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| PL.09 15/16 |
| Planning Committee |
| 16 December 2015 |

Subject: Planning applications for determination

| | |
|--------------------|--|
| Report by: | Chief Operating Officer |
| Contact Officer: | Derek Lawrence Interim Development Manager 01427 676640 |
| Purpose / Summary: | The report contains details of planning applications that require determination by the committee together with appropriate appendices. |

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No



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**Greetwell Fields, Lincoln
Site Boundary Plan**

April 2015
Scale 1:5000 at A4



Officers Report

Planning Application No: 132932

PROPOSAL: Outline planning application for residential development of up to 500no. dwellings, highway works including two new access points from St Augustine Road, landscaping, ground works and ancillary works-access to be considered and not reserved for subsequent applications.

LOCATION: Land to South of St Augustine Road Greetwell Fields
Lincoln

WARD: Cherry Willingham

WARD MEMBERS: Cllr A Bridgwood, Cllr C Darcel, Cllr Mrs A Welburn

APPLICANT NAME: Church Commissioners for England

TARGET DECISION DATE: 21/07/2015 (extension of time agreed until 18/12/2015)

DEVELOPMENT TYPE: Large Major - Dwellings

RECOMMENDED DECISION:

That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- To provide 10% of the dwellings on the site as Affordable Housing. Of that 10% of dwellings, 80% are to be Affordable Rented units (rents capped at 80% of OMR) and 20% are to be Shared Ownership Units (NPPF definitions);
- The provision of not less than 10% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;
- To make the following financial contributions (index linked to Retail Price Index):
 - (i) Contribution of £892,800 towards the Lincoln Eastern Bypass (LEB). 50% payable prior to the occupation of the 149th unit; 50% payable prior to the occupation of the 301st unit;
 - (ii) In the event the LEB is not delivered, an alternative traffic mitigation scheme shall be submitted to and agreed with the Local Planning Authority, and include measures to enable the delivery of the agreed scheme in accordance with an agreed timetable;
 - (iii) A contribution of £110,000 towards Public Transport, payable prior to the occupation of the 301st unit;
 - (iv) A contribution of £85,000 towards cycling/walking provision, payable prior to the occupation of the 149th unit;

- (v) A contribution towards education (primary) provision of £895,700, in lieu of on-site provision. 35% payable prior to the occupation of the 149th unit, 35% payable prior to the occupation of the 301st unit, 35% payable prior to the occupation of the 450th unit; and
- (vi) Contribution towards health care provision of £210,800 in lieu of on-site provision, payable prior to the occupation of the 450th unit.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

The application seeks planning permission, in outline, for up to 500 new dwellings. Matters of scale, layout, appearance, and landscaping are all reserved for subsequent approval ('reserved matters').

Matters of access are to be considered with the application. Vehicular access would be taken via two new connections from St Augustine Road, Lincoln. One would utilise and improve the existing junction off St Augustine Road alongside 1 St Augustine Road. The other would continue St Augustine Road south and into the site, adjacent to 34 Whitefriars Road.

The site measures 21.3ha in area, and is on the north eastern edge of the city of Lincoln. It is, very broadly, triangular, reaching a point at its southernmost aspect. It presently comprises agricultural fields in arable use delineated by (predominantly hawthorn) hedgerows. The site gently rises to its centre. Accompanying documents state that it rises from 30m above ordnance datum (OAD) to 38m OAD at its highest point.

A rural lane (Greetwell Fields Track) runs through the site, connecting St Augustine Road in the north, to Greetwell Road in the south, and is part of the adopted highway. Two power lines run along the south-eastern edge of the site (in a north-east to south-west direction). A Public Right of Way (Greetwell) No.139 runs across the northern part of the site, connecting the road to the stone quarry.

To the north is 'Bunkers Hill' a fairly recent residential development, accessed from Hawthorn Road to the north. A wooded area sits on the northern boundary of the site, with wet ditch and balancing pond.

To the east are agricultural fields. The planned Lincoln Eastern Bypass (LEB) would run along the eastern edge of the site.

To the west is a stone quarry. The quarry face is designated as a Site of Special Scientific Interest (SSSI), so designated due to its geological importance.

The site is within the district of West Lindsey. The district boundary with the City of Lincoln runs along the north boundary and to the west. Consequentially, the adjacent quarry and neighbouring properties on Whitefriars Road are within the neighbouring district.

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

The Council has previously given its formal scoping opinion (dated 19 August 2014, reference 131716) under the regulations that development of up to 450 dwellings on the site is not EIA development.

The application seeks permission for up to 500 dwellings, an 11% increase. It is considered, having taken into account the criteria at schedule 3 of the regulations, and the previous scoping opinion, that the increase in development would not amount to significant environmental impacts, and that the development is not EIA development.

Relevant history:

None applicable.

Representations, in summary:

Ward Member – Councillor C Darcel: Firstly I would like to say that at first sight the Church Commissioners plan looks fine. However, the plan would seem more relevant to Lincoln rather than North Greetwell and does not address several issues raised in the current WLDC Local Plan, carried forward to 2016.

That said I am delighted the applicant is phasing in the development, 150 homes to start with and when the new Bypass is completed the second tranche of 350 homes will be delivered and the long term further development for the site looks interesting.

However, my concerns are simple.

Strat 1, Traffic and road congestion.

The roads on which the new residents will egress from the site are St Augustines Rd, Hawthorn Rd, & Wragby Road, or the Carlton Boulevard onto the Outer Circle. Both ends of the Outer Circle are congested much of the day already, and exiting from Hawthorn Rd to Wragby Rd can be subject to tail backs. As is mentioned in the application.

Much of the traffic is east west, and currently over 300 children make the daily trip from the Carlton Estate and St Giles to schools in Cherry Willingham and Reepham.

The new bypass will undoubtedly take some north/south traffic off the Outer Circle but the new developments expected in villages adjacent to and within 10 miles east of the new bypass will undoubtedly increase traffic levels over and above current levels, even after the bypass is built.

It is noted in the application the new residents may wish to send their children to schools in Cherry Willingham, if when the new bypass is built a horse bridge, as intended by LCC is constructed, rather than a bridge to carry motor vehicles, new and existing residents to the west of the bypass will effectively find Cherry Willingham schools inaccessible.

Strat 3, North Greetwell is a subsidiary rural settlement, with some 700 voters on the electoral roll. North Greetwell has no shop, school, village hall, library, pub or church. It does have a busy main road, the A158 to Skegness, a petrol station and Indian restaurant but no play areas other than at Hawthorn Chase, for which the parish council is responsible for maintenance but which is not within walking distance from the village. Greetwell has no facilities for young people to meet and burn off steam. Doctors, dentists, chemists and police are all located in nearby settlements.

Res 4 & 5 & Appendix C,

Open space. There is very little open space/or play or sport areas shown either for the first 150 homes or for the second tranche. The only play area in North Greetwell is in Hawthorn Chase and I would like to see more open spaces and some form of contribution made to the parish of North Greetwell for facilities and ongoing maintenance.

The North Greetwell precept is £12.80, an extra income £1920 p.a. for 150 homes is unlikely to cover the extra costs the parish council will incur from the new development.

4.7 SUDs. In the long term swales for flood control are shown but for phases 1 & 2 I have not picked up from the application what provision will be made for surface run off or foul water disposal. Could this be clarified?

The development would appear to be more than is recommended in our current planning guidance for a subsidiary village such as Greetwell. I would like to see more detail on how the above comments will be addressed.

County Councillor J Brockway: Fully supports the position of Greetwell Parish Council.

Greetwell Parish Council: Main concerns are that there are too few access points to/from the development. Also supports view of local residents in that there is:-

- Need for social housing;
- Need for other community and commercial facilities, not just dwellings;
- Need for sufficient parking (bays);
- Concern over the two access points particularly White Friars;
- Level of through traffic already a problem with its associated traffic concerns, which will be exasperated;

- Need to reduce the 'rat-running' through the estate and Hawthorn Road each day;
- The use of old data for the traffic flow studies and the limited nature of their analysis;
- Concerns if Lincoln Eastern Bypass (LEB) is delayed – ask that development is delayed until Hawthorn Road is stopped off;
- Non or very limited number of dwellings ahead of LEB

On additional information – Whilst the majority of members have no comments, a member has stated that there will be considerable bottle necks at Bunkers Hill and the Outer Circle junctions.

Cherry Willingham Parish Council: Has no objections and supports the design principle subject to the following concerns:

- The plans suggest a lack of open space, more should be built into the design;
- Increased traffic will inevitably lead to potential parking issues, and that provision of adequate off road parking needs to be carefully looked at;
- Consider road layout is an improvement on adjacent estate, but did have concerns with how the extra traffic generated by this scheme will get out onto the eastern bypass.

