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| PL.14 13/14 |
| Planning Committee |
| Date 16 April 2014 |

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

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

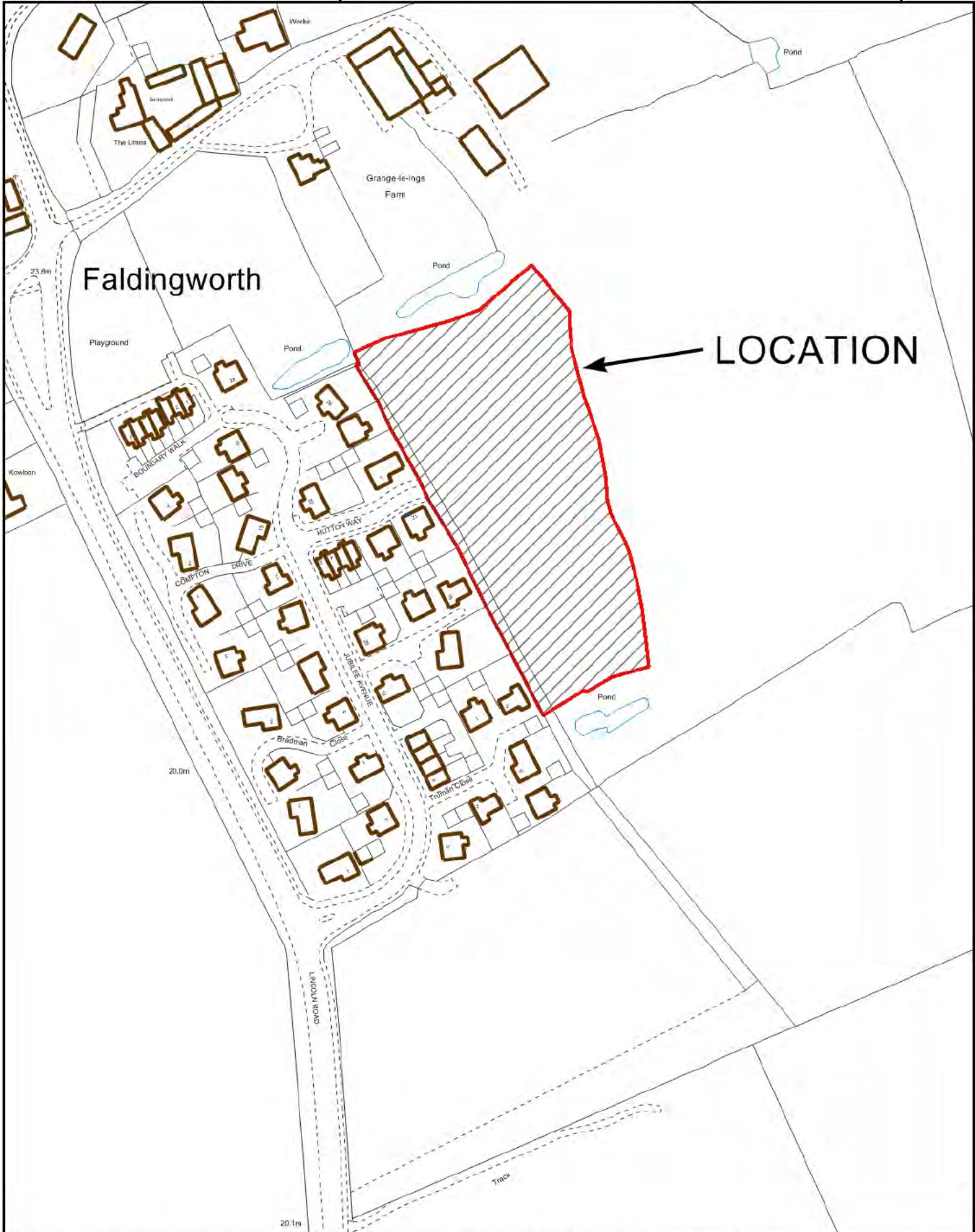
Call in and Urgency:

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**



Officer's Report

Planning Application No: 130717

PROPOSAL: Planning application for erection of 41no 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.

LOCATION: Land off Hutton Way/Jubilee Avenue Faldingworth Market Rasen Lincolnshire LN8 3ET

WARD: Welton

WARD MEMBER(S): Cllrs Parish and Rodgers

APPLICANT NAME: Cyden Homes Ltd.

TARGET DECISION DATE: 05/03/2014

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

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

SUMMARY

1. There is a presumption in favour of sustainable development in the NPPF.
2. 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.
3. Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF.
4. Central Lincolnshire can only evidence a 3.5 years' housing land supply.
5. This is part of an allocated housing site in the West Lindsey Local Plan First Review 2006.

Description:

Site – The site is to the east of the Cricket Meadows development on the south side of the village. The land is currently in agricultural use and used as pasture for livestock. There is a gentle fall from north to south but there are also undulations visible (medieval ridges and furrows). Access is currently from the farmyard to the north, there being no access from the Cricket Meadows housing to the west.

The western boundary with this housing is marked by a hedge beyond which is a watercourse. Land Registry records show that this watercourse is in multiple ownerships, the owners of some of the existing houses abutting it also owning half or the whole width of the watercourse, other sections being retained by the original house builder (not the current applicant nor the owner of the application site).

To the south is a pond. This is owned by the farmer who also owns the application site, but it is clearly being used, by agreement with the landowner, as a private duck pond/amenity pond by one of the owners of the existing houses.

To the east is open countryside. To the north are another pond and a small copse.

Proposal – The application seeks permission for 41 dwellings comprised of 12 two-bed houses, 17 three-bed houses, 11 four-bed houses and 1 five-bed house. These would be arranged as 12 detached houses (of which 11 are two storeys high and 1 two-and-a-half storeys), 6 semi-detached houses (all two storeys) and 23 terraced houses (22 of which are two storeys and 1 two-and-a-half storeys). The housing includes gabled and hipped roofs with walls faced in brick with some render.

The plans have been amended during the course of the application process and following comments received relating to surface water drainage. Whilst the elevations and floor plans for the houses and the layout of these dwellings within the site remains the same as originally submitted, the area for development of the houses has moved 5m eastwards away from the Cricket Meadows development. This is to accommodate a 5m easement access to the watercourse beyond the western boundary. The revised site layout plan to be considered is dated 11th March 2014 and was the subject of reconsultation. All the other plans were received 3rd December 2013.

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. The site is not within a sensitive area as defined in Regulation 2(1). Therefore the development is not

'EIA development'. A copy of a Screening Opinion has been placed on the public register and file.

Relevant history:

None for the application site but the Cricket Meadows development (Jubilee Avenue, Hutton Way, Truman Close etc.) was granted reserved matters approval in July 2001 (WLDC ref M01/P/0233) following outline permission in July 2000 (WLDC ref 99/P/0109). There are 50 dwellings on this existing development.

Representations:

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

Faldingworth Parish Council: This application will be assessed against the Local Development Plan Policy. The West Lindsey District Council Local Plan First Review (saved policies) remains part of the Development Plan

Central Government Policy requires new housing to be in "Sustainable Locations" to help reduce the need to travel and reliance on the motor car. The current local plan therefore seeks to focus development on the larger settlements that have employment opportunities, the "life" facilities and services to sustain new residents and reduce the need to travel. In settlements lacking those facilities and services, new development is only permitted under specific circumstances.

Fa2 phase 1 (Cricket Meadows) was given approval under previous Planning Policy. On completion, the 50 dwellings together with 5 new build and 3 barn conversions that also gained approval under the previous Planning Policy, increased the number of residential dwellings in Faldingworth by 50%. The proposed phase 2 development of 41 dwellings would increase this to 86%.

- **Sustainability** - The applicant's submission statement 3.1 states that proposed development is "sustainable development." Within the current Local Plan, Faldingworth is identified by Local Plan policy STRAT3 as a subsidiary rural settlement i.e. a village providing a smaller range of day-to-day facilities. Since the introduction of the Local Plan and the completion of "Cricket Meadows" the village shop/post office has closed to be replaced by a Post Office Outreach service for 2 hrs - 2 mornings a week, the local Public House has reduced its opening to 5 days a week, the subsidised bus service has been reduced and is under constant revue. There are only minimal employment opportunities within Faldingworth. Residents therefore have to travel to access most "life" facilities and amenities which in practical terms requires the use of the motorcar.

In the emerging Central Lincolnshire Plan, Faldingworth is placed in the lower order of dependent settlements.

The proposed development does not satisfy the requirements of STRAT 7 or NPPF para 49

- **Housing mix** - There is a requirement to provide a balanced mix of property types to maximise choice, to help satisfy different housing demands and to allow residents to move within the area as their needs and circumstances change. As with phase 1, this application does not include any low, single level dwellings (bungalows). This would result in a development totalling 91 dwellings without the option of a bungalow. This does not reflect the property mix in the wider location and it also effectively excludes potential purchasers whose requirements are for a bungalow. The proposal does not satisfy the requirements of RES2.

Local residents: Objections received from Nos. 2, 3, 5, 9, 11, 12, 16, 22, 20, 24, and 28, Jubilee Avenue; 3 and 4 Truman Close; 4 and 10, Hutton Way; 1, Bradman Close; 1 and 3, Compton Drive and Rainow, High Street (all Faldingworth). The following is a summary of all of the objections (not all representations included all of the objections):-

1. **Inadequate education, medical, employment and other service infrastructure** – Development is disproportionate in scale to the existing village; Faldingworth quite simply does not have the infrastructure to support this plan for a further 41 dwellings; the village has one pub, that is it. When Cricket Meadows was constructed in the early 2000s, there was a small post office cum grocers which closed in 2006; the extra dwellings in Cricket Meadows was not enough to support that business, how will Faldingworth support the population increase that this application will bring?

There is not enough capacity in the primary school situated in the village, there is no doctor's surgery, there are no retail properties (grocers/newsagents etc) there is nothing. The carbon footprint must be assumed to be very high in relation to the way in which the village would now be developing as a whole.
So the question has to be at what point is the village as a whole allowed to develop before it demands more amenities or risks being completely against the whole ethos of sustainability?
2. **Inadequate community facilities infrastructure** - There would be need for better activity facilities on the adjacent playing field such as a caged tennis court/5-aside football pitch (all weather surface) which would benefit the increased amount of families who would be moving onto the estate.
3. **Inadequate surface water drainage infrastructure** - The drains struggle to cope with surface water so it is questionable how they would cope with 41 more houses and the reduction in permeability as a result of the new block paving and tarmac. One garage has flooded 3 times this year due to the drains been unable to cope with the amount of surface water.

4. **Inadequate foul water drainage infrastructure** - There are a couple of houses on the estate which have suffered from sewage backing up into their bathrooms. They have been advised that there is an issue with the drainage on the estate. If the current capacity is at such a critical level then how could it be expected to accommodate an additional 41 houses waste? There were problems with surcharges within the main sewer on the A46 backing up into the estate. A valve has now been fitted but this therefore limits the capacity of the estate sewer when there is a surcharge within the A46 main and the valve is closed.
5. **Inadequate public transport infrastructure** - Public transport is limited to 1 bus an hour (either to Lincoln or Market Rasen) and the cost of a taxi journey is prohibitive. The last bus from Lincoln to Faldingworth leaves the bus station at 17.40. The last bus from Grimsby to Faldingworth also leaves at 17.40. This can be difficult for those who use public transport for work and impossible for any evening leisure activities.
6. **Design** - The housing density is very much different to that in Cricket Meadows. Such a marked contrast with these adjacent houses will be problematic in the shorter and longer term.
7. **Visual intrusion** – It will destroy the countryside
8. **Highway safety (junction with A46)** - The current entrance to the Cricket Meadows development is already dangerous, with the local Council (LCC) refusing to look at traffic calming measures off the A46 at the entrance to the estate, despite a number of accidents having already occurred. Although the stretch of the A46 passing Jubilee Avenue junction has a 50mph restriction, the majority of cars passing the junction are travelling at far greater speeds. At the point that Jubilee Avenue meets the A46, the A46 (southbound) also bends to the right, enticing many drivers to cut the corner, in doing so they enter into the filter lane for cars travelling northbound to turn into Jubilee Avenue. On many occasions, when waiting to turn into the estate, there have been near misses with cars travelling in the opposite direction cutting out the corner.

