m<sup>2</sup> which is often permitted by Planning Authorities in respect of farm workers/managers/owners dwellings with agricultural occupancy conditions attached.

It has already been established that the farm business has the capacity to fund the build cost of the dwelling and I am satisfied that the farm business, as a whole, can sustain the dwelling as proposed.

It should however be noted that the agricultural unit at Dawson Farm, on its own, would not constitute a viable and therefore sustainable unit. As a consequence the Planning Authority may wish to consider that if they are minded to grant planning permission for an agricultural dwelling at Dawson Farm, if they able to ensure, as far as is reasonably practicable, that the dwelling and agricultural unit at Dawson Farm is not readily separated from the remainder of the farm holding at some future point in time.

***8. The new dwelling does not cause significant environmental or landscape impact.***

The environmental and landscape impact of the proposed dwelling is not a matter on which I am qualified to provide comment.

In conclusion on the basis of the information supplied by the applicant, it is considered that the proposal for an agricultural workers dwelling at Dawson Farm fully accords with the provision of Policy Res 10 – Agricultural and Forestry Housing Requirements with the exception of Paragraph 8 for which I am unable to provide comment.

Yours sincerely



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<sup>9</sup> The Farm Consultancy Group, letter dated 14<sup>th</sup> April 2014.