LCC Highways: The TA has now been assessed and can confirm that the highways authority has no objection to 150 dwellings being constructed in advance of the LEB being implemented as the traffic impact on the existing network is not considered to be severe in accordance with the NPPF. Can confirm that noise reduction measures have been incorporated into the LEB scheme, which has taken this scheme into account. As discussed in previous pre-application meetings a Section 106 contribution will be required towards the LEB (Lincoln Eastern Bypass), and sustainable transport measures (£892,800 towards LEB, £110,000 towards public transport, £85,000 towards cycling/walking provision and £16,500 for Travel Plan measures). If the LEB is not delivered the applicant is to agree an alternative scheme of traffic mitigation measures with the LPA.

Recommend planning conditions to secure completion of first 60m of estate road before dwellings are commenced, to secure the travel plan, and to secure the final surface water drainage scheme.

LCC Archaeology: Following review of the Geophysical Survey, advised further archaeological evaluation, consisting of trial excavations, takes place.

LCC Public Rights of Way Officer: Definitive Map and Statement shows Definitive Footpath (Greetwell) No.139 crossing the site although this would not appear to affect the proposed development.

LCC Education: Have been involved in extensive consultations. Delighted that a new Primary School is considered for the wider NE Quadrant site. Expect shortfall in capacity versus demand by 2019/2020 for secondary education at nearest schools at Cherry Willingham and Christ's Hospital School. Lincoln Carlton Primary School will have no permanent surplus places

by 2018. Calculate a scheme of 500 dwellings will generate a need for additional school places as follows – 100 primary places, 95 secondary places, 19 school-based sixth form places. A capital contribution is sought to address the shortfall (equivalent to £3,164,271).

NHS England: Nearest surgery is The Glebe Park Surgery at Montaigne Crescent, Lincoln. The average patient per square metre is higher than the Lincolnshire average. Practice population has increased by 20% in recent years. The current practice is over 35 years old and landlocked without capacity to expand. An increase of 1150 population will place extreme pressure and put patient safety at risk. An additional 38hrs of consulting time will enormously impact. A capital contribution (£212,500) is sought to contribute towards funding a new health care facility.

Lincolnshire Police: Acknowledges scheme is in outline and offers advice when detailed proposals are being considered, in terms of properties orientated to overlook streets / public areas; car parking provision (ideally within curtilage of the property at the front); clearly defined public / private space; creating defensible space to buildings; landscaping – low planting and raised canopies to allow surveillance; social inclusion – affordable housing should be pepper-potted; footpaths to be overlooked by housing; management of public open space.

Lincolnshire Fire and Rescue: Object on grounds of inadequate access and water supplies. Access to buildings must meet with Building Regulations Part B5. Require a minimum carrying capacity of 18 tonnes not 12.5 tonnes as per Building Regs. Recommend fire hydrants should be installed at developer's expense.

City of Lincoln Council: Advises it will be necessary for financial contributions towards health and education. Should consider a clawback in view of shortfall in affordable housing (on basis that this is a mechanism that is regularly included in S106 negotiations in such circumstances. However, accept that this is not always reasonable or necessary - each case will need to be judged on its own individual merits); play / open space needs to be managed and maintained; expect good design and layout to be brought to bear at reserved matters stage; Conceptual drainage Strategy should involve collaborative approach with the Lead Local Flood Authority; The number of dwellings should be restricted to the first phase until the Lincoln Eastern Bypass has been completed; Advise construction traffic is routed from Hawthorn Road so as to minimise residential disruption; noise buffer to LEB should be implemented prior to occupation; ecology mitigation should be followed; should consider archaeology and land stability.

North Kesteven District Council: Raises no objections.

Natural England: Close proximity to Greetwell Hollow Site of Special Scientific Interest (SSSI). Satisfied that, if carrying out in strict accordance with details submitted, development will not destroy or damage the interest

features for which the site has been notified. Advises SSSI does not represent a constraint on development.

Proposed development is in an area that Natural England considers could benefit from enhanced Green Infrastructure (GI).

Council should consider impacts on local sites, local landscape character and local or national biodiversity priority habitats and species.

Should consider Natural England's standing advice on protected species.

Council should consider securing measures to enhance the biodiversity of the site.

Lincolnshire Wildlife Trust: 30m robust buffer between development and SSSI should be considered. Satisfied there should not be any significant negative impacts on Greetwell Hollow nature reserve circa 400m from the site. Should ensure newt surveys are up to date and consider badger surveys and mitigation for nesting birds. Generally happy with level of provision of open space. Support retention of existing area of calcareous grassland on western boundary. Strongly recommend limestone grassland habitat is extended (Lincolnshire Biodiversity Plan Priority Habitat). Habitat links should be provided where possible. Pleased with number of attenuation ponds – these should be designed and planted with wildlife in mind. Should consider measures for bats – on suitable mature trees and bat bricks.

Environment Agency: Has no objections. Consider the site to pose a negligible risk to controlled waters. The site is adjacent to the Canwick sewerage catchment and it is also close to the Reepham sewerage catchment – both have permitted headroom to accommodate the development.

Local Residents. Objections received from **16, 30 Blackfriars Road, 46 Bobbin Lane, 104 Carlton Boulevard, 15 Dunholme Close (Welton), 13 Gardenfield (Skellingthorpe), 107 Hawthorn Chase, 38 Hawthorn Road, 3 Maidenwell Close, 19 Padley Road, 28 Ploughmans Lane, 8 Springfield Close, 2, 4, 57, 59 Stocking Way, 4, 7, 9, 11, 20, 26 Whitefriars Road.** In summary:

- There is a lack of facilities on the [Bunkers Hill] estate;
- There is no GP practice or Secondary school on the estate;
- Plans do not make provision for children's play areas;
- Thought needs to be given to new access roads which would connect development to Outer Circle Road and Greetwell Road;
- Traffic will increase to unsustainable levels;
- Significant parking takes place on and around St Augustine Road;
- Severe congestion already at Bunkers Hill / Carlton Centre;
- Existing issues with traffic 'rat-running' through Bunkers Hill;
- Development should ensure sufficient off-street parking;
- Public Transport will be less effective due to traffic congestion;
- Can a bus navigate the proposed layout?
- Question public transport details in the Travel Plan;
- Site is in a flood risk zone;
- Concerns with increased surface water runoff;
- Significant visual impact;
- Indicative layout lacks a community feel;

- Madness to consider building at this scale when Lincoln North Fire Station is being downgraded;
- Significant impact on outlook of existing properties;
- Loss of value to existing properties;
- Should consider a more substantial landscape buffer on northern boundary;
- beautiful views and access to a wonderful open space, Local Wildlife site, Geological SSSI in the Quarry/Nature Reserve will be obliterated by the total combined development;
- Conflicts with Local Plan policy STRAT10. Not considered that housing land shortfall is sufficient to require release of 21ha of land in this location at this time;
- Around 100-200 people per week enjoy recreational use of Greetwell Quarry;
- An EIA is required (contrary to the applicant) because the whole development needs to be considered, not just on a piecemeal basis. That is unless the developer is prepared to see sense and agree to limit his total development in this area to 500 houses only, and leave the Geological SSSI, Local Wildlife site and Open Access/Character area alone.

Relevant Planning Policies:

National Planning Policy Framework, March 2012 (NPPF)

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

Planning Practice Guidance

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

West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** (WLLP) remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, 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).

- **STRAT1:** Development requiring planning permission;

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

- **STRAT3:** Settlement Hierarchy;

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

- **STRAT9:** Phasing of housing development and release of land;

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

- **STRAT10:** Longer Term Development Options (Lincoln and Bardney)

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat10>

- **STRAT12:** Development in the open countryside;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- **STRAT19:** Infrastructure Requirements;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- **SUS1:** Development proposals and transport choice;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>
- **SUS4:** Cycle and pedestrian routes in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- **RES1:** Housing layout and design;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- **RES2:** Range of housing provision in all schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- **RES5:** Provision of play space / recreational facilities in new residential developments;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- **RES6:** Affordable Housing;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- **NBE10:** Protection of Landscape Character in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- **NBE14:** 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>

Although not forming part of the statutory development plan, the **West Lindsey Landscape Character Assessment (1999)** (<http://www.westlindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-baseand-monitoring/landscape-character-assessment/104847.article>) is a background document which forms a material planning consideration, particularly relevant to policies NBE10 and NBE20.

Emerging Planning Policy

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The **Preliminary Draft Central Lincolnshire Local Plan**₁ (PDCLLP) was released in October 2014 and has been subject to public consultation. The second **Further Draft Central Lincolnshire Local Plan** (FDCLLP) commenced its formal six week public consultation period on 15 October 2015.