A full traffic survey needs to be compiled as it is contended that the peak times stated in the submitted Transport Statement (07.30-08.30 and 17.00-18.00) are not necessarily accurate. The A46 is certainly not a low use road which is supported by the County Council rejecting a proposal to reduce the speed limit by the junction to 30mph on the grounds that the A46 is a main arterial road connecting Lincolnshire to the South of the country. A resident has conducted their own traffic survey over 2 ten minute periods; 07.00-07.10 hrs. and 15.50-16.00 hrs. and found an average of 11.1 cars and 10.2 cars per minute respectively passing the junction. During some of the 1 minute intervals there were more than 17 cars passing the junction. Following the dramatic increase in the number of cars using the junction as a result of the proposal, it will not be too long before there is a serious if not fatal accident at this junction.

Residents also recall that any additional development was predicated on the delivery of the Faldingworth by-pass.

9. **Highway safety (Jubilee Avenue/Hutton Way inadequacies)** - Jubilee Avenue leading to Hutton Way seems inadequate for the proposed level of traffic that will be using this sole access point. All the houses are obviously designed for multiple occupancy so the number of vehicles must be presumed to be in the order that reflects their necessity for the site location and its access to amenities. The roads within the estate access are unsuitable for the volume of traffic that must be presumed. The width of Hutton Way is not wide enough to accommodate the increase in traffic; the applicant quotes the width of Jubilee Ave as 5.5 metres but Hutton Way is less than 5 metres. This is less than the required width to allow 2 lorries to pass safely and the road is never empty of parked cars as is shown in the photographs within the Design and Access Statement. The housing on Hutton Way benefits from very little off street parking and most houses will park a car outside of the property. With an additional 41 houses you would expect an additional 80 cars (at least with most households nowadays having 2 or more cars). With each car being used to make a journey in and out of the estate once a day (quite possibly sometimes a lot more) that is an additional 160 cars driving along Jubilee Avenue and Hutton Way.

Children regularly play within the existing development including on Hutton Way because it is a quiet no through road.

The entrance to Hutton Way is also paved which is inadequate for the access to the new housing.

10. **Impact of construction period** – Lorries delivering to the site are going to ruin the footpaths and the paved areas on Hutton Way. A number of cars also park on Hutton Way and this too will cause access and passing problems, not only during construction but also when the building is complete. Hutton Way is not a suitable access road and alternative access should be made elsewhere.
11. **Residential amenity** - Increased noise pollution of increased traffic and gardens and rooms of existing dwellings backing onto the development will be in shadow and overlooked. The proximity of new properties offends the 10 metre rule between existing dwellings and neighbouring boundaries.
12. **Maintenance and ownership responsibilities of boundary watercourse and hedge** – These are between the existing gardens and the new development but appear outside of the application site which raises serious questions about future maintenance.
13. **Property prices** - This planning application, if granted, could have a detrimental effect on property prices on the existing Faldingworth estate and surrounding properties. Some properties overlook the field which is planned for development and houses were purchased at an extra premium due largely to the fact that there were unobstructed views out to the countryside and on the most part were not overlooked.

Anglian Water – comments as follows: -

- Anglian Water notes the proximity of this development to Faldingworth Sewage Treatment works, from which odour emissions and noise may be detectable at neighbouring property. The treatment of wastewater is inherently odorous and needs to operate on a 24hr basis; therefore, some disturbance to adjacent property is unavoidable. However, our initial assessment indicates that this development lies beyond the range at which detectable noise and odour from the STW operation would normally be anticipated. As such we would conclude that the risk of a loss of amenity at the development due to operations at the STW is low and therefore this development is considered acceptable.
- The foul drainage from this development is in the catchment of Faldingworth STW that at present has available capacity for these flows
- **The sewerage system at present has available capacity for these flows.** The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the planning application states that the surface water would be discharged to the sewer and the flood risk assessment states that the surface water would be discharged to the nearby watercourse.

LCC Education – We would not make a request for an education contribution from this development at this time as there is projected to be a small amount of available capacity within the catchment schools.

LCC Highways: The highway boundary should as far as possible follow a straight line to provide a definitive boundary. Small sections of verge that do not front on to properties or public open space that do not form an essential part of the highway design will not be accepted for future adoption. A plan should be submitted which shows the areas that the applicant is proposing to put forward for adoption should be provided.

Traffic calming by means of changes to the surfacing (which must be flush)/planting, to provide safe pedestrian zones should be incorporated into the design.

The design and access statement states that some on-street parking has been incorporated into the design. These areas should be clearly defined on site (and shown on the layout plan) to ensure that on-street parking is encouraged to take place within the designated areas.

Illustrative cross sections of the shared surface areas are required.

A Residential Travel Plan will be required. However, this may be conditioned to be provided and approved prior to commencement on site.

The minimum length of parking spaces should be 5 metres. Vehicles should not be allowed to overhang areas that are intended for adoption (see in front of plot 41 – not clear where the highway boundary is intended to be).

LCC Historic Environment Team - Archaeological evaluation and a topographic survey has been undertaken in advance of this planning application. It has concluded that there is a low potential for further

archaeological remains to be encountered during the development, and the medieval ridge and furrow remains have been recorded by record. Therefore no further archaeological input is required on this application.

Lincolnshire Police (Architectural Liaison) – No formal objections but advise:-

- Perimeter fencing for each plot and the site should be of a robust 1800mm fence or wall without footholds.
- Diamond shaped trellis will help deter climbing and can carry deterrent planting such as thorny scrub.
- Footpaths should not be placed at the rear of properties.
- Access to rear of properties should be secured with gates.
- Open space should be under surveillance with adequate mechanisms in place to ensure satisfactory management and care.
- The boundaries between public and private space should be clearly defined.
- Would recommend full Secured by Design validation.

Environment Agency – Requested a multi-agency meeting to ensure that a sustainable approach to surface water drainage was agreed and there was access to maintain the watercourse.

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 part of the Fa2 residential allocation and 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>

STRAT2 – Residential allocations
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat2>

The site is described as being part of a “residual phase” to the Cricket Meadows development and with site capacity of 38 dwellings or which 10 should be affordable, the whole allocation extending to 4.51 hectares (significantly larger than the application site area).

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

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

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>

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

- Draft Central Lincolnshire Joint Core Strategy (2013)

Faldingworth is defined as a Secondary Supporter – Solitary 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.lfd.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 8th July 2013. However, members subsequently resolved to withdraw the Strategy on 6th January this year following comments expressed by the government appointed inspector during the Examination stage. Very little weight is therefore afforded to the Strategy.

Assessment:

Introduction

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. In this instance the site is part of an allocated site of 4.61 hectares (site Fa2) that includes land to the north and has a target capacity of 38 dwellings of which 10 were intended to be affordable. The Local Plan allocations describes the site as being a "residual phase" to Cricket Meadows, the latter having already been completed at the time of the allocation and therefore not included in the Plan allocation. The allocation was therefore intended to be for an additional 38 dwellings to the 50 built on the Cricket Meadows development and the barn conversions to the north.

The allocation was also part of a strategy to ensure that housing was brought forward over the plan period (2001-2016) at a rate of 350 dwellings per annum; the rate being derived from the long superseded Regional Spatial Strategy for the East Midlands (RSS) 8 and the equally long superseded Lincolnshire Structure Plan. There is some evidence to suggest that, prior to the preparation of the Local Plan Review, previous incarnations of the Local Plan included a Faldingworth allocation predicated on the delivery of a bypass for the village (as cited by some residents in their representations).

Nevertheless, the 2006 Review retained the residual phase allocation for 38 dwellings despite the village now being ranked as a Subsidiary Rural Settlement (as a result of the surveyed lack of facilities in 2006) and despite the fact that the by-pass was no longer intended to be delivered and was no longer a site development requirement (the case officer has reviewed the Plan Inspector's Report and can find no record of any objections to this omission). In other words both the lack of bypass requirement and the subsidiary status of the village did not preclude the allocation being taken forward to the adoption stage following examination by the government inspector.

In this context, the principle of the development therefore rests on assessment of the following considerations and the weight afforded to each point.

The need to deliver the Local Plan allocation as part of the 5 year deliverable supply required by the NPPF

There is an expectation within the Plan that the allocation would be delivered to contribute to the housing provision for West Lindsey. The Local Plan Review provision has been superseded; 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 Faldingworth is part. It should be noted that the Update takes a pragmatic approach to assessing the 5 year supply and only classes sites that have extant planning permission or allocations as deliverable. 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.

The undersupply of only 3.5 years’ deliverable supply against the 5 years required by 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.

The weight afforded to delivering this site as part of the deliverable supply is especially significant given that the site is part of the allocation and, as stated above, such sites are considered to be part of the deliverable supply in the SHLAA.

Nevertheless, having afforded weight to this consideration, it is reasonable to require development to commence within 2 years to ensure its deliverability.

Sustainability

Paragraph 14 of the NPPF advises that there should be a presumption in favour of sustainable development.

The level of services and facilities offered in Faldingworth is no better than surveyed in 2006, when the village was designated as a Subsidiary Rural Settlement; this designation meaning that policy STRAT7 is applicable which places a restraint on windfall and infill housing in such villages unless there are circumstances such as local need which can support such development.

The policy was and is not adopted to restrict housing within allocated sites such as that here, although 3 of the 41 proposed dwellings can be assessed as being “windfall” given that the overall quantum exceeds the 38 houses in the allocation. However, having surveyed the village now and noted the lowly position within the Portrait of Place evidence base for the new Central Lincolnshire Local Plan, the case officer considers that the services and facilities provided are actually less than the level offered in 2006 (as cited in the representations from the Parish Council and some residents). There is therefore some weight to be afforded to the STRAT7 position. Service level provision within the settlement though is only one part of the suite or criteria used to assess sustainability.

The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Core Strategy is not afforded weight itself, policy CL6 provides a series of useful 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:-

Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability) – The application site directly abuts the existing built up area of Faldingworth for the entire length of its western boundary. The older part of the village is also within 200m of the north boundary of the site, the existing village envelope wrapping around two sides of the application site. Therefore, although the site is clearly greenfield in nature and currently used for agriculture, the site is closely related in distance to the village centre and will not appear as a significant encroachment into the countryside.

Accessible and well related to existing facilities and services (social and environmental sustainability) – The assessment has already clarified that the service provision has fallen within the village since the adoption of the Local Plan Review and this must be a material consideration. Nevertheless, there is an employment site in the form of the garage to the south, there is also a school and a public house. It is acknowledged that this range of services falls significantly short of the range that would be expected to enable future occupiers to access everything by foot. However, there is a good regular bus

service serving bus stops near to the site (see next sub-section) and it is also considered that the level of services that do remain in the village provide a basis for economic, social and environmental sustainability and the potential to provide viability to these services so that they can survive and prosper for the benefit of future and existing residents. Specifically, some villages in West Lindsey do not have any services and infrastructure and are wholly unsustainable settlements and any form of additional residential development would be inappropriate unless there were exceptional circumstances to justify it. Some settlements have a full range of facilities and capacity in the infrastructure to take additional development, others have a full range of facilities but no capacity in the infrastructure and so are not appropriate unless there is infrastructure delivery associated with the development, and some villages have infrastructure with capacity and limited services that would benefit from additional housing to support the future viability and sustainability of the village. Faldingworth is considered to fall into this last category; Infrastructure capacity is available (as outlined later in this assessment) and the public house and school would benefit from additional housing to secure their future. Such housing would also influence any commercial decision for a permanent shop use to be revived within the village.