The final adopted CLLP will replace the West Lindsey Local Plan. It is anticipated to be submitted for examination in 2016 with adoption towards the end of that year. However, at this early stage in its development, it should still only be afforded limited weight, in accordance with NPPF paragraph 216.

The application site falls within the area identified as the North East Quadrant (NEQ) Sustainable Urban Extension (SUE). Policies LP28: Sustainable Urban Extensions and LP30: Major Development Sites are particularly relevant.

Main issues

- Principle of Residential Development
- Highways Impact and Safety
- Accessibility and Public Transport
- Sustainable Drainage
- Infrastructure
- Affordable Housing
- Residential Amenities
- Archaeology
- Landscape and Visual Impacts
- Ecology and Biodiversity Enhancement

Assessment:

i. Principle of Residential Development

Planning applications must be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

The site is identified as a longer term development option in the West Lindsey Local Plan (WLLP) and policy STRAT10 applies. It states:

Land identified on the Proposals Map associated with the Lincoln Eastern bypass for mixed-use development (known as the Lincoln Eastern Growth Corridor or North East Quadrant) will not be released for development until the strategic need for the land is identified under the principles of Plan, Monitor and Manage. To ensure a co-ordinated approach to this strategic site a Joint Area Action Plan will be developed in collaboration with Lincoln City Council as part of their Local Development Framework process to address the potential release of this site as part of the Lincoln Policy Area Wide strategic housing requirement.

The WLLP dates from 2006, and is no longer able to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as is required by the NPPF (paragraph 47), its spatial application is out of date and the NPPF presumption in favour of sustainable development¹ should be applied.

That the site is safeguarded for future residential development in the statutory development plan can be attributed significant weight in the overall balance.

The emerging Further Draft CLLP identifies the site as part of the North East Quadrant (NEQ) Sustainable Urban Extension (SUE). This envisages an overall development of 1400 homes, and new facilities including shops, primary schools and employment. The draft Plan is yet to be tested and cannot be attached full weight, but clearly attaches strategic importance to the site, as part of the overall NEQ, towards meeting the objectively assessed need for market and affordable housing across the plan period.

The latest five year housing land supply assessment (October 2015) can now demonstrate a supply of deliverable housing land to meet need over 5.37 years. The Assessment takes into account the North East Quadrant (site CL818) and assesses it can contribute towards 275 homes in the five year period. With a 500 dwelling capacity, the site would continue to contribute towards the rolling five year housing land supply, beyond the current period.

The site has been earmarked as a long term development option in the extant Local Plan and as a strategic allocation in the emerging plan, to meet housing need over the plan period.

It is considered that the site's potential to contribute towards the five year housing need and beyond in the Local Plan period should be attached considerable weight.

ii. Highways Impact and Safety

Saved WLLP policy STRAT1 permits development subject to a number of criteria which includes being satisfactory in regards to:

¹ For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

- *The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;*
- *The scope for providing access to public transport;*
- *The scope for reducing the length and number of car journeys;*
- *The provision of vehicular and cycle parking facilities;*

NPPF Paragraph 32 states that *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
 - *safe and suitable access to the site can be achieved for all people; and*
 - *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

A detailed Transport Assessment (TA) was submitted with the application.

Access is a detailed matter to be considered with the application. Two vehicular access points are proposed. The first would make use of the existing Greetwell Fields track connection on St Augustine Road, to the immediate east of Stocking Way properties. This junction would be improved with a 5.5m wide carriageway and 2m wide footpath.

St Augustines Road would be continued south past 34, into the application site with a 6.75m wide carriageway and 1.8m wide footway.

It is concluded that safe and suitable access to the site can be achieved for all people, in accordance with saved policy STRAT1 and NPPF32.

Traffic congestion in the locality and running through the adjacent estate is a clear concern represented in comments made by the Ward Member, Parish Councils and local residents.

The TA undertook traffic counts on 12 September 2013, and has extrapolated ‘Method of Travel to Work’ data from the 2011 census for the comparable Glebe Ward. The industry standard TRICS database has been used to generate vehicle trip generation estimates.

For phase 1 (150 dwellings) the following multi-modal trip assessment is generated:

| | AM Peak | | PM Peak | |
|--------------|------------------------|-------------------|------------------------|-------------------|
| | Two-way trips (No.) | Mode split (%) | Two-way trips (No.) | Mode split (%) |
| Car (driver) | 85 | 69 | 88 | 68 |
| Car | 10 | 8 | 10 | 8 |

| | | | | |
|--------------|------------|------------|------------|------------|
| (passenger) | | | | |
| Train | 2 | 2 | 2 | 2 |
| Bus | 5 | 4 | 6 | 5 |
| Cycle | 5 | 4 | 6 | 5 |
| Motorcycle | 2 | 2 | 2 | 2 |
| Walk | 13 | 10 | 14 | 11 |
| Taxi | 2 | 2 | 2 | 2 |
| TOTAL | 124 | 100 | 130 | 100 |

Traffic surveys were undertaken at the following junctions:

- **Junction 1** – A15 Bunkers Hill/Hawthorn Road (priority control);
- **Junction 2** – Hawthorn Road/St Augustine Road (priority control);
- **Junction 3** – A15 Bunkers Hill/Wragby Road East/A158 Lincoln Bypass (roundabout);
- **Junction 4** – A15 Wragby Road/Outer Circle Road/Outer Circle Drive (signal control);
- **Junction 5** – A15 Wragby Road/ Wolsey Way (signal control);
- **Junction 6** – Outer Circle Road/Carlton Boulevard (signal control); and
- **Junction 7** – Greetwell Road/Outer Circle Road/Allenby Road (double mini-roundabout).

Junction 1 is found to already operate at capacity during the AM Peak Hour. It is within capacity during the PM Peak Hour. The report concludes a 150 house development will add eight cars to the queue *“which is manageable over 30-minutes in one peak period over short-term (i.e. pre-bypass), and as such should not be considered to represent a severe impact.”*

Junctions 2 and 3 operate well within capacity and can accommodate the additional traffic.

Junctions 4 and 5 - The results show that there is limited spare theoretical operational capacity within this signalised junction system. The results suggest no more than a single car would be added to queues – an ‘insignificant’ impact. Mitigation to alter the signal timings is required.

Junction 6 is currently performing at or close to its theoretical operational capacity during the AM peak hour with some moderate queuing at times. The results also show the junction to be operating within capacity during the PM peak. The Assessment predicates an additional seven vehicles queuing at Carlton Boulevard, with vehicles queuing on the Outer Circle Road remaining the same.

Junction 7 operates over capacity. The report considers that “There would appear to be limited potential for additional traffic to use this junction; however, there is also the potential to justify a negligible increase in traffic as this would make little difference to a junction that likely already has significant queues, and thus should not be considered to represent a severe impact.”

However, the TA predicts that the delivery of the Lincoln Eastern Bypass (LEB) will reduce existing queuing lengths by 31% in the AM peak, and 35%

in the PM peak on base conditions. With the inclusion of traffic associated with the proposed development, traffic queues would still decrease between 28-35% following construction of the LEB.

The report determines that all the junctions will operate within capacity and be able to accommodate development traffic for up to 500 new dwellings, following the opening of the LEB.

The report concludes that, due to existing junction capacity problems, only phase 1 for 150 dwellings should come forward ahead of the planned LEB. Whilst traffic generated by 150 dwellings would add to additional queuing at junctions, it concludes that the cumulative effect of the development would not be severe. This is accepted by the Local Highways Authority, who have taken into account the latest traffic modelling undertaken for the LEB Inquiry held in August.

Consequentially, it is recommended that a planning condition is applied which prohibits construction of more than 150 dwellings, unless the proposed LEB is operational.

As any additional dwellings beyond 150no. is dependent upon the LEB for satisfactory traffic mitigation, a capital contribution towards the LEB is deemed necessary and has been agreed, to be secured through a S106 planning obligation. In the event of non-delivery of the LEB it is considered that the planning obligation should have a fall-back position to require local junction capacity improvements.

Residents have stated that the development should ensure sufficient car parking – on street parking is perceived to be an issue on the Bunkers Hill estate. The TA states (paragraph 5.8) that *“The parking provision will be a mix of ‘on’ and ‘off’ plot, and will be provided to ensure that it is sufficient to serve the development and ensure that excessive on-street parking does not occur.”* However, the application is in outline and layout is a reserved matter – detailed consideration of parking provision should be withheld until the reserved matters stage.

iii. Accessibility and Public Transport

Saved WLLP policy STRAT1 permits development subject to a number of criteria which includes being satisfactory in regards to:

- *The scope for providing access to public transport;*
- *The scope for reducing the length and number of car journeys;*
- *The provision of vehicular and cycle parking facilities;*

A core NPPF principle (paragraph 17) is to *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”*.