Finally, it is noted that the village does benefit from a formal equipped children's play area, close to and safely accessible from the application site and a cricket pitch, again close to and safely accessible from the site. The Site Development Requirements for the allocation require footpath links to the village and members may recall that there is an existing footpath link to the triangle in the centre of the village from the site. The proposed layout also includes a footpath easement to the northern boundary of the site should such a pathway to the housing to the north be secured in the future.

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

The Interconnect No. 3 Service connects Lincoln to Market Rasen and Grimsby with 12 buses in each direction (24 in total) passing the request bus stops on Lincoln Road close to the Jubilee Avenue junction. The earliest bus into Lincoln is at 7.35am getting into Lincoln bus station at 8.22am and travelling via the County Hospital. The last bus from Lincoln to Faldingworth is at 5.40pm arriving into Faldingworth at 6.18pm. Similarly, the first bus to Market Rasen and Grimsby is at 7.24am arriving into Market Rasen at 7.33am and Grimsby an hour later. With buses throughout the day on six days per week at these times, it is considered that the service provides the ability for commuters to sustainably access jobs with normal office hours in Lincoln, Nettleham, Welton, Market Rasen and Grimsby. It also enables residents to access health care facilities in Market Rasen and Lincoln, including the County Hospital (directly served by the service), school pupils of secondary school age to access de Aston School in Market Rasen (directly served by buses at the appropriate times) and for school leavers to access Lincoln College, Lincoln University and Grimsby College.

The services are provided by low floor buses and both the south and northbound stops have been improved with raised platforms for level access and dropped kerbs allowing wheelchair and pushchair crossing of the A46.

It is also noted that the Interconnect nature of the bus service means that it connects with on-demand feeder services so future residents could also access other more outlying villages via bus from Faldingworth.

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 given the overall lack of facilities within the village.

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)

Some residents have expressed concerns about the capacity of Faldingworth Primary School but the County Education Officer has confirmed that there is capacity at the school and at the receiving secondary schools. Furthermore, as already stated in this report, additional housing would benefit the securing of Faldingworth School and the social sustainability of the development and the village (the school providing places for the residents of the family sized houses proposed and fostering interaction between new and existing residents). It also must be emphasised that not all residents of the proposed development would necessarily be new to the village and priority for occupation of the proposed affordable housing would be given to existing residents in need or those with a connection to the village (such as a family with young children who cannot afford to stay in the village or have had to move away to find affordable housing).

There have been no other adverse comments from infrastructure providers in terms of available capacity within the village; the County Highways Authority consider that the road specification of the existing adopted access along Jubilee Avenue and Hutton Way is appropriate; members may note that this highway includes pavements flanking the road including an extra wide pavement for cycles and pedestrians. The junction with the A46 also incorporates a "ghost island" right turning lane which, notwithstanding the comments made by some residents, is considered to be safe by the County Highways Authority and there are no records of accidents as a result of the implemented geometry.

Anglian Water has also confirmed that there is capacity within their foul water system at both the sewage treatment works and within the adopted system that serves the Cricket Meadows development and is proposed to serve the application development. Anglian Water comments specifically take into account the concerns raised by residents and specifically the problems reported by residents prior to and after the fitting of a valve at the junction of the Jubilee Avenue and A46 main sewers; the valve having been fitted to stop the surcharged A46 sewer from backing up into the Cricket Meadows development. In summary, Anglian Water state that the sewer has capacity in advance of the valve to take foul water from both the Cricket Meadows

development and the proposed development when the valve is shut at times of surcharge in the main A26 sewer.

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

There will be no loss of a local important space or playing field; the application is private land, it is not designated within the Local Plan Review (policy CORE9) as being an important open space or frontage, nor is it a registered playing field. There is an equipped play space and cricket pitch nearby and the layout includes an area of public open space that complies with the 5% site area requirement advocated in policy RES5 of the Local Plan Review (consistent with the NPPF).

The site is also not a designated wildlife site such as a Site of Special Scientific Interest, Local Wildlife Site or Site of Nature Conservation Interest. The land is species poor, improved grassland of low agricultural productivity and moderate quality.

Furthermore, in addition to the public open space, there is a wide area of buffer planting proposed to the east of the housing. This planting responds to one of the Site Development Requirements for the allocation (policy RES2 refers) and, due to the need to provide the potential for biodiversity within the site, is considered to be a reasonable requirement consistent with the provisions of the NPPF. The provision of this area, the public open space and the 5m maintenance easement for the watercourse (see later in this report) can be secured through a section 106 agreement (together with the affordable housing).

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

These are considerations detailed in policy NBE14 of the Local Plan Review, the NPPF and the NPPG. The provisions of policy NBE14 are considered to partly have consistency with the NPPF although the latter goes further in terms of its requirements for sustainability within the scheme and security from flood risk.

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 entire site is within flood zone 1 and it therefore passes the sequential test.

Turning to surface water, the NPPF provides a hierarchy of sustainability with infiltration and water reuse the preferred methods for draining surface water from the site. Infiltration is not possible here as verified by the drainage agencies that advise the Council such as LCC and the Environment Agency. Water reuse and sustainable urban drainage are the next preferred methods for disposal, but neither of these methods was originally proposed by the applicant (the latter proposing a piped surface water system to be adopted by Anglian Water and draining into the watercourse on the western boundary).

In this context a multi-agency meeting was convened with representatives of the Environment Agency, County Floods & Drainage section (soon to be become the approval body for surface water drainage in October of this year), the Internal Drainage Board and West Lindsey's own Environmental Protection officers as well as representatives of the applicant. The discussions focused not only on the ability for water to drain sustainably from the site but also the ability of the receiving watercourse to cope with the water. As a result of the meeting the following was received:-

1. A revised layout plan that now includes a 5m access easement alongside the hedge that abuts the watercourse. This easement, to be secured through the section 106 agreement, is reasonably required to ensure that, although the applicant has no control over the watercourse, there is an ability for it to be maintained through the Land Drainage Act to be able to take the surface water from the site.
2. A written commitment from the applicant that a surface water drainage system is negotiated with the drainage agencies and the Council.
3. Advice to the Council from LCC Flood and Drainage section confirms that the proposed layout would be able to accommodate a SuDs system without material amendment; in other words members are able to consider the currently proposed layout in the knowledge that a system based on sustainable principles can be accommodated without amendments that would require a further planning application.
4. Advice to the Council from the drainage agencies that there the watercourse had the potential to receive runoff from the site (assuming such runoff is restricted to the existing greenfield rate during all events up to and including a 1 in 100 year event (plus 30% allowance for climate change) and subject to the appropriate condition of the watercourse.

In this context, it is considered that it would be unreasonable to withhold permission on grounds relating to surface water drainage and a condition can be suitably worded.

Other (social) sustainability

Policy RES2 of the Local Plan First Review requires an appropriate mix of housing, a policy that has consistency with the promotion of social sustainability by the NPPF, specifically to foster balanced and mixed communities. Some representations received by residents express concerns that the proposed housing mix differs significantly from the existing housing, specifically expressing comments that the existing housing majors on larger detached dwellings whereas the majority of the new dwellings would be smaller. In response it is noted that there is a mix of dwellings on the existing site, including a terrace of smaller houses fronting the children's play area and, whilst the proposal has a greater percentage of smaller houses, this can

only be welcomed to ensure that the development as a whole (new and existing) includes a diverse range of ages, family size and socio-economic characteristics. In this regard, it is noted that the development includes the provision of 4 dwellings to be secured as affordable housing to respond to need and this will allow the potential for local families to remain or return to the village; the absence of such affordable housing meaning that they would not otherwise have the opportunity to do so. The ability for such families to remain in the village is important for the sustainability of the village, including for the retention of the school. The provision of small to medium sized open-market housing allows the potential for these families to move up if they have the ability to do so or for other households to down size without moving away from the village maintaining the social fabric of the village.

These considerations detailed in policies RES2 and RES6 of the Local Plan Review have consistency with the provisions of the NPPF and are therefore afforded significant weight.

Members may note that below 10% of the housing will be secured as affordable but this provision below the policy RES6 provision of 25% has been justified by a viability appraisal verified by the case officer. Viability is material consideration that must be afforded significant weight as advised by the NPPF.

Design, character and appearance and landscaping an

These are considerations detailed in policies STRAT1, SUS7 and RES1 of the Local Plan Review as well as within the provisions of the NPPF. The Local Plan policies are considered to have consistency with the provisions of the NPPF.

Representations have been raised in relation to the contrast in the type of housing and density of development between the existing Cricket Meadows development and the housing proposed. The Cricket Meadows development was built over a 2.6 ha site at density of 19 dwellings to the hectare. The proposed development equates to a density of 28 dwellings to the hectare. This is significantly higher and, in the absence of a minimum density target this difference is a material consideration. It is also noted that the allocation was for 38 dwellings over a much larger area, equating to no more than 9 dwellings to a hectare. Nevertheless, a higher density of housing need not mean that a development is inappropriate within its surroundings. The central area of public open space ensures in this case that there is a focal point dominated by natural landscaping, a feature that is actually absent from the existing development. Members may also notice that many of the houses are set back from the road, the result of which ensures that these houses do not dominate the streetscene. There is also ample space between housing to allow for natural landscaping to mature as evidenced by the submitted landscaping plan. The deep landscaping buffer to the east also ensures that the development is not visually intrusive within the countryside and will actually form a softer screen between the village and the countryside than existing.

The submitted materials schedule indicates that bricks will be generally of red/orange/brown multi-facing with cement mortar. Buff bricks and rendering will be used to highlight the key buildings and provide strong focal points. Both pantile and slate profile tiles will be used for roofs. There will be a variety of window styles, shapes and patterns, being predominantly casements. It is acknowledged that this palette of materials is not the traditional vernacular but then nor is the Cricket Meadows development which is the nearest housing from which to reference.

Residential amenity

This is a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review and echoed in the provisions of the NPPF.

With regards to overlooking and overshadowing it is noted that the revised plans increase the distance between existing and proposed dwellings, due to the 5m easement. The nearest existing and proposed dwellings are now 15m apart, side gabled to side gable (both two storeys in height and with the new dwelling to the east). The nearest facing rear elevations containing main windows are nearly 25m apart. Given the orientation, distance and building heights, there is not going to be a significant reduction in residential amenity as a result of overshadowing and overlooking.

However, it is accepted that, during the construction phase, there is the potential for noise and disturbance arising from the construction processes and from construction traffic using Jubilee Avenue and Hutton Way to access the site. A construction hours condition is therefore reasonable.

Other matters

The impact on **house prices** is not a material planning consideration. The need for **archaeological** site investigation prior to the commencement of any development on site is a Site Development Requirement within the site allocation (policy Res2 of the Local Plan Review refers) and a material consideration consistent with the provision of the NPPF. However, following pre-application investigations by a suitably qualified archaeologist, the County Historic Environment Officer has confirmed that is a low potential for further archaeological remains to be encountered during the development, and the medieval ridge and furrow remains have been recorded by record. Therefore no further archaeological input is required on this application.

The final Site Development Requirement also include the potential **retention/ conversion of buildings** situated at the “north end of the site.” This is assumed to be the farm buildings to the north of and outside of the site and not a consideration relevant to this application.

Issues of off- site **highway safety** have already been covered earlier in this assessment, but it is noted that the County Highways Officer has made some comments relating to the internal design and layout. Examination of the plans reveals that these are not issues per se with the plans but rather the full extent of the area sought for adoption and the specification of the construction and lighting need to be agreed. This can be secured by 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, STRAT2 0 Residential allocations, STRAT 3 – Settlement Hierarchy, STRAT 9 – Phasing of Housing Development and Release of Land, SUS4 – Cycle and Pedestrian routes in Development Proposals, SUS7 – Building materials and components, RES 1 – Housing Layout and Design, RES 2 – Range of Housing Provision in All Housing Schemes, RES5 – Provision of play space/recreational facilities in new developments, RES 6 – Affordable Housing, CORE 10 – Open Space and Landscaping within Developments and 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. The National Planning Policy Framework itself has been afforded significant weight as has its accompanying Technical Guidance (2012). The Draft Central Lincolnshire Core Strategy has been afforded limited weight given the objections and the resolution to withdraw it. But the housing provision was largely derived from robust evidence used to inform the now revoked Regional Plan. Such a provision has been cited by inspectors at appeal as a material consideration and is afforded weight here in the context of the need to maintain a 5 year deliverable supply of housing in accordance with the National Planning Policy Framework requirements.