Acceptable walking distances suggested by the Institution of Highways and Transportation² are set out below:

| | Town Centres (metres) | Commuting / School (metres) | Elsewhere (metres) |
|----------------------|--------------------------|--------------------------------|-----------------------|
| Desirable | 200 | 500 | 400 |
| Acceptable | 400 | 1000 | 800 |
| Preferred maximum | 800 | 2000 | 1200 |

Table 3.2 of the Travel Plan, reproduced here, sets out the following accessibility summary for the site, measured from the site entrance:

This suggests that presently, retail facilities at the Carlton Centre (which includes a foodstore) and the Lincoln Carlton Academy are at the upper reaches for acceptable walking distances.

However, it should be taken into account that the Further Draft Central Lincolnshire Local Plan does envisage that the wider North East Quadrant

² Guidelines for Providing for Journeys on Foot (IHT, 2000)

(NEQ) Sustainable Urban Extension will include provision for a new local centre, primary school and employment land.

The site is within walking distance of bus stops on St Augustine Road (Barnabas Hospice), Blackfriars and Stocking Way. Bus services are provided into Lincoln Centre, giving connection to Lincoln bus station, itself within walking distance of the railway station.

The site would have ready access to the Sustrans National Cycle Network.

A Residential Framework Travel Plan has been submitted with the application, as required by NPPF paragraph 36, which proposes a series of measures to encourage walking / cycling and use of public transport. The applicant has agreed with the Local Highways Authority to make contributions towards public transport, cycling / walking provision and in order to implement the Travel Plan measures.

It is concluded that, at present, facilities are at the upper reaches of acceptable walking distances, but that the site has good access to the public transport system and connectivity to the centre of Lincoln. The site is part of an overall identified Sustainable Urban Extension promoted by the emerging Local Plan in order to meet objectively identified need across the plan period and that as the North East Quadrant expands (it is all within the applicant's control) then local provisions will be incorporated.

iv. Flood Risk and Sustainable Drainage

The site is within flood zone 1 (low probability) and therefore accords with the NPPF sequential approach towards locating development within areas at lowest risk of flooding.

The NPPF (paragraph 103) gives priority to the use of sustainable drainage systems (SUDS). A Conceptual Drainage Strategy has been detailed with the application, which has evolved through discussions with the Lead Local Flood Authority (LCC).

Infiltration testing indicates that infiltration techniques will not be feasible on the site. The Conceptual Strategy aims to mimic the existing greenfield strategy in terms of overland flow routes that surface water takes to the ditch running along the northern boundary. Permeable paving construction will act as a conduit for the flows (limited infiltration is expected) and smaller swales along the carriageway edge may provide further storage. Flow control will attenuate discharge into the swales and water features in the green landscape buffers around the perimeter of the site. These will in turn then discharge into the existing ditch on the northern boundary – a further flow control may be located as necessary. Storage would be provided for a 1 in 100 year event (plus 30% climate change). Cellular storage cells within private driveways may be considered to provide attenuation at source.

Lincolnshire County Council, as Lead Local Flood Authority, have worked with the applicant in the evolution of the scheme, and are now satisfied that it is shown that a SUDS scheme is feasible for the development. A planning condition, to secure full final details with the reserved matters is recommended.

The nearest public sewer is located to the north west of the site and runs across the disused quarry site. This would be the proposed outfall location for foul water discharge from the proposed development. The proposed development would be served by an adoptable foul drainage system that would fall by gravity to the existing public sewer system. The Canwick sewerage catchment and the Reepham sewerage catchment both have permitted headroom to accommodate the development.

v. *Infrastructure*

Saved WLLP policy STRAT19 states:

“Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.”

NHS England have advised that the nearest surgery is the Glebe Park Surgery, Montaigne Crescent, Lincoln. It is approximately 1.6km from the site entrance. They advise the practice has a considerably higher average patient per square metre, than the Lincolnshire average and that the practice premises do not have capacity to expand. A capital contribution is sought towards the funding of a new health care facility at £425 per dwelling (total £212,500). The Draft emerging Local Plan (paragraph 7.4.9) suggests a new local centre in the NEQ may include such provision. The applicant has agreed to make a contribution of £210,800 – equivalent to 496 dwellings. This will need to be secured in the S106 planning obligation.

LCC Education advises that Lincoln Carlton Academy Primary School will have no permanent surplus places by 2018 and Cherry Willingham and Christ’s Hospital Secondary schools will have a lack of surplus permanent places by 2019. It is calculated that the development will generate a need for an additional 100 primary places, 95 Secondary places and 19 school based sixth form places. This would generate the need of a capital contribution of £3,164,271.

They advise the overall NEQ development will require the provision of a primary school, which is accounted for by the emerging Local Plan.

The applicant has agreed to make a contribution of £895,700 towards education provision. This does not cover the amount of surplus spaces

expected to be generated. Nonetheless, this figure has been reached following detailed negotiations on viability grounds, and has been accepted by LCC, mindful that the Local Plan strategy does anticipate the overall NEQ site will generate new school provision.

vi. Affordable Housing

Saved WLLP policy RES6 states, “Where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”.

The Lincs Homefinder CBL Partnership, of which West Lindsey is one of 4 partners, provides evidence of a demonstrable need for affordable housing with in excess of 1500 households registered for affordable housing in the district and in excess of 5000 households requiring affordable housing across the partnership area of Central Lincolnshire.

The emerging Further Draft Central Lincolnshire Local Plan identifies a need for 17,400 affordable dwellings across the plan period. Draft policy LP11: Meeting Housing Needs, states that where a site qualifies for affordable housing, the percentage sought will be 20% for the Lincoln Strategy Area SUEs.

The applicant offers 10% of the overall development (i.e. up to 50 units) will be affordable housing, with a 80/20 tenure split of Affordable Rented units (rents capped at 80% of OMR) and Shared Ownership Units (NPPF definitions).

At 10%, the proposal falls somewhat short of what is sought by the extant and emerging local plans. However the proposal arises following detailed negotiations with the applicant to ensure a viable scheme is proposed that also ensures significant contributions towards highways, health and education. Consequentially the 10% offer is considered to be acceptable.

vii. Residential Amenities

Residential properties along Whitefriars Road and Stocking Way adjoin the site’s northern boundary.

The application is in outline only, and detailed matters of scale, layout, appearance and landscaping are all reserved for subsequent approval. The northern boundary does benefit from existing planting providing some screening. The Indicative Plan suggests a separation of approximately 30m distance should be achievable from Whitefriars Road properties.

The rear garden boundary treatments of Stocking Way properties abut the site in its north-eastern corner.

It is concluded that, subject to approval of the reserved matters, the development should be achievable without significantly harming the amenities

enjoyed at existing properties by means of overlooking, loss of privacy or because it is overbearing. Development would accord with saved WLLP policies STRAT1 and RES1 in this regard.

A Noise Impact Assessment has been undertaken for the site. This takes into account noise mitigation proposed for the Lincoln Eastern Bypass. Results of the noise survey indicate that dwellings within 35m of Hawthorn Road would be exposed to noise level above the WHO 55dB $L_{Aeq,16h}$ criteria for protecting the majority of people from serious annoyance. Noise modelling used to predict future noise level with the LEB operation within its design year 2032, indicates that dwellings within 50 metres of the LEB at the northern end and 15 metres at the southern end would be exposed to noise levels above the WHO 55dB $L_{Aeq,16h}$ criteria.

It concludes that mitigation is predominantly not required with the exception of residential housing located within the northern part of the Site within the vicinity of Hawthorn Road and with 15 to 50 metres of the eastern Site boundary adjacent to the LEB.

Mitigation in the form of passive attenuating ventilation or trickle vents together with standard thermal double glazing is deemed sufficient to ensure the Internal Ambient Noise Levels specified in BS 8233:2014 are met for these 'higher' noise areas without the need for opening windows, except for purge ventilation.

As the final site layout is not detailed, it is considered necessary on this basis to apply a planning condition which requires a noise mitigation strategy and identifies those properties to which it will apply. Subject to such a condition, this would comply with NPPF paragraph 123, which states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

viii. Design, layout and Landscaping

Ward members, Parish Councils and residents have questioned whether the site proposes sufficient public open space or community facilities.

The NPPF (paragraph 73) states that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*

WLLP policy RES5 states that schemes for residential development will be permitted where as long as informal recreational land or play space and/or associated equipment and/or built facilities are provided conforming to 10% of the total site, for development of over 5 hectares.

Emerging CL Local Plan policy LP26 and its appendix C sets out a requirement for local provision of park & garden and amenity green space

within 5 minutes' walk and formal equipped play areas within 10 minutes' walk.

Landscaping and layout are reserved matters. Nonetheless, the submitted Design and Access Statement (DAS) and indicative masterplan set out the intended strategy towards landscape and recreational features. The DAS explains that the proposed green network and buffer zones are informed by existing constraints such as the quarry, overhead powerlines and eastern bypass which all require buffers to protect future residents.

The indicative scheme envisages a tree lined boulevard leading into the site, and intersecting avenues, with a central oval. The oval is indicated as a potential location for a local equipped area of play (LEAP).

A green buffer on the western edge would set development back (30m) from the protected quarry face and protect its setting.

A green buffer to the eastern edge would enable setback from the proposed Lincoln Eastern Bypass and achieve necessary wayleaves with the powerlines which cross the site.

A green buffer is also offered on the northern edge, to the benefit of existing residents.

The indicative plan suggests the provision of public open space far in excess of 10% of the site area (the applicant advises 26% is indicated) within convenient walking distance of residents and it is concluded that the development can therefore achieve WLLP RES5 compliance. The provision of public open space, and measures to ensure its ongoing management and maintenance, will need to be secured in the S106 planning obligation.

ix. Archaeology

The NPPF (paragraph 128) states that Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

A desk-based Heritage Assessment was submitted with the application. It concludes that it is not envisaged that the Site contains assets of more than medium significance and these are likely to be confined to the Prehistoric and Roman periods. The potential for assets to survive within the Site is high for the Prehistoric and Roman periods and low for the Early Medieval, Medieval, Post Medieval, Industrial and Twentieth Century periods.

Due to the high potential for Prehistoric and Roman assets on Site and the relatively high survival rate of buried heritage assets within the Site, a phased program of archaeological investigation is recommended. It recommends an initial geophysical survey of the northern fields (which have not yet been

investigated), followed by a targeted trench evaluation informed by the results of the geophysical survey. The southern field, having already undergone extensive evaluation, will be subject to a strip, map and record post-determination in advance of development starting on Site.

A geophysical survey has been undertaken during consideration of the application which:

“detected linear and rectilinear anomalies that possibly indicate the presence of archaeological remains, but due to the weak patterning and response values of such anomalies a detailed interpretation is tentative and it is difficult to determine the relationship between anomalies identified or their character. The results have also identified features that relate to the contemporary composition of the fields, including agricultural activity such as plough lines and vehicle tramlines, as well as buried utilities running beneath the surface of the soil.”

Due to the inconclusive nature of the findings, trial trenching has taken place throughout November 2015. The draft report concludes “Although the site lies within a landscape of high archaeological potential a geophysical survey of the site did not identify any anomalies of obvious archaeological potential and this low potential has been borne out by the results of the evaluation. Four small ditches have been recorded in three trenches in the northern half of the site but no datable material was recovered from any of them. It is assumed that these features may be outlying boundary or drainage ditches associated with the Roman/Romano-British activity recorded to the immediate west of the current site.”

The report has only just been received at the time of writing, and the comments of LCC Archaeology are consequentially still awaited and will be reported to the Committee meeting. Nonetheless, the report’s findings are that the site has low archaeological potential.

x. Landscape and Visual Impacts

The NPPF (paragraph 109) requires that *“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils”*.

Saved WLLP policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District.”*

A Landscape and Visual Impact Assessment (LVIA), following guidelines by the Landscape Institute (GLVIA3) has been submitted with the application.

The site is identified as falling within National Character Area (NCA) 45 – The Northern Lincolnshire Edge and Coversands. Key characteristics include *“Elevated arable landscape with a distinct limestone cliff running north–south, the scarp slope providing extensive long views out to the west”* and *“other*

development comprises the major settlements of Lincoln and Scunthorpe, with their prominent landmarks of the cathedral and steelworks, and several active and re-used airfields prominent on the ridgetop”.

The site falls within the West Lindsey Landscape Character Area LCA6: Lincoln Fringe³.

Its key characteristics are given as:

- *Flat agricultural landscape with a number of expanded settlements;*
- *Medium sized fields with low hawthorn hedge boundaries and few hedgerow trees;*
- *Approaches to settlements generally dominated by the built form; and*
- *Views to Lincoln Cathedral.*

The Lincoln Townscape Character Assessment identifies 108 character areas within Lincoln and its surroundings – development would affect the character areas for Greetwell, North Lincoln Ribbon Development, Bunkers Hill, Greetwell Quarry, Outer Circle Road Industrial and Witham East.

The LVIA uses the above to formulate four distinct landscape character areas and assesses impact as follows:

Greetwell Fields - Although this LCA is undesignated it is locally valued for its openness and views to the Cathedral. This area having seen a small amount of change is considered to be of Medium sensitivity to change. The significance of effects is concluded to be moderate. As mitigation, the LVIA proposes that the design should give consideration to retaining views to the cathedral. The public footpath Gtwl/139/1 should also be retained or relocated suitably. Adequate planting proposals must be in place to mitigate the hedgerow removals. Such measures will need to be secured in consideration of the reserved matters, although the indicative plan suggests the retention of the PRoW and consideration of Cathedral viewpoints.

Lincoln Urban Fringe - Most of this character area is undesignated with a small portion to the south being an SSSI and being an area of change and recent development, the sensitivity to change has been assessed as Low. The significance of effects is concluded to be negligible / minor.

Greetwell Hollow and Quarry - Most of this LCA is designated as an SSSI and has a very distinctive character. The area is susceptible to change which would alter the key characteristics, however it is an area of change and transition. The sensitivity to change has been assessed as Medium. The significance of effects is concluded to be minor/moderate.

Lincoln Industrial Area - This LCA is undesignated and has undergone much change with recent developments. The landscape character is weak and

³ West Lindsey Landscape Character Assessment (1999)
(<http://www.westlindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-baseand-monitoring/landscape-character-assessment/104847.article>)

fragmented and as a result the landscape sensitivity for change has been assessed as Low. It is concluded there is no change to the significance of effects.

The Visual Impact Assessment considers the proposed development is predicted to give rise to a small number of moderate and a major visual effect as follows:

- *Three close range views (from the northern end of the unclassified road, Whitefriars Road and the public footpath, Gtwl/139/1, to the north of the site) are likely to be affected by the development as a result of the proximity of the development to the views. PROW receptors and residents on the upper floors of the properties are likely to be most affected. Residents on ground/lower floors would be less affected.*
- *Another view approximately 1 km to the east of the site at western edge of the settlement at North Greetwell will be affected as the view towards the site will change considerably from this location.*

It is concluded that the landscape is capable of accommodating change and that a well designed scheme can be integrated into the landscape, with less than substantial impacts. Sensitivity will be required to ensure that views towards Lincoln Cathedral are maintained. Major to moderate visual impacts are predominantly from close range – overall the visual impacts of the scheme are considered to be less than substantial.

The NPPF (paragraph 132) states “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

The site, measuring 21.3ha, is in active agricultural use for the growing of crops and is predominantly grade 3 (good to moderate) with some areas of grade 2 (very good) on the Agricultural Land Classification.

The loss of good to very good agricultural land is a harm that needs to be considered in the overall balance when applying the NPPF presumption test.

xi. Ecology and Biodiversity Enhancement

The NPPF (paragraph 109) requires that “*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*”

It goes on to state that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying various principles which include:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*

A Preliminary Ecological Assessment (April 2015) has been submitted with the application.

The report finds that “The Site comprises predominantly arable land. The fields are delineated by hawthorn dominated hedgerows. Along the northern boundary and into the east of the Site is a wet ditch, which is partly covered by a small block of woodland/planted trees. The western boundary comprises the high wall of a former quarry, which has some scrub and a small area of calcareous grassland.”

The development is not expected to adversely affect any designated sites. Natural England advises that the adjacent Greetwell Hollow Site of Special Scientific Interest (SSSI) is not a constraint to development. The Lincolnshire Wildlife Trust (LWT) are satisfied that there should not be any significant negative effects on the Greetwell Hollow nature reserve in view of the intervening distance.

The development will potentially result in the loss of one pond, a small section of ditch and some (species poor) hedgerow. In order to reduce impact for the loss of these habitats on local wildlife populations provision within the new development the parameters have allowed for space within the development for Ecological enhancements. In order for that space to be designed appropriately to adequately mitigate for the losses expected this design should include as a minimum:

- ecological design of the drainage solutions to replace ponds and ditches as compensatory habitat for those lost;
- retention of semi-mature and mature trees on site;
- design of landscape to provide foraging opportunity for reptiles, birds and bats;
- ecological design of the planting on Site, use of British native plant species only, specifically emphasis on the creation of valuable habitat on the buffer area at the top of the quarry;
- retention of the calcareous grassland within a 20m buffer at the top of the quarry; and,
- Inclusion of an appropriate lighting design to enable a dark corridor to be retained along the northern and western boundary.