In light of this assessment the proposal is considered to be acceptable. The development is, subject to conditions and the signing a section 106 agreement, an economically, socially and environmentally sustainable proposal that contributes to the deliverable supply of housing within the Central Lincolnshire area and will not have a significantly detrimental impact on residential amenity, highway safety, ecology or the visual amenity of the area.

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

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

Time commencement condition

1. The development hereby permitted shall be begun before the expiration of two 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. None of the dwellings hereby approved shall be commenced until details of a surface water system to serve the development has been submitted to and approved in writing by the local planning authority. Such a system shall be based upon the principles of sustainable drainage and respond to a 1 in 100 year event plus a 30% allowance for climate change with runoff regulated to no more than the surveyed existing rate, this rate having been previously submitted to and verified in writing by the local planning authority.

Reason: To ensure that there is an economically and environmentally sustainable surface water drainage system in place to serve the development which has adequate capacity to respond to 1 in 100 year storm water events allowing for climate change and to accord with the provisions of policy NBE14 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 and its accompanying Technical Guidance 2012.

3. No dwellings shall be commenced before the first 20 metres of the estate road including and from its junction with the public highway on Hutton Way has been completed to a stage and specification to have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests 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.

Other conditions

4. 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.

5. No dwelling hereby approved shall be occupied until details have been submitted to and approved in writing of a timetable for the implementation of the soft landscaping scheme indicated on drawing 142-04 and for its future maintenance scheme and shall include the provision for any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or

diseased, to be replaced in the next planting season with others of similar size and species. The landscaping shall be retained thereafter.

Reason: To ensure that, an appropriate level and type of soft landscaping is provided within the site, especially given the edge of settlement setting and to accord with the National Planning Policy Framework and saved policies STRAT 1, RES 1, CORE 10 and NBE20 of the West Lindsey Local Plan First Review 2006

6. None of the dwellings hereby approved shall be occupied until all of the boundary treatments serving that dwelling have been completed in accordance with the details shown on drawing 242-06 referring to drawings 142-170, 142-171, 142-172 and 142-273 and shall thereafter be retained.

Reason: To ensure that, an appropriate level and type of hard landscaping is provided within the site in the interests of visual amenity given the prominent nature of some of the boundary treatments within the street scene to accord with the National Planning Policy Framework and saved policies STRAT 1, RES 1, CORE 10 and NBE20 of the West Lindsey Local Plan First Review 2006

7. Before each dwelling is occupied the roads and footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to have been previously submitted to and approved in writing by the local planning authority to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses as detailed in the layout on drawing 142-02 received on 11th March 2014. This specification shall include drainage from and lighting of the highway.

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.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. Construction work for the development hereby approved shall not take place outside of the following times:-

Monday to Saturday – 07:30-18:30 (excluding bank and public holidays)

Reason: To protect neighbouring residents in this largely residential area from noise and disturbance in the interests of residential amenity 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.

Informatives

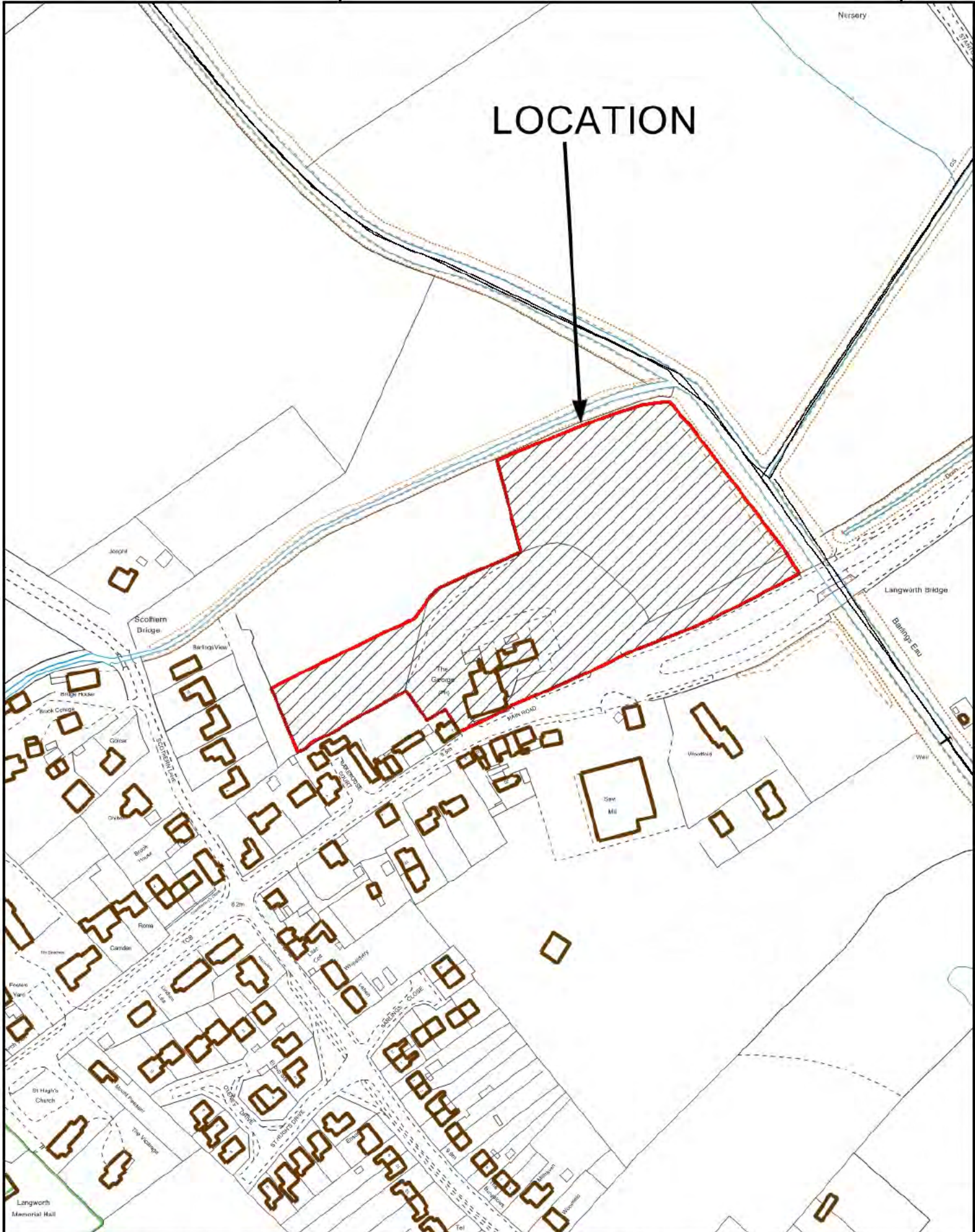
- A. Estate Road Specification - You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
- B. **This permission is also subject to an agreement under the amended section 106 of the Planning Act 1990 pertaining to the provision of affordable housing. The above permission is also subject to the obligations in that agreement.**

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



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.

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 3rd 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 3rd 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.lfd.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 8th July 2013. However, members of subsequently resolved to withdraw the Strategy on 6th 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 ear 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 3rd 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 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 13-010-S-004 dated 3rd 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 2nd 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.

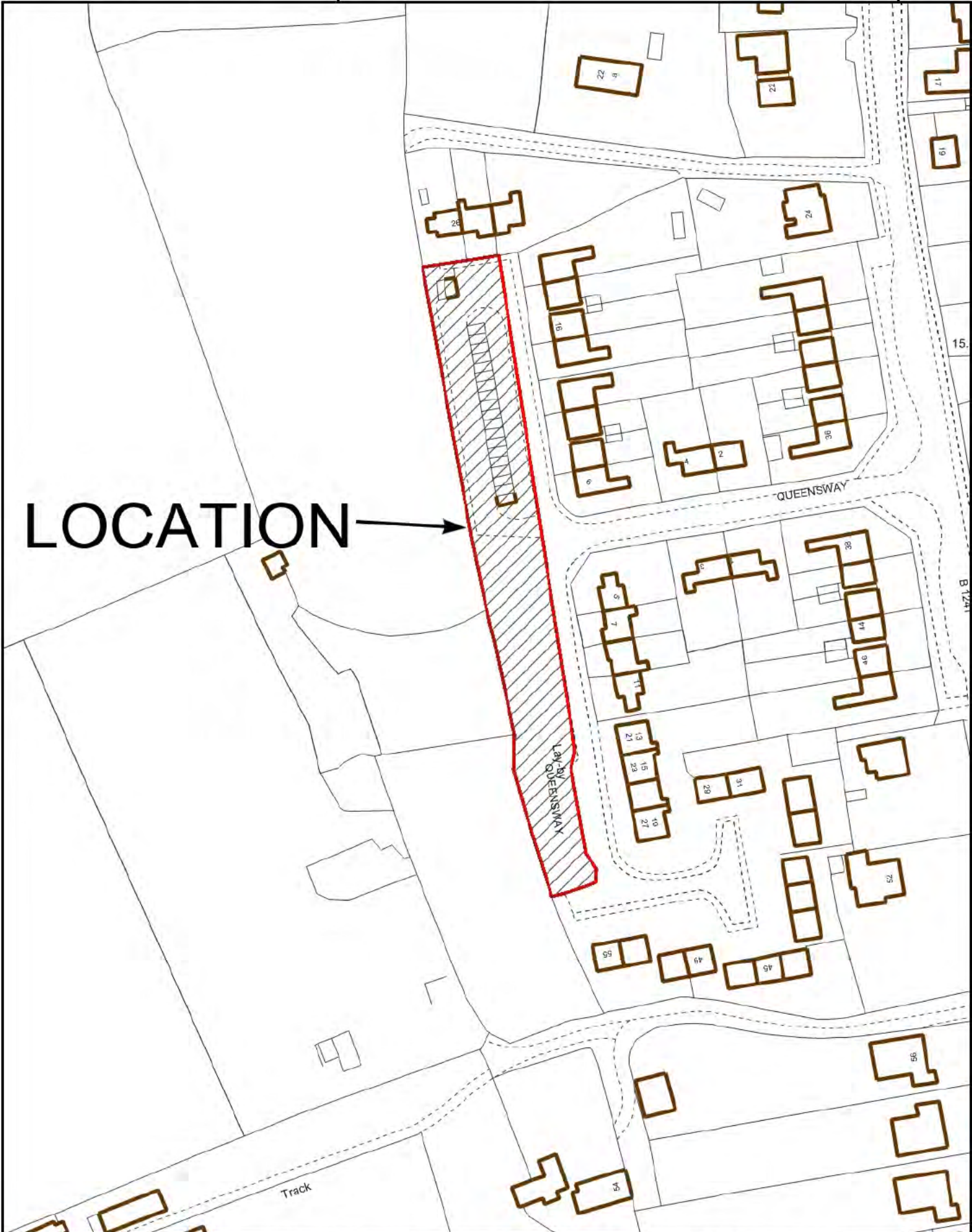
Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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



LOCATION →

Officer's Report

Planning Application No: 130886

PROPOSAL: Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings

LOCATION: Queensway Sturton By Stow Lincoln

WARD: Stow

WARD MEMBER(S): Cllr Shore

APPLICANT NAME: Acis Group Ltd.

TARGET DECISION DATE: 18/03/2014

DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and that the open areas of the site are maintained as public open space.

In the event that the section 106 agreement 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 following the expiration of that 6 month period.