The accompanying Protected Species Report (April 2015) and Great Crested Newts Survey Report (June 2015) reached the following conclusions:

Amphibians – The survey did not identify great crested newts within the ponds on site or within 500m of the site. It concludes that they are likely absent and no further surveying is required within the next two years. Smooth newts and common frog were found in all ponds surveyed. The development is likely to result in the loss of a pond within the north-eastern part of the site. It recommends that where ponds and water courses are to be lost or altered, works should be undertaken when amphibians are likely to be absent from the water (September to February, inclusive). It also recommends that that directional vegetation clearance works is undertaken, in areas of long grass, hedge/ woodland margins and scrub. The intention of the method is to allow animals to move towards retained vegetation in front of the clearance, with the aim of reducing the risk of harm to amphibians present on Site.

Bats – All bats are protected under British and European Legislation. It is an offence to damage or destroy any bat roosts, intentionally or recklessly obstruct a bat roost, deliberately, intentionally or recklessly disturb a bat or intentionally kill, injure or take any bat. The surveys identified some activity along hedgerows and tree blocks on the Site both foraging and commuting. The activity was not constant or particularly close to dusk or dawn. The Site was also shown to be used by noctule and Liesler's bats spasmodically for foraging. These species forage in the open and were most likely making use of the arable fields. Surveyed trees did not identify any current bat roosts. It recommends that the landscape plan includes British native trees and shrubs including nectar and seed bearing species, to compensate for any loss of hedgerow and potential for bat roosts. Green spaces, including the quarry buffer zone, should be designed to support foraging bats. In addition, the placement of at least 6 bat boxes (including 1 all season box) is advised within the tree line on the northern boundary to replace the potential lost within such trees.

Birds - Many wild bird species in England are protected under the Wildlife and Countryside Act 1981. Barn owls are listed under schedule 1 as a rare breeding bird. The survey found evidence of barn owls nesting (two nests) in the adjacent quarry face. The quarry face was also being used by Little Owl and Sand Martins. It advises the proposed western buffer would provide an appropriate stand off (30m) from the quarry face. Suitable working methodologies should be set out in the CEMP to provide for this stand-off during works, and ensure no works in this area to provide a noise/ vibration buffer as well as physical barrier. In addition the landscape plan should have suitable habitat provided along the top of the quarry face within the 30 m stand-off. This area should be used to replace the field margins around the site and ensure no net loss of foraging areas for owls. This will also provide habitat for little owls.

Reptiles – Reptiles are given protection against intentional killing and injuring. A grass snake was spotted just outside the site towards its southern edge. The majority of the most suitable habitats for reptiles will be retained within the undeveloped green buffers. The area along the quarry edge and its unimproved grassland should be retained and enhanced through ecological input with suitable design of the landscaping in this area.

Water voles – Water voles and their burrows are protected by legislation. The Report found no signs of water vole but notes the ditch on the east side of the road track does have potential to be colonised. It advises a further survey in two years if works have not commenced.

It concludes the following mitigation:

- Production of CEMP to provide for suitable clearance methodology for reptiles within 100m of the Site and the quarry edge;
- Inclusion within the CEMP for 30m stand off to avoid disturbance to breeding barn owl, little owl and sand martins;
- Replacement of lost bat roosting potential via bat boxes in retained trees;
- Ecological input into landscape design to provide suitable foraging, nesting and habitat for amphibians.

It is concluded that the above mitigation and biodiversity enhancement measures can be secured by planning conditions. In accordance with the advice of the Lincolnshire Wildlife Trust, conditions to secure further badger surveys and protection of nesting birds during the breeding season, should also be considered. They also advise bat bricks and amphibian hibernacula should be secured.

It is concluded that satisfactory mitigation is proposed to ensure that protected species populations are not adversely affected by the development, and that there are real opportunities for biodiversity gain through suitable landscaping, management and habitat provision.

Other matters

Lincolnshire Fire and Rescue object on grounds of inadequate access and water supplies. The application is in outline, and there is no evidence to preclude that access and water supplies are not achievable on this site.

It has been raised as to whether the S106 Planning Obligation should consider a review mechanism to periodically review and 'claw back' any shortfalls in contributions. The applicant is uncomfortable with agreeing to any such measure – the S106 contributions arise from detailed discussions and evidence on viability, such mechanisms are typically complex in practice, and it could discourage prospective developers from the site. In view of the strategic importance of the site as a SUE, towards meeting the objectively assessed housing needs of the authority, it is considered that such measures could hinder the delivery of the site and it is not necessary to actively pursue.

Overall Balance and Conclusions

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

The West Lindsey Local Plan First Review (WLLP) allocates the site as a longer term development option (STRAT10). The WLLP dates from 2006 and is no longer able to meet the objectively assessed housing needs for Central Lincolnshire.

The site is identified as a Sustainable Urban Extension in the emerging Further Draft Central Lincolnshire Local Plan. The latest five year housing land assessment expects the site to be able to make a significant contribution.

Because the housing supply policies of the WLLP are out of date, the NPPF (paragraph 14) presumption in favour of sustainable development should be applied. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

As a longer term development option in the extant plan, and emerging sustainable urban extension in the draft Central Lincolnshire Local Plan, the site is of strategic importance in contributing towards the objectively assessed housing needs of the district. It is included within the latest five year housing land supply assessment. This should be attached considerable weight in the overall balance.

It is concluded that the landscape is capable of accommodating change and that a well-designed scheme can be integrated into the landscape, with less than substantial impacts. Sensitivity will be required to ensure that views towards Lincoln Cathedral are maintained. Major to moderate visual impacts are predominantly from close range – overall the visual impacts of the scheme are considered to be less than substantial.

The site, measuring 21.3ha, is in active agricultural use for the growing of crops and is predominantly grade 3 (good to moderate) with some areas of grade 2 (very good) on the Agricultural Land Classification. The loss of good to very good agricultural land is a harm that needs to be considered in the overall balance.

The Transport Assessment (TA) confirms that the development will add traffic to junctions with existing capacity problems within proximity of the site. The provision of the Lincoln Eastern Bypass will mitigate such impacts – however, development should be limited to no more than 150 dwellings in advance of the bypass to ensure traffic impacts are not severe.

Development is within a generally accessible location with public transport links into Lincoln.

The site is in flood zone 1 (low probability) and it is considered that a sustainable drainage system (SUDS) is feasible.

Development will impact upon local health and education infrastructure. Capital contributions are offered to mitigate against these impacts although education needs would not be met in full (albeit the emerging Local Plan envisages this will be addressed in the wider NEQ scheme).

10% of the site (up to 50 dwellings) will be offered as affordable homes to meet an identified need.

Development is expected to be achievable without significant harm to existing or future residents.

The plans indicate a significant amount of public open space can be achieved.

Archaeology investigation concludes the site has low archaeological potential.

The development would result in some potential habitat loss (the loss of one pond, a small section of ditch and some (species poor) hedgerow). It is considered overall that the development offers opportunities for biodiversity enhancement and that protected species should not be significantly affected, subject to suitable mitigation.

In overall conclusion, whilst some harm may arise (loss of agricultural land, increased traffic, infrastructure capacity) this does not significantly and demonstrably outweigh the benefits of the development, most particularly its ability to significantly contribute towards housing need for many years to come.

It is concluded that development meets the NPPF presumption in favour of sustainable development, and planning permission should be given, subject to conditions and a S106 Planning Obligation to mitigate against the effects of development.

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

RECOMMENDED DECISION:

That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing

of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- To provide 10% of the dwellings on the site as Affordable Housing. Of that 10% of dwellings, 80% are to be Affordable Rented units (rents capped at 80% of OMR) and 20% are to be Shared Ownership Units (NPPF definitions);
- The provision of not less than 10% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;
- To make the following financial contributions (index linked to Retail Price Index):
 - (vii) Contribution of £892,800 towards the Lincoln Eastern Bypass (LEB). 50% payable prior to the occupation of the 149th unit; 50% payable prior to the occupation of the 301st unit;
 - (viii) In the event the LEB is not delivered, an alternative traffic mitigation scheme shall be submitted to and agreed with the Local Planning Authority, and include measures to enable the delivery of the agreed scheme in accordance with an agreed timetable;
 - (ix) A contribution of £110,000 towards Public Transport, payable prior to the occupation of the 301st unit;
 - (x) A contribution of £85,000 towards cycling/walking provision, payable prior to the occupation of the 149th unit;
 - (xi) A contribution towards education (primary) provision of £895,700, in lieu of on-site provision. 35% payable prior to the occupation of the 149th unit, 35% payable prior to the occupation of the 301st unit, 35% payable prior to the occupation of the 450th unit; and
 - (xii) Contribution towards health care provision of £210,800 in lieu of on-site provision, payable prior to the occupation of the 450th unit.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

1. Details of the **appearance, landscaping, layout, and scale**, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority for each phase of development. Application for approval of the reserved matters for the first phase (which may for the avoidance of doubt comprise infrastructure works) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. No development shall commence on each phase unless approval of the reserved matters for that phase has been obtained from the

local planning authority. Development shall be carried out in accordance with the approved details.