SUMMARY

1. A revised drainage strategy has been submitted responding to the only concern cited previously by members.
2. The development will deliver affordable housing to respond to an evidenced need for housing within the village and no other site has come forward to deliver that need.
3. There is a presumption in favour of sustainable development in the NPPF.
4. 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.
5. Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF and Central Lincolnshire can only evidence a 3.5 years' housing land supply

Description:

Site – The majority of this land (around 60%) is occupied by public open space used for informal recreation whilst the remainder, at the northern end is occupied by a block of garages used by existing local residents. There are 21 garages in total, all of prefabricated construction. The public open space is considered to constitute greenfield land whereas the garaging is previously developed land.

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

Proposal – This application constitutes a resubmission of a scheme refused previously by the Council (see relevant history section below). The significant difference is the changes to the proposed surface water drainage scheme which involves taking water from the adopted highway as well as the site to ease the pressure on the existing highways drains.

The proposal is for the following to respond to a need identified in a village survey:-

- 2 x two bed houses
- 2 x three bed houses
- 2 x one bed flat
- 2 x one bed bungalows

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

Two areas of public open space are proposed.

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

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

Relevant history:

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

In November 2013 a near identical application to that under consideration now was refused following consideration by members.

An extract from the minutes for the Planning Committee meeting states-

“Members of the Committee deliberated on the application at great length. Whilst acknowledging that the flooding was the most serious issue, questions were asked and further clarification sought on matters of the open space, parking and the number of affordable units.

The Housing and Communities Project Officer explained that there were six households identified as being in need, and an additional two houses had been proposed to make the development more viable and meet future need for Choice Based Lettings. Six local people had bid for a three bed roomed house in June.

Potential ways of alleviating the flooding were suggested, including rain water harvesting and a balancing reservoir. It was acknowledged that there were riparian ownership issues with some culverts which could not be addressed by the Council or through a S106 via the application. Some Members expressed concern as to whether the flooding problems would be solved through the conditions in the permission and felt that the decision should be deferred for these matters to be addressed prior to a resubmission of the application to the Committee.

Other Members felt that this application was the only opportunity to get the flooding issues addressed, hence the reason for the recommendation to delegate the decision once the surface water issue had been resolved. The Acting Area Team Manager affirmed that the developer had to demonstrate that the proposals would not make the flooding worse, and if this was not complied with, or the S106 not completed and signed within a six month period then the application would come back to the Committee.

It was proposed and seconded that the application be deferred pending resolution of the surface water flooding, however this motion was subsequently withdrawn, as the recommendation to delegate had the same effect.

The officer’s recommendation to delegate approval of the application was then moved and seconded, with an amendment to Condition 1 requiring development to commence within two years rather than three. On being voted upon the Motion was lost.

It was then moved and seconded that the application be refused as it was contrary to Policy NBE14. On being voted upon it was agreed to refuse permission.”

The reason for refusal was:-

“The area of and surrounding the application site is known to have an existing surface water flooding problem. The applicant has not adequately demonstrated that the proposal will not make the existing situation worse and therefore the application is contrary to Policy NBE14 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.”

Representations:

Chairman/Ward member(s): No comments received.

Parish Council: Whilst it is accepted that the proposals for the disposal of surface water are designed to reduce the flow from the site, they take little account of the existing flooding suffered by elderly tenants of the applicant at the lowest part of the estate, photographs of which were displayed during the planning committee meeting held on 13th November 2013. This is the same proposal re-submitted.

The Parish Council understands that the application has to be taken in isolation and there is no requirement to improve downstream surface water issues. However, as the affected residents are all elderly tenants of the applicant, we are disappointed that the applicant has not taken the opportunity to substantially improve the flooding problems experienced downstream.

The submission does NOT take into consideration the culverted outfall from the open watercourse alongside the B1241 Saxilby Road. As this culvert is smaller than the culverted sections discharging from the site, any works undertaken on the site will have minimal effect.

It is considered that the redevelopment of the garages would be an aesthetic improvement, however, the Parish Council remains vehemently opposed to the loss of a substantial part of the designated public open space created as an integral part of the original 1965 development. There are numerous nursery and primary school age children who use the open space for football, cricket, cycling and informal play. It has been the intention of the Parish Council to develop the area further with some formal equipment since the next nearest provision entails crossing the busy, lorry route designated A 1500 Tillbridge Lane. However, ACIS consistently fails to respond to Parish Council proposals.

Parish Council are, additionally, concerned about the highway. During most evenings, vans, small lorries and cars are parked partly on the footpath, partly on the road, opposite the proposed dwellings. The current practise of emergency vehicles using part of the green space to access the OAP bungalows will be severely curtailed. The road is not wide enough.

Finally, the previous application provoked debate on the need for the scale of the development. Surveys indicate a maximum requirement of 6 dwellings. However, permission has already been granted for 2 one bedroomed dwellings for rent within the village since the survey was undertaken leaving a balance of 4 dwellings. This application is for 8 dwellings and the arboricultural report clearly shows 10. Parish Council consider that 6 dwellings could be accommodated without impacting too much on the valuable designated public open space. This would address the need whilst reducing the impact on the existing residents. As such, the Parish Council strongly urges the planning authority to REFUSE the application as it currently stands.

However, if the planning authority were minded to ignore the Parish Council's submission and grant consent, a S 106 agreement to provide £10000 worth of play equipment to be donated to the Parish along with the remaining open spaces would go some way towards appeasing concerned resident."

Local residents: Objections received from 1, 12 and 55 Queensway:-

- Highway safety – not enough parking and cars parked on pavements due to narrow roads forcing people to walk in the road which is particularly poor for elderly people. At peak times the area is already full with cars of residents and visitors. Access - large goods vehicles, refuse lorries, delivery vehicles will be unable to manoeuvre.
- There is no need for the proposal.
- The area is susceptible to flooding.
- The new builds are not in keeping with the look of surrounding houses.
- Current residents will be subjected to high levels of noise pollution and prolonged exposure to a dangerous building site.
- Residents will be overlooked, causing invasion of privacy at close proximity.
- The garages are still being used. Yes, take the existing garages down, but build new ones.

Comment from 26, Queensway

- Get the garages knocked down and out of my sight, the sooner the better; they are used for dumping of rubbish and animal excrement. A danger to children.

Lincolnshire Police

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

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

LCC Highways – No objection subject to conditions with regards to highway safety.

With regards to drainage it remains the District Council's responsibility to satisfy itself that the designed drainage scheme meets the objective of not increasing run off downstream during the 100 year plus climate change storm. The Highways Authority are unable to confirm the validity of the actual calculated values of flow rates both within the proposed on site surface water pipe systems or in the analysis of the capacities of the existing culverted watercourse to which the area outfalls, as it does not currently have the resource to do so.

However, the Highways Authority can confirm that the proposed layout adopts the agreed arrangements which it is believed has the potential to negate any additional runoff created by the development.

- The layout includes a flow control device (Hydrobrake) and management arrangements need to be established to ensure its regular maintenance and emergency response arrangements during critical blockages ,etc.
- Future maintenance liability for the existing piped in watercourse within the track to the rear of the existing houses requires clear agreement.
- The developer should be asked to demonstrate that the pipe capacities associated with the proposed additional highway drainage within Queensway are adequate to accommodate storm flows and confirm that this flow is included within the modelled flow within the existing culverted watercourse.

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

Upper Witham Internal Drainage Board – The Board has no objection to the development provided it is constructed in accordance with the submitted details and Surface Water Drainage Report.

It is noted that properties in this catchment are at risk of flooding and there was actual flooding during the summer 2007 event.

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

Drainage routes shall include all methods by which water may be transferred through the site.

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

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

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

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

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

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

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

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

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

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

The recommended tenure of all properties was affordable rent. Based on the above recommendation the proposal will deliver an exact match to the local evidenced need and will provide accommodation for a range of age groups. The additional 2 units will meet the wider need of the district as evidenced by the Lincs Homefinder Housing Register in a location which has the sustainability to accommodate them. Sturton by Stow is a rural location with a population of less than 3000. It has a range of community facilities, including:

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

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

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

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

Relevant Planning Policies:

The Development Plan

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. 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 part of the

Fa2 residential allocation and 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 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpta.htm#strat7>

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

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>

RES7 Rural exceptions housing
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res7>

CORE 10 Open Space and Landscaping
<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>

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

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

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

CL1 – Sustainable development in Central Lincolnshire
 CL4 - Level and distribution of growth
 CL5 – Managing the release of land for housing and employment
 CL6 – Site selection in Central Lincolnshire
 CL12 – Overall target for affordable housing
 CL14 – Affordable housing on rural exception sites
 CL22 – Strategy for the rural areas of Central Lincolnshire

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

Assessment:

Introduction

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. Policy STRAT7 restricts housing development in settlements defined by policy STRAT3 as Subsidiary Rural Settlements as the evidence base for the Plan suggests that such villages do not have the services and facilities to support additional development.

However, there are some key points to consider with regards to the principle of the development:-

1. There is evidence to demonstrate that the application is responding to a need identified for affordable housing in the village and policy RES7 of the Local Plan Review and policy STRAT provides a favourable development plan policy context for the principle of such developments. This policy support for affordable housing is considered

to be consistent with the provisions of the National Planning Policy Framework (NPPF) (para. 55 of the Framework refers).

2. There is need to maintain a 5 year deliverable supply of housing within the district as required by the NPPF and a presumption in favour of sustainable development.
3. All of the Local Plan Review policies need to be considered for their consistency with the National Planning Policy Framework 2012 and its presumption in favour of sustainable development. In this context, the Central Lincolnshire Local Plan evidence base and the officer site visit appear to suggest that the Local Plan Review was mistaken in its designation as a settlement with a lack of facilities.
4. The previous application was refused on the grounds of impact to surface water flooding alone and there has been no material change in policy or site context since this refusal except for the withdrawal of the Central Lincolnshire Joint Core Strategy that was afforded little weight in the consideration of that application and not quoted in the reason for refusal.

These considerations are considered in more detail below.

Affordable housing need.

The Review did contain a policy, RES7, which was included to acknowledge that there would be a need to deliver “exceptions sites” for affordable housing in such settlements to respond to an identified need for such housing.

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

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

The recommended tenure of all properties was affordable rent. Six of the proposed dwellings will deliver an exact match to this local evidenced need and will provide accommodation for a range of age groups. The Council’s Strategic Housing Officer has also confirmed that the additional two units (1 x three bed and 1 x two bed houses) will meet the wider need of the district as evidenced by the Lincs Homefinder Housing Register. Members may note in

this case that all dwellings can be delivered for affordable housing as it has been previously shown through a viability appraisal supplied to officers that it is viable to do so; the applicant is the landowner and a Registered Provider.

The survey that provides the evidence for the need was paid for by the applicant but the process was open, neutral and transparent. It was made clear that the survey was and is not exclusive to the applicant and could be used for other developers/landowners if they brought land forward. In this regard it is noted that other land has been submitted in Sturton by Stow for consideration as exception sites for affordable housing. This includes land on the north side of the village, off Stow Road, near to where houses have been developed in the last 20 years and where they are currently being developed. However, none of the other sites identified as being appropriate have not been pursued and the need remains. It is a current need and without delivery of this site it will be unmet for the foreseeable future.

Furthermore, as stated in the introduction to this assessment, the support provided by policy RES7 of the Review is consistent with the objectives of the National Planning Policy Framework; paragraph 50 of the latter stating that local authorities should plan for affordable homes to meet an identified need.

Deliverable supply of housing

The Local Plan Review provision has been superseded; Central Lincolnshire is 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 against the 5 years required by 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.

The weight afforded to delivering this site as part of the deliverable supply is especially significant given that the site is part of the allocation and, as stated above, such sites are considered to be part of the deliverable supply in the SHLAA.

Nevertheless, having afforded weight to this consideration, it is reasonable to require development to commence within two years to seek to ensure deliverability within 5 years.

Sustainability

The NPPF also provides for explicit policy support for sustainable growth with paragraph 7 outlining a presumption in favour of economically, environmentally and socially sustainable development and growth.

Sturton by Stow, as a Tertiary Attractor (as defined in the Portrait of Place evidence base for the Central Lincolnshire Local Plan), is a settlement that provides appropriate services and facilities to serve future residents of the development. This Portrait of Place evidence and identification of Sturton as Tertiary Attractor settlement (a sustainable settlement) is considered to be more realistic as a mark of the level of services and facilities that the village has to offer than the Subsidiary Rural Settlement identification in the Local Plan Review despite the lack of any significant change in the level of provision since the adoption of the Review in 2006.

Specifically, the village includes employment providers, a school, shop and a regular bus service (Interconnect 100) to Lincoln and Gainsborough, albeit with the school located on the north side of the village on the opposite side of the A1500. The nearest bus stop is within 400m of the site on Saxilby Road. It is acknowledged that the majority of the site is greenfield land as defined by the National Planning Policy Framework. Such land is defined as the lowest priority for release for housing land in policy STRAT9 of the Local Plan Review. Paragraph 17 of the NPPF also encourages the use of brownfield land but it does not include the more prescriptive sequential approach that was detailed in the superseded Planning Policy Statement (PPS) 3 that provided the national context when policy STRAT9 was adopted in 2006 and saved in 2009. In this context it is noted that there is not brownfield land that has been brought forward, is appropriate and is deliverable for this development in the village. In this context, the delivery of greenfield land can be supported to meet the demand for affordable housing and provide deliverable growth.

It is also acknowledged that the land is used as public open space and its loss is a concern expressed by residents in their representations. The land is not explicitly identified as important open space to be retained in the Local Plan Review but paragraph 74 of the NPPF advises that such spaces should not be lost unless they are surplus to requirements or replaced by an equivalent

provision or by an alternative provision. It was also noted that, during two of the case officer's site visits over the course of the last 12 months, part of the space was being used by children for games.

As a response to this issue the development does provide two areas of public open space which, whilst cumulatively smaller than the existing area, are considered to provide the potential for an equivalent amount of informal recreation. This is because it is considered that the existing area is narrow, devoid of play equipment and bordered by the existing garages and road and therefore is of limited existing value. The areas do meet the requirements of policy RES5 of the Local Plan Review.

Principle - conclusions

In summary, the principle of the proposal is considered acceptable. There is an unmet identified need for affordable housing in the village, a need that has no prospects of being deliverable in the short term through the development of other sites; appropriate sites having been identified but not brought forward by landowners at this stage. Members may also note that sites for open market housing in the village with a percentage of affordable housing have not been brought forward within the Local Plan Review period because there was a policy presumption against open market housing in the village. The one exception of note is at the Old Rectory on Stow Road but viability issues relating to the need to deliver the conversion of a listed building prevented the delivery of affordable homes on that site.

Design and layout

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

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

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

Flooding and drainage

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

included within the National Planning Policy Framework and its accompanying National Planning Policy Guidance note.

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

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

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

The developer needs to demonstrate that the development of the site would have a neutral and not worse impact on this situation including during a 1 in 100 year storm water event (plus allowance for climate change) taking into account that some of the site floods at the moment and the siting of houses and/or the ability to store additional water within this flooded area would not be possible. The proposed piped system and siting of one area of open space within the area prone to flooding provides an appropriate basis for a neutral impact in terms of runoff rate and volume from the site. However, the use of pipes to directly route the water into the existing system rather than the current overland flow into drains means that, although the overall volume is predicted to not be materially different to existing, the characteristics of concentrating the runoff to one point could be significantly different to existing. This is due to two main factors :-

- i. The proposed drainage scheme is significantly different to that proposed previously as it provides the opportunity for runoff from Queensway outside of the site to enter the site's drainage system in advance (up stream) of an on-site hydro brake. Currently this water flows down Queensway and enters the gullies at the southern end of this road. This water then is piped to the culverted watercourse to the south of the Queensway bungalows. In storm events the restricted nature of the gullies results in this water exacerbating the flooding problem at the southern end of Queensway, not assisted by the fact that the historical culverting of the receiving watercourse has prevented much of the floor water from being able to enter it. The proposed routing of some of this road runoff into the new development system via new roadside gullies will have the advantage

of ensuring that this water bypasses the flooding and bungalows at the end of the southern end of Queensway. The issue therefore is whether there is sufficient storage in the pipes in advance of the hydrobrake to ensure that this brake maintains control of the flow to ensure that the watercourse downstream is not surcharged in a character that is worse than existing taking into account the changing character of site runoff explained in point ii.

- ii. The increased area of development within the site will mean that there is less ability for water to percolate or runoff from the site at a greenfield rate. The piped system therefore needs to ensure that existing impacts are not made worse. The proposal has the ability to control the character of the runoff from the newly developed areas by ensuring that this water is directed into the piped system rather than merely adding to the runoff from the site onto the road and the adjoining field (both of which would only serve to exacerbate the existing flooding problems at the southern end of the site). What therefore needs to be ensured is that, by channelling the water into the piped system to the culvert, does not surcharge the latter in a way that is worse than existing (taking into account the additional water from the new highway gullies as per point 1).

In this context, the calculations submitted appear to indicate that the system has the potential to do this, sustainably within the site and on land within the applicant's control and members may note that the County Floods and Drainage Officer (comments included as part of LCC Highways' representation) and the Internal Drainage Board both consider that the principles of the revised proposal reflect discussions that took place between the applicant, the Council and some of the drainage agencies following the previous refusal. The exact details can therefore be agreed by condition.

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

Residential amenity

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

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

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

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

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

Highway safety

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

The photographs taken by the case officer and available on the PowerPoint presentation confirm that the relative narrowness of Queensway results in cars regularly being parked partially on the pavement which is not ideal especially as the pavement is used by residents, including children. The

parked cars also reduce the width of usable highway for cars and service and emergency vehicles to access other parts of the development.

However, it is not considered that the development will make this situation worse. There are 20 off street parking spaces proposed for the eight dwelling and only existing space within the lay-by on Queensway is calculated to be lost as a result of the development. The provision of a net increase of 19 spaces for 8 dwellings is considered appropriate.

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

Other matters

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

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES7 Rural Exceptions housing, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. The Local Plan Review policies are considered for their consistency with the National Planning Policy Framework and the weight afforded to them adjusted accordingly.

The National Planning Policy Framework has been afforded significant weight especially the presumption in favour of sustainable development. The suite of National Planning Policy Guidance notes is also a material consideration afforded weight. The Draft Central Lincolnshire Joint Core Strategy (2013) was also considered but limited weight afforded to it following the resolution to withdraw it from Examination.

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

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

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

RECOMMENDATION: That the decision to grant planning permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and that the open areas of the site are maintained as public open space.

In the event that the section 106 agreement 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 following the expiration of that 6 month period.

Time commencement condition

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

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

Pre-commencement conditions

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

- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. The means of access and routing for demolition and construction traffic.

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

3. No development shall take place until details have been submitted to and approved in writing by the local planning authority of:-

a) a scheme for the disposal of surface water from the site which is designed to demonstrate attenuation to the existing runoff rate, volume and character for a 1 in 100 storm water event (plus 30% allowance for climate change).

b) a management and maintenance regime, including identified responsibilities to ensure the scheme agreed as per point a) is retained thereafter to continue attenuating to the existing runoff rate, volume and character for a 1 in 100 storm water event (plus 30% allowance for climate change).

The approved scheme shall be implemented prior to any of the dwellings hereby approved being occupied and shall be maintained thereafter in accordance with the agreed regime referred to in point b) above.

Reason: It is reasonable to require further specificity to the details submitted in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality.

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

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

Other conditions

5. The approved Construction Management Statement (as referred to in condition 2) shall be adhered to throughout the demolition and construction

period and no construction or demolition works shall be carried out outside of the following times:-

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

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

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

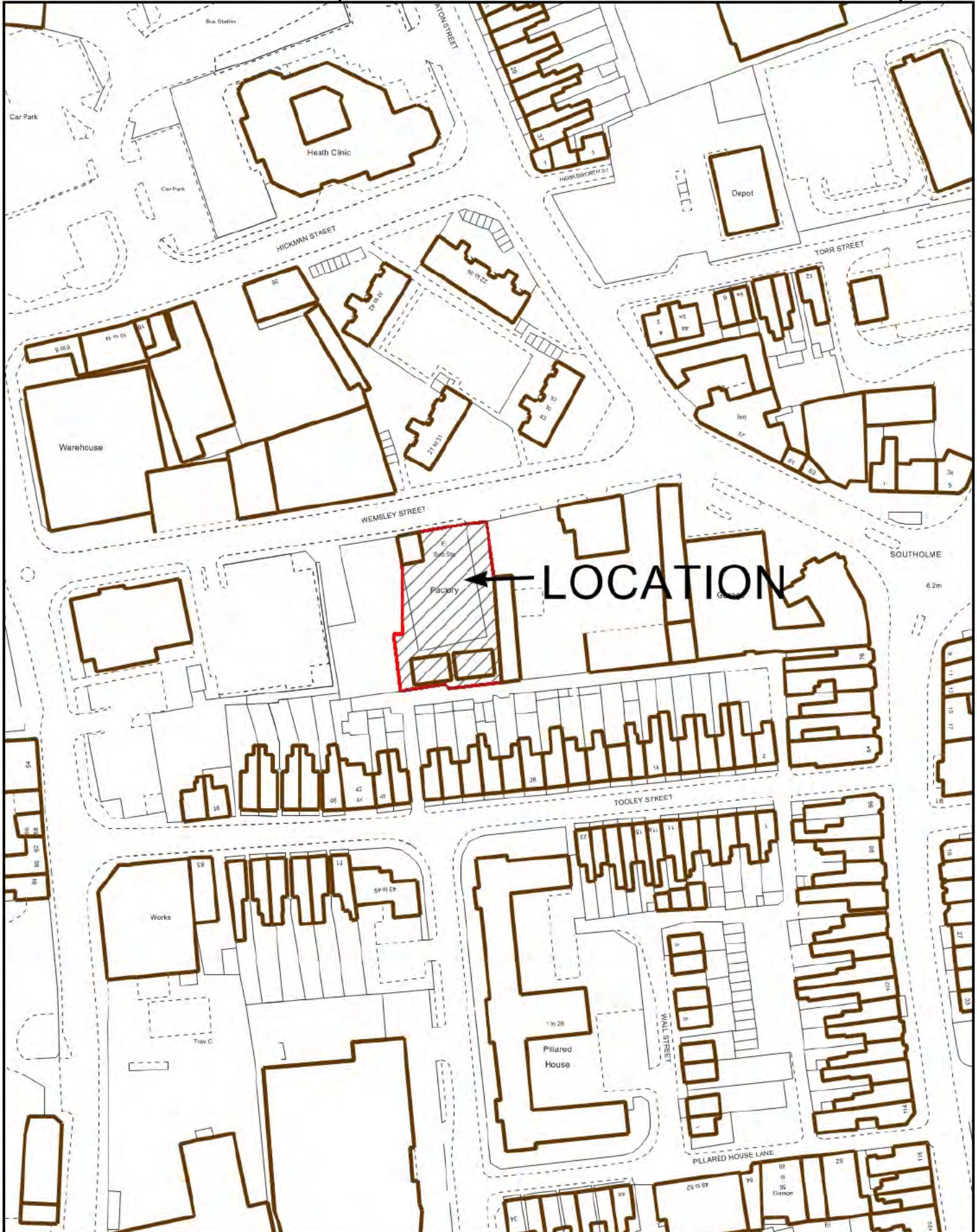
Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

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

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

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

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



Officer's Report

Planning Application No: 130940

PROPOSAL: 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

LOCATION: Wembley Street Gainsborough Lincolnshire DN21 2AJ

WARD: Gainsborough South West

WARD MEMBER(S): Cllrs Rainsforth and Young

APPLICANT NAME: Axiom Housing Association

TARGET COMMITTEE DATE UNDER PPA: 16/04/2014

DEVELOPMENT TYPE: Minor - all others

RECOMMENDED DECISION: Grant permission subject to conditions

SUMMARY

- 1. There is an evidenced need for this foyer development**
- 2. The delivery is a corporate priority of the Council.**
- 3. The location and specification of the proposal has an exact fit with the description contained within the Council's own corporate priorities.**

Introduction

This application is being reported to the Committee in accordance with the restriction upon delegated powers as prescribed by section 1(h) of the delegated powers exemptions of the Head of Development of Neighbourhoods defined within part IV of the Constitution for this Authority. This decision has been taken due to the part-financing of the proposal by this Council if granted planning permission (Members are referred to the Assessment section of this report for further information).