Reason: This element of the development 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 to accord with the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun before the expiration of eighteen months from the date of approval of the last of the reserved matters to be approved for the first phase of development, whichever is the later.

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

3. No development shall commence until a phasing plan has been submitted to, and agreed in writing with the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

REASON:

4. No more than 150 of the dwellings hereby permitted shall be commenced, unless the Lincoln Eastern Bypass between the A15/A158 in the north and Greetwell Road in the south, has been built and is operational.

REASON: To ensure the cumulative impacts of traffic are not severe, in accordance with paragraph 23 of the National Planning Policy Framework.

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

5. No development (save for Enabling Works which for the purposes of this permission shall include site preparation and remediation works, works associated with archaeological, biodiversity and ecological surveys) shall take place until a high level surface water drainage scheme for the whole site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall include:
 - Provide details of how run-off will be safely conveyed and attenuated in storms of up to and including the 1 in 100 critical storm event, with an allowance for climate change, from all hard

surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site. Flow paths are also required to demonstrate that both new and existing properties will not be at risk from overland flows;

- Provide attenuation details and discharge rates;
- Provide details of the timetable, and any phasing of implementation for the drainage scheme; and
- Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangement for the adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

6. No development (save for Enabling Works as described above) shall take place until a strategic solution for the disposal of foul drainage for the whole site has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy NBE14.

7. Any subsequent reserved matters application shall be supported by a detailed foul water drainage design, which demonstrates that it complies with the approved site wide foul water drainage design. This drainage design and accompanying justification for any part of phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to that part or phase commencing and the development shall be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy NBE14.

8. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation

and management in accordance with the principles set out at paragraph 6.3 of the Preliminary Ecological Assessment, as follows:

- ecological design of the drainage solutions to replace ponds and ditches as compensatory habitat for those lost;
- retention of semi-mature and mature trees on site;
- design of landscape to provide foraging opportunity for reptiles, birds and bats;
- ecological design of the planting on Site, use of British native plant species only, specifically emphasis on the creation of valuable habitat on the buffer area at the top of the quarry;
- retention of the calcareous grassland within a 20m buffer at the top of the quarry; and,
- Inclusion of an appropriate lighting design to enable a dark corridor to be retained along the northern and western boundary;
- placement of at least 6 bat boxes (including 1 all season box) within the tree line on the northern boundary to replace the potential lost within such trees.

Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of landscape and visual amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework.

9. The details to be submitted in accordance with condition no. 1 above shall include the provision of a landscape buffer of no less than 30 metres wide on the western boundary adjacent to Greetwell Hollows Site of Special Scientific Interest.

Reason: To protect the integrity of the adjacent Site of Special Scientific Interest, in accordance with the provisions of the National Planning Policy Framework.

10. No development shall take place in a phase, including any works of demolition, until a Construction Method Statement has been submitted for that phase to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routeing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;

- (vii) measures to control the emission of dust and dirt during construction;
- (viii) Protection of Public Rights of Way;
- (ix) details of noise reduction measures;
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species. This should include the measures recommended by the Protected Species Report (April 2015) such as the provision for suitable clearance methodology for reptiles within 100 metres of the grass snake record and quarry edge; and a 30m standoff from the quarry face (save for landscape/drainage attenuation works/pedestrian/cycle routes) to avoid disturbance to breeding barn owl, little owl and sand martins.

Reason: In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

11. No development shall take place until a Noise Impact Mitigation Strategy relating to any impact of traffic noise from the Lincoln Eastern Bypass has been submitted to, and agreed in writing with, the Local Planning Authority. This mitigation strategy will take account of the acoustic barrier proposed as part of the LEB construction. No dwelling hereby permitted shall be occupied unless the agreed Strategy has been implemented.

Reason: To minimise the effects of noise, in accordance with paragraph 123 of the National Planning Policy Framework.

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

12. Access to the site shall be made in accordance with drawing A081934-009 by WYG Transport.

REASON: To ensure a safe and accessible development, in accordance with policy STRAT1 of the West Lindsey Local Plan First Review, and the National Planning Policy Framework.

13. No trees or hedges on the site shall be felled or removed without the prior written agreement of the Local Planning Authority.

Reason: In the interest of visual amenity and the protection of wildlife in accordance with saved policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

14. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

Reason: To protect the wildlife using the hedge in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework

15. If, during development of a phase, contamination is discovered that has not previously been identified, the local planning authority shall be notified immediately and no further work adversely affected by that contamination shall be carried out until a method statement, detailing a scheme for dealing with the contamination discovered, has been submitted to and approved in writing by the local planning authority. Development shall thereafter proceed only in accordance with the approved details. If, during development, no contamination is found, a written statement confirming that fact must be submitted to the local planning authority upon completion of the construction works.

Reason: In order to safeguard human health and the water environment in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

16. None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the details required by condition 5. The approved system shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

17. No dwellings shall be occupied before the first 60 metres of estate road from its junction with the public highway (St Augustine Road), including visibility splays, has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway in accordance with policy STRAT1 of the West Lindsey Local Plan First Review.

18. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable transport, in accordance with paragraph 36 of the National Planning Policy Framework.

Representors to be notified -
(highlight requirements):

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

Prepared by : Russell Clarkson
2015

Date : 04 December

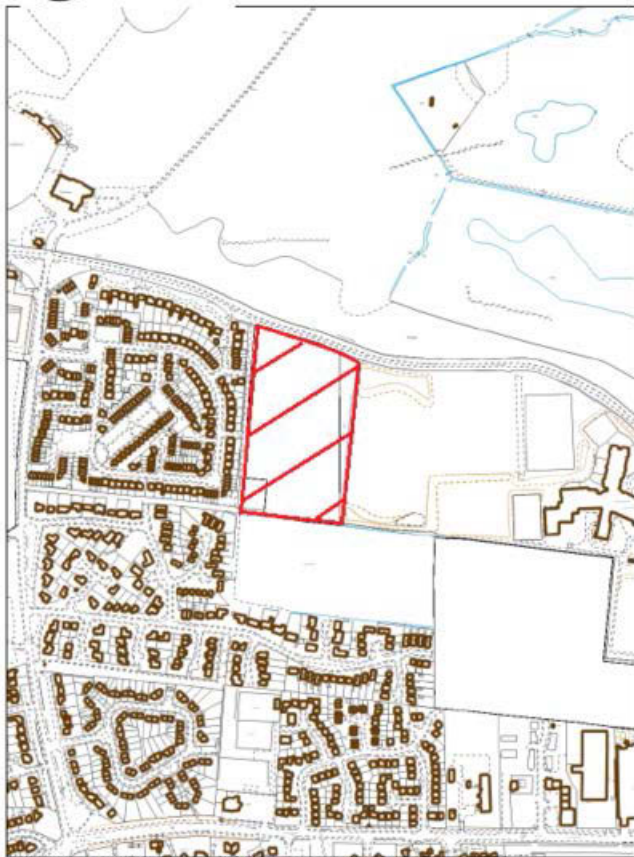


Signed:

Authorising Officer **Date:**

Decision Level

Committee



Officers Report

Planning Application No: 133351

PROPOSAL: Outline planning application for the development of up to 80no. dwellings - access to be considered and not reserved for subsequent applications.

LOCATION: Land south of The Belt Road, Gainsborough

WARD: Gainsborough North

WARD MEMBER(S): Cllr Bibb, Cllr Boles, Councillor Bardsley

APPLICANT NAME: Thonock & Somerby Estates

TARGET DECISION DATE: 06/11/2015

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of 25% affordable housing units,
- £42,500 for health centre improvements,
- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

This outline application seeks permission for 80 houses with all matters reserved (Scale, Layout, Landscaping and Appearance) except access.

The two access points for the development would be from Sunningdale Way. These access points have already been formed as part of the original Barratt Estate and are tarmacked, lit and have footpaths on both sides of the road. The current access to the now defunct oil pumping station on site would be closed off.

The indicative plan provided show areas of open amenity space which are also utilised for sustainable urban drainage areas. The applicant proposes housing of generally two storey height although 2.5 storey structures would be considered at key locations.

The applicant is also offering 25% affordable housing to be provided on site.