Description

Site – The site is located within a mixed use area on the south side of Wembley Street, approximately 150m south of the bus station and town centre. It is currently occupied by a vacant general industrial building (formerly occupied by Shadowline publishers and printers). To the east is a site occupied by Lyons of Gainsborough, engineers who maintain and supply machinery for agriculture, horticulture and gardens. To the north is a three storey block of flats within open plan grounds and a vacant industrial building.

To the east is a site owned by Acis Housing Association used for overspill car parking for its offices further to the west on the corner of Wembley Street and Bridge Street. To the south, the application site abuts a 10' passageway, shared with a row of two storey terraced dwellings fronting Tooley Street.

Proposal – The development proposed is a single detached building with a mono-pitched roof rising to a height of approximately 10.5m above ground level and a footprint of 726 sq m. The upper two floors of the building would accommodate 12 bedroom units each with their own bathroom and seating area. These two floors would include a communal kitchen/dining/living room with the ground floor proposed to be used for a residents' lounge, meeting room, training uses and offices. Externally, there would be parking for 4 cars, a covered bike store and gardens. The building would be faced in brick and render.

The proposal has been brought forward as a “Foyer” accommodation and training development centre. A Foyer provides a safe, quality assured environment that can accommodate young people who are threatened by or who have been affected by homelessness. The target client group for the provision in Gainsborough will be young people aged 16 to 25 who are in need of stable accommodation. They are likely to be currently living in unsatisfactory housing situations eg, sleeping on a friend's floors, in poor quality rented accommodation or untenable accommodation within a family unit. Residents will be able to live in the supported units for up to 2 years. Residents will be expected to actively engage with their own development and in return will have access to the tools needed to take responsibility for their own future by developing skills for independent living, access to training, volunteering and employment opportunities and work towards moving on to more independent accommodation. This ‘deal’ is a defining characteristic of a Foyer.

The applicant, supported by West Lindsey District Council, has successfully bid for £288,000 from the Homes and Communities Agencies' (HCA's) Homeless Change Programme to develop a 12 bed satellite provision in Gainsborough. The Homeless Change programme is a strand of the current Affordable Homes Programme (2011 – 2015) and provides capital funding for high quality accommodation. The bid was placed after a need for this type of accommodation in Gainsborough was identified and was included in the Central Lincolnshire Local Investment Plan – a reference document for investment decisions for the HCA to deliver projects and programmes relating to housing, growth, regeneration, infrastructure and community activities in Central Lincolnshire's Housing Market Area.

One fulltime equivalent (FTE) employee would be employed at the site.

This use is considered to be “sui generis” for planning purposes, that is to say it does not fall within a class of the amended Use Classes Order 1987. Specifically, the bedroom units exclude kitchen and dining facilities and are therefore not considered to fall within class C3 (dwelling-houses) and the use differs from a residential institution (class C2) insofar as it focuses on training rather than care.

The proposed is considered to be a single, sui generis, planning unit.

Members may be aware that a Foyer already exists at Market Rasen operated by the applicant. Members may wish to refer to the following web-site for further information about the Foyer concept:-

<http://foyer.net/about-foyers/>

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

No formal application. The proposal was the subject of a pre-application enquiry.

Representations

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

Gainsborough Town Council: No written comments received.

Local residents: Written representations received from 34, 38 and 42, Tooley Street expressing concerns about:-

- Loss of privacy and noise and disturbance; it is a grave error to site 16-25 year olds under supervision in close proximity to existing residents, many of whom are between 70 and 95 years of age and live alone.
- Wish that a 10' high wall is put back on the boundary and access to the site is limited to Wembley Street and not onto the 10' between the site and Tooley Street.
- Overshadowing as the three storey building will dominate the rear, and only, gardens of houses on Tooley Street.
- The location of the building at the rear is unfair to residents on Tooley Street.

NB. Case officer's comment: This siting is due to a utilities easement.

Environment Agency: The application is acceptable subject to conditions requiring the development to be carried out in accordance with the mitigation measures specified in the submitted Flood Risk Assessment and for further investigations to be carried out relating to contamination.

LCC Historic Environment (Archaeology): No further input required.

LCC Highways: No objection subject to conditions relating to the implementation of the parking, manoeuvring and access arrangements prior to first use of the building and retention thereafter.

WLDC Environmental Protection:-

- There is no SuDS approach to drainage other than allowing an area for storage for attenuation purposes, should it be required. As this is new build SuDS ought to be addressed by way of sequential approach with appropriate recommendation and justification.
- Mitigation Measures have been set out in the FRA which ought to be conditioned; however a proviso in this ought to be that any raised levels beyond the current footprint have appropriate compensation and/or justification that they will not lead to localised surface water flooding.

WLDC Strategic Housing – Support application and members are referred to the comments contained within the Assessment section of this report.

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 within the settlement limit for Gainsborough but outside of the town centre, Conservation Area and Trinity Street designations. 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 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT 4 Windfall and infill housing development in Gainsborough

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat4>

CORE 10 Open Space and Landscaping

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

NBE14 Waste water disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE19 Landfill and contaminated land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>

It is considered that policy STRAT4 needs to be considered as it refers to “residential development” rather than merely “dwellings” and therefore extends beyond the definition of class C3 of the amended Use Classes Order 1987.

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 planning policy

- 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)

Gainsborough is defined as a Primary Attractor in the Portrait of Place evidence that helped inform the draft Core Strategy. This is the highest level of sustainability outside of Lincoln (a Regional Attractor). In this context the following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire

CL4 - Level and distribution of growth

CL6 – Site selection in Central Lincolnshire

http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.centrallincolnshire.lfd.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 8th July 2013. However, members of subsequently resolved to withdraw the Strategy on 6th January this year following comments expressed by the government appointed inspector during the Examination stage. Very little weight is afforded to the Strategy.

Other relevant documents

- West Lindsey Corporate Plan 2014-18
<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>
- Lincolnshire Sustainable Communities Strategy (2009)
http://committee.west-lindsey.gov.uk/comm_mins/documents/CL/Reports/CL0247R.htm
- Lincolnshire Youth Housing Strategy (2013 - 2018)
<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=9152&p=0>

Assessment

Principle - Loss of employment land

The site is currently considered to be vacant rather than abandoned and has a general industrial use. The reoccupation by a general industrial user could have employment benefits but, given the poor state of the buildings, the proximity of residential properties and the availability of other buildings for such purposes, including directly on the opposite side of the road, there are no reasonable prospects of this occurring. The National Planning Policy Framework (NPPF) also advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose (para. 22). It is acknowledged that there is no planning policy within the Local Plan Review specifically seeking to protect this site for employment use, but the steer given by the NPPF is clear and the proposal should not be resisted on loss of employment grounds. It is also noted that the development would create 1 FTE job whereas the vacant site employees no one.

Principle – Need for the development

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 justification to policy RES6 within paragraph 1.39 states it has been a long standing national housing and planning objective that a suitable home should be made available to every family at a price within their means and that a housing need occurs if the market cannot provide a dwelling to suit that need at a price within the means of a household in need of a home. The paragraph concludes by providing an

underpinning definition for affordable housing for the Local Plan as being “Housing provision of a type and standard within the financial means of people who are in unsuitable accommodation for their needs, or who are homeless.”

This approach has consistency with the NPPF, specifically paragraph 55 relating to the need to provide affordable homes to respond to need.

In this context, the Council’s Strategic Housing Officer provides the following advice:-

“The supply of suitable affordable housing for young people is a challenge both nationally and locally. Rough sleeping is on the increase and by the time young people present as homeless, at the point of crisis, their needs are of such complexity that supported housing providers cannot provide the level of support required.

Welfare reform has also impacted on accommodation options for young people. Anyone under 35 years of age and in need of financial assistance can no longer afford to live in the private rented sector as they are only eligible for the £56.00 per week shared accommodation rate.

The few options available for young people in Gainsborough if they find themselves in housing difficulty are;

- a) The Market Rasen Foyer which means moving away from their support networks;
- b) Social rented tenancies for which they are often unprepared and unable to maintain and, at 16 and 17 years of age, not eligible for and;
- c) House share – of which there are few opportunities.

Between 1st April 2013 and 1st March 2014, 117 people aged 16-21 have approached the West Lindsey Home Options service for assistance. There have been 57 housing applications from persons aged 16-21 since 1st April 2013. 33% of homeless acceptances during 2012/13 fell into the 16/24 age group. One third (33%) of applicants requiring and eligible for a 1 bed flat in West Lindsey are aged 16 – 21. Due to the positive prevention work between the Council and the Market Rasen Foyer the number of homeless applications from young people aged 16 -21 has decreased. With the addition of this supported housing project in Gainsborough the positive prevention work could continue resulting in a further reduction of homelessness applications from young people.”

The Officer also reminds us that this has a strategic fit with the West Lindsey Corporate Plan 2014 -18; theme 4 within the plan – Active and Healthy Citizens and Communities – addresses the wider determinants of health at priority 4.3. A specific measure of objective 4.3.1 - Increased housing options available across the District to prevent and relieve homelessness - is to “Deliver a 12 bed young persons’ accommodation project in Gainsborough by March 2015.” Furthermore, the Lincolnshire Homelessness Strategy (2012 – 2016), approved by members in 2011, identifies young people as the service user group most vulnerable to homelessness – partly due to difficulties

accessing suitable affordable accommodation and has therefore been identified as a priority group within the strategy.

Safe appropriate housing is also linked to many of the themes within the Lincolnshire Sustainable Communities Strategy 2009 – 2030 and the Lincolnshire Youth Housing Strategy (2013 - 2018).

The need for such a development in Gainsborough is therefore evidenced and justified. The proposal also has an exact fit in terms of the type and level of accommodation required; it includes the 12 bedrooms with facilities such as a bathroom to provide for semi-independent living and a sense of “home” whilst also providing the communal areas to foster social interaction and the provision of training.

This design therefore contributes to the social sustainability of the development, one of the roles underpinning sustainability as defined in paragraph 7 of the NPPF and an attribute that can be afforded significant weight when assessing the development against the NPPF’s presumption in favour of sustainable development (para.14 refers).

The location proposed also contributes significantly to the social, economic and environmental sustainability of the scheme. The location within the settlement limit for Gainsborough within the Local Plan Review as defined by policy STRAT3 and the positive stance towards residential development provided by policy STRAT4 therefore have a high degree of consistency with the NPPF; significant weight can be afforded to the policies and the principle of the proposal in this location considered favourably. The reasoning behind this assertion is provided in more detail below.

Social sustainability

It is noted that the site is close to a mix of housing including that to the south on Tooley Street and the modern open-market flats on the riverside; this setting of different socio-economic groups provides for a balanced and mixed community and will avoid the marginalisation of future residents of the proposed development. There are also a range of community and recreational facilities within a short walking distance such as the Weston Rooms, Trinity Arts Centre, the Riverside walk and the library all adding to the social sustainability of the location.

Economic sustainability

The site is served by existing adopted public highway and sewerage infrastructure as well as power, telecommunications and potable water supplies. There have been no adverse comments received from the infrastructure providers, such as Severn Trent Water or the County Highways Authority in response to this application.

The redevelopment of this previously developed site therefore does not place any uneconomic demands on infrastructure that a more peripheral location may have done.

Environmental sustainability – access to services

The site constitutes previously developed land within a short, flat walk to the town centre and the range of service and facilities that it provides including health care (Elswitha Hall), food (a number of shops), the post office and banks. Gainsborough College is within 1km to the north via a flat route on pavements. There are also a number of employment providers, West Lindsey District Council and Lincolnshire County Council offices within walking distance as well as the Job Centre. The bus station is less than 200m away connecting the site to Scunthorpe and Lincoln as well as to John Coupland Hospital on Ropery Road.

Environmental sustainability – flood risk and drainage

Flood risk and drainage are considerations 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 National Planning Policy Guidance (NPPG) states that “More Vulnerable” such as the Foyer use proposed can also be appropriate in flood zones 2 and 3a but only if the above-mentioned Sequential Test has been passed first, passing 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 of the River Trent defences (fluvial flooding) during the more extreme events.

The default area of search for the Sequential Test is the district but it is considered reasonable and right to limit the area of search in this instance to that where the need for the development is required and locations that are appropriate to support that need. In this context, this Assessment has already detailed why the need is specific to Gainsborough and why, for the needs of the residents and social and economic sustainability, the site needs to be close or within reasonable walking distance of the services and facilities that the occupants will call upon. Given the vulnerability of the prospective residents, their economic circumstances and probable lack of access to a car, it is reasonable to limit the area of search to sites within 1km of the town centre and preferably west of the escarpment (Pingle Hill/Cox’s Hill/Spital Hill).

A considerable majority of this area is also within flood zone 3a, the areas outside of this zone correlating to the land east of the A159 (Trinity Street/Beaumont Street/North Street/Morton Terrace). There are two vacant sites within the area; the first opposite Gainsborough Trinity Football Club’s Northolme ground on North Street is mostly within flood zone 3, whilst the site on the corner of Spital Terrace and North Street is within flood zone 1 and has had approval for housing in the past (now expired) but, given the desire now

to retain an open frontage on this site, it is not likely to be appropriate for the development proposed.

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. It looks at flood events above the default 1 in 100 year, plus 30% increase for climate change, that developments are normally assessed against. Nevertheless, the site specific FRA also consider these more acute events, including 1 in 200 year, 1 in 200 year plus climate change allowance and 1 in 1000 year events. It is therefore considered to provide a robust base for the assessment of wider sustainability benefits and lifetime safety from flooding without increasing flood risk elsewhere.

The wider sustainability benefits have already been rehearsed in this assessment. With regard to flood risk, it is noted from the SFRA that the River Trent is defended to a 1 in 200 year event; members may recall the flood defence work being undertaken approximately 5 years ago. However, levels are predicted to be 7.13m Above Ordnance Datum (AOD) for a 1 in 200 year plus climate change event which would result in the defences being overtopped by 330mm. The SFRA indicates that the site would be inundated during such an event, although it is estimated that flood levels would be less than 500mm. Similar levels were estimated following overtopping of the defences for a 1 in 1000 year event.

The SFRA also modelled breaches of the defences on the Trent in the event of failure. This is unlikely given the recent investment but, nevertheless, the SFRA estimates the site being inundated again to a depth of 1m to 1.5m with a velocity of up to 0.2 m/s.

In this context, to pass part II of the Exception Test, it is reasonably required for mitigation measures to be incorporated into the design. An appropriate response to the overtopping is for ground floor levels to be set to a certain height (the Environment Agency recommend 500mm above Wembley Street street level) and for flood resilience measures such as electrics to be elevated to 450mm above floor level to be incorporated. These measures are detailed in the FRA and agreed by the Environment Agency.

This would not protect residents from flooding following a breach of the river defences and it is reasonable to require a restriction for the sleeping accommodation to be on the upper floors only and for the property to be included within an approved flood warning system. Again these measures are included within the FRA, the floor plans restrict sleeping accommodation to the upper floors and the measures have been approved by the Environment

Agency. A condition can ensure all of these measures are incorporated into the development prior to first occupation and retained thereafter.

With regards to surface water, policy NBE14 is rather inconsistent with the NPPF, the latter advocating sustainable drainage techniques be employed. Sequentially, water resource use techniques such as rainwater harvesting should be employed first, followed by infiltration, then sustainable urban drainage systems and then discharge to the sewers if none of the above are practicable. Discharge to sewers is proposed here but it is clear variability precludes many water reuse mechanisms that would make a material difference. Infiltration is not possible as the area not covered by the building and a sewer easement is limited. There is very little room for a sustainable drainage scheme to be employed but the plans do indicate attenuation on site, albeit covered below ground level.

This is a finely balanced matter but the need to provide a viable, deliverable Foyer in this location outweighs these shortcomings especially given the limited potential to viably employ more sustainable techniques on small, previously developed sites in the central Gainsborough area. In this context the use of the sewers can be supported for both foul and surface water.

Design and landscaping

The site and the surrounding area are very much dominated by the built rather than the natural environment; views to the open countryside in Nottinghamshire are largely blocked by the tall buildings that line the river frontage. Spaces between buildings are commonly taken by car parking and service yards, the exception being the open plan mown grass around the flats to the north. However, even this area is nearly devoid of mature trees and landscaping. There are two small trees on the Wembley Street frontage.

The buildings are largely devoid of embellishment, characterised by simple gabled or mono-pitched roofs clad in slates or concrete tiles, facing brick and some render. The exception is the row of houses to the rear on Tooley Street; there is a row within the terrace that is directly behind the site that is slightly higher than the surrounding dwellings. This row has gabled dormers within the roof and detailed lintels and corbelled bay windows.

The introduction of the proposal within this setting would preserve its character and appearance. The building would be approximately the same height as the flats to the north and only marginally higher than the houses to the rear. The brick and limited area of render echoes the existing materials palette evident in the area and the form and simplicity and lack of embellishment is characteristic of the residential buildings opposite. The use of grey window frames echoes such a use for the flats on Bridge Street. The introduction of a garden area is welcome and will aid social interaction on warmer days, the details of this soft landscaping can be agreed prior to first use of the building.

Residential amenity

This is a consideration detailed in policy STRAT1 and is considered to be consistent with the NPPF.

It is noted that, due to there being a sewer easement across the front of the site, the proposed building is setback from the Wembley Street frontage towards the rear of the site. Two of the residents of Tooley Street living directly to the rear have expressed concerns about loss of privacy and noise and disturbance.

In response it is noted that there is a more than reasonable 24.5m between the existing and proposed buildings, appropriate to avoid overlooking. This distance, the fact that the proposal is to the north and limited to 10.5m in height collectively ensure no significant overlooking.

Residents have expressed a request that the rear wall be retained at a height of 10' (approximately 3m). The plans propose a reduction to 2.5m which is considered acceptable; it will provide security to the site and provide some degree of acoustic attenuation. However, it should be noted that the extant general industrial use for the site is likely to generate significantly more noise and disturbance than the proposed use although the limitation of construction hours is considered reasonable rather than requiring the wall to be wall to be retained at a particular height or to restrict access from the 10'.

Other considerations

The County Historic Environment Team have advised that there have no objection and no further **archaeological** input is required. This follows intrusive investigations carried out by an approved archaeologist prior to the application being submitted, the findings of the investigations being verified by the County Historic Environment Team. The proposal accords with the provisions of the NPPF in this regard.

Similar considerations apply with respect to **contamination**. Policy NBE19 of the Local Plan Review is relevant and consistent with the provisions of the NPPF. Again investigations have been carried out prior to the application having been submitted but a monitoring condition is considered reasonable. Finally, with regards to **highway safety** it is noted that the site currently has a vehicular access from Wembley Street but this is proposed to be relocated and comprehensively redesigned to permit the parking of four cars in front of the new building. Car parking is not necessary in such a sustainable location but, as an access is being proposed, then it is reasonable to require it to be completed to LCC standards to ensure highway safety to accord with the provisions of policy STRAT1 of the Local Plan Review, a consideration consistent with the provisions of the NPPF. The County Highways Authority has advised that they have no objection subject to such implementation prior to first use of the building and retention thereafter.

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies of the West Lindsey Local Plan First Review 2006. Each policy has been considered for its consistency with the provisions of the National Planning Policy Framework (2012) and the weight afforded to the policy apportioned according to the level of consistency. The National Planning Policy Framework itself has been afforded significant weight as a material consideration, especially the presumption in favour of sustainable development. Other documents have also been afforded weight as material considerations, including the suite of National Planning Policy Guidance notes (2014), West Lindsey Corporate Plan 2014-18, the Lincolnshire Sustainable Communities Strategy 2009 – 2030 and the Lincolnshire Youth Housing Strategy (2013 - 2018).

In light of this assessment it is considered that the proposal is acceptable and should be granted subject to conditions. The development responds to an identified need, a need that is a corporate and County wide recognised objective. Subject to conditions, the development is socially, economically and environmentally sustainable, will not significantly affect residential amenity, nor impact on the visual amenity of the area and will not be detrimental to highway safety.

RECOMMENDATION: Grant permission subject to the following conditions

Time commencement condition

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

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

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

None

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

2. The development shall be completed in accordance with the approved drawings 2480 01 Rev R and 2480 02 Rev J received on 4th February 2014 using the materials specified in the Schedule of Proposed Materials Revision A dated 26th February 2014 and received on 27th February 2014 and incorporating the flood mitigation measures cited in condition 3.

Reason – To ensure that the character and appearance of the surrounding area is preserved given the prominence of the building within the streetscene 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.

3. The development shall be completed to include the following flood mitigation measures as specified on drawing 2480 02 Rev J received on 4th February 2014 and within section 5 of the Flood Risk Assessment Final Report Rev A dated January 2014 and received on 4th February 2014:-

- A. Finished Floor Level for the ground floor to be 600mm above Wembley Street (point x annotated on the approved plan)
- B. Inclusion within the Environment Agency's Automatic Voice Messaging system or Environment Agency approved equivalent prior to first use of the building and evidence of such submitted in writing to the local planning authority.
- C. Wet proofing measures as specified within the table on page 22 of the abovementioned Flood Risk Assessment.
- D. No sleeping accommodation on the ground floor.

All of these measures shall be in place prior to first use of the building and thereafter be retained.

Reason: The site is within flood zone 3a as defined by the Environment Agency and the West Lindsey Strategic Flood Risk Assessment and the mitigation measures are required in response to the potential breaching or overtopping of the River Trent defences to accord with the provisions of the National Planning Policy Framework 2012 and the its accompanying Technical Guidance 2012.

4. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: To ensure environmental sustainability given the known contamination within the vicinity of the site and to accord with policy NBE19 of the West Lindsey Local Plan First Review 2006.

5. Demolition and construction work for the development hereby approved shall not take place outside of the following times:-

Monday to Friday – 07:30-18:30 (excluding bank and public holidays)
Saturday – 08.30-13.00 (excluding bank and public holidays)

Reason: To protect neighbouring residents on Tooley Street and Wembley Street from noise and disturbance in the interests of residential amenity 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.

6. The building hereby approved shall not be first used/occupied until a landscaping scheme including details of the size, species and position or density of all trees to be planted and measures for the protection of trees to be retained has been submitted to and approved in writing by the local planning authority to also include a timetable for the implementation of the landscaping and a methodology for its future maintenance. The scheme shall include planting as shown in the locations on 2480 01 Rev R received on 4th February 2014 and shall be implemented in accordance with the approved timetable and the maintenance scheme and shall include the provision for any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, to be replaced in the next planting season with others of similar size and species.

Reason: To ensure that, an appropriate level and type of soft landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

7. The access, parking and manoeuvring areas shown on drawing 2480 01 Rev R received on the 4th February 2014 shall be completed prior to the first use/occupation of the building hereby approved and retained thereafter.

Reason: In the interests of highway safety 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).

8. The building shall not be first used until the surface water drainage scheme detailed on drawing has been completed. The said scheme shall thereafter be retained.

Reason: To ensure no increase in flood risk to accord with policy NBE14 of the West Lindsey Local Plan First Review where it is consistent with the provisions of the National Planning Policy Framework (2012) and the of National Planning Policy Guidance note pertaining to flooding and drainage (2014).

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