The site is roughly rectangular in shape and has an area of 3.45ha. The site is generally flat although ground levels fall slightly to the south east. The site is currently

used for agriculture although the south western corner is fenced off and forms the former oil pumping station. This has been capped off and pipes cleaned and filled. Dykes exist along the eastern and southern boundaries.

The site is bounded by mature hedging to the north and the Belt Road. Several mature trees grow within the hedge including a good example of an Oak tree to the north western corner. To the west is an overgrown field hedge although there are gaps in this hedge. To the east and south is 2m high paladin fencing.

The site bounds an existing housing estate to the west where houses and gardens generally back onto the application site. These houses are two storeys in height. To the south is a dense block of mature trees (The 8 Acres Wood) whilst to the east are the playing fields of Trent Academy. To the north is the Belt Road beyond which is a strong mature tree belt to Gainsborough Golf Club.

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 but due to its scale and size it is not a schedule 2 development The proposal is not therefore an EIA development.

Relevant history:

W33/384/84 Erect building in connection with the oil business. No observations 12 Jun 1984

GU/27/59 Drill boreholes within the urban district. CP

130947 County Matters application PL0011 14 for the determination of new and updated conditions to which a mining site is to be subject. No observations.

Adjoining housing site to west.

117831 Reserved Matters Planning Application to amend approved layout, minor reconfiguration of housing areas, substitution house types and provision of two additional dwellings (Re-submission of M05/P/0512) Granted 18 April 2006

117392 Reserved Matters Planning Application to amend the alignment of an approved means of access and landscaping to conform with the requirements of 278 works (Granted Outline Planning Permission, application number M03/P/0200) Granted 24 Jan 2006

116025 Reserved Matters Planning Application for residential development of 257 dwellings and associated works (Granted Outline Planning Permission, application number M03/P/0200) Granted 28 July 2005

M03/P/0200 Outline planning application for residential development. Granted 29 Dec 2003.

Representations:

- Ward members: Request to be kept informed of application but verbally raised concerns about increases in highway traffic, housing mix and the lack of executive housing, accessibility and affordable housing.
- Town Council/Meeting: No response received
- LCC Highways: Development accessed from the Belt Road will not be supported to the impact on highway safety.
- Environment Agency: No objection
- Archaeology: No objection
- NHS: Request £42,500 contribution to support local health facilities
- Environmental Protection: Concerns raised in relation to filter drains in back garden areas. There is a general inability to control such areas. Such facilities should be positioned to property frontages where access can be gained for maintenance.
Request conditions relating to contamination and noise.
- Health & Safety Executive: Request that IGAS be contacted due to capped oil pumping station.
- IGAS: No comments on the scheme but request various advice notes relating to the capped oil well are attached to any planning application to ensure a precautionary approach is taken to construction around these assets.
- Lincolnshire Fire & Rescue: Object on ground of inadequate water supply. Request 2 fire hydrants to accord with BS750:2006 to be located within a conspicuous location.

Local residents:

Objections from 54, 71, 73, 75, 77, 83, 85, 91 (x2), 93, 95 (x2), 101 143 Sunningdale Way, 25 Lindrick Drive, 8 Birkdale Square. In summary the objections received included the following:

Only a small number of residents have been consulted on this development, the whole estate should have been notified as it will affect them in terms of traffic levels,

Location – the site is active agricultural land outside the urban boundary. The application should be refused on these grounds. There is a significant walk to any facilities showing the site to be unsustainable. There are lots of brown field sites in Gainsborough more suitable than this. These should be developed first. The site is within the AGLV and would not enhance the area.

Access – the Belt Housing estate is poorly designed with only one space per dwelling to park cars. As a result of this cars constantly have to park on pavements both sides of the road which prevents pedestrians walking on pavements but also narrow the road into a single carriageway. The additional 200 vehicles generated by the proposal could not be accommodated on the estate and congestion would increase and safety would reduce. Emergency vehicles cannot get past, these parked cars. Cars are parked all over including at junctions. In such situation it is very difficult to see and manoeuvre around. Traffic I worse please check this out at the weekends. The proposal will make things worse but increasing the need to get past these cars. The highway network is too narrow and the roads are in a poor state of repair. There is also only one point of access to this road. This would increase the maintenance costs

for the Council. The estate roads were built for this estate not for another 100 dwellings. At access point c the two houses either side have only one car parking space so they have to park on the road, how are these cars going to be dealt with? No other options are possible, it is unfair if these owners are to have their space removed. A roundabout should be created at the blocked paved area on Sunningdale Way to prove traffic flow, speed humps and additional parking for existing residents. Snow blocked the estate in recent years so the new residents will be blocked in.

Access should be from the Belt Road to protect residents, the developer should pay to upgrade the Belt Road if it is not good enough. This should include: white lines, speed reduction to 30mph, widening, pavements and lighting.

Children play on the highway and additional traffic will create serious concerns for residents. The play area is also across the main loop road increasing the chance for accidents. There are no footpaths on the Belt Road or lighting making it unsuitable for pedestrian traffic and cyclists. The newly laid surface just leads to speeding increasing risks. The applicant should be made to improve this situation by providing footpaths and cycle paths to the school. The road is already at capacity with lots of accidents. The play areas will draw children leading to anti-social behaviour. The SUDS will be dangerous leading to the potential for children to drown.

Further development in the area will make it worse including a new school. The Avenue cannot cope.

Photographs in the presentation were taken at the wrong time of day when most vehicles are out of the estate.

Construction traffic should not be allowed through the estate for nuisance and safety considerations. As a result all construction traffic should enter and leave the site at the Belt junction. Who will have to pay for the damage to any of the roads on site?

Housing need – Despite comments there is no housing need in Gainsborough, there are a significant number of houses up for sale on the Belt estate showing no need for additional dwellings.

The application site is quite small and 100 additional houses would be a lot or this site showing it to be an over development.

Affordable housing should not be approved on the site. The original estate was marketed as non-affordable these social houses should go into the centre of Gainsborough

Services - The town already struggles in terms of health services, schools and jobs, not to mention police and crime levels. Work and jobs should influence the location for additional dwellings. The estate is well kept and safe.

Residential amenity - Construction methods should be agreed to limit the impact on neighbours. Some residents backing onto the site work nights. Dust and noise would be a constant theme for years. Houses will overlook existing estate. Additional traffic will cause additional noise and nuisance.

When purchasing properties it was for the quiet enjoyment and outlook, we weren't told about further development. The increasing number of housing will reduce house values. There is not enough broad band on the current estate, the proposal will make it worse.

Wildlife - The site is home to deer, game and various species of bird. If development is to proceed then existing trees and hedges need to be protected. There are owls and buzzards living in the 8 Acre Wood and use the site for hunting, what will happen to them? Bats use the existing oak tree. The tree is protected by a TPO. The field is well used by dog walkers and is a cherished area. Footpaths would be used for anti-social behaviour. Existing owners have to pay a management fee for the up keep of the area it seems unfair these other people should be able to use it for free.

Safety – The development should not back onto schools which would allow children to be watched. Child safety issues.

The site boundaries are not correct, boundary lines are to the middle of the hedge not the fence.

Profits first residents feelings second.

Water pressure is already low at the site.

Revised plans

Highway Authority: Do not object subject to conditions relating to highways and drainage. There is also a requirement to enter into a s278 highways agreement to provide a 2.5m wide cycle and pedestrian access across the front of the site to connect to The Avenue.

Environmental Protection:

77 (x2), 81 (x2), 83, 85 93(x2) 95, Sunningdale & 25 Lindrick Drive

Most properties have two cars but only one space on the driveway with few garages. This leads the access roads of the original estate being heavily parked including double parking. Emergency vehicles have difficulty passing the site. Vehicles have to reverse out in between cars making it very dangerous. There are also limited sightlines at the two access junctions. A further 80 dwellings will make this worse. The entrance to the estate (Sunningdale Way) is confusing leading to accidents. There are fears for the safety of children within the houses on these roads, and ongoing concern for pedestrians, vehicles, site traffic, and road wear and tear.

Despite the two access points shown the majority of people will use point A increasing congestion and danger at this point.

Traffic at the access to The Avenue is very congested at 8am and 5pm. The extra traffic will make this worse. During the evenings the access roads are used for the parking of vehicles.

Access should be from the Belt why is this not being used?

Traffic at the bottom of Thonock Hill is bad and this will make it worse. Also more consideration should have been given to Thonock Road, The Little Belt and the Avenue.

All objections relate to the access, in general, why does no one listen to those whom know the area?

Barratt Homes holds a ransom strip across the access, is Barratt Homes a key driver as to why the proposal could not be accessed off the Belt.

The removal of access from the Belt Road though is acceptable as it no longer passes behind my property. If the houses behind my property can have at least a 5m space between boundaries also in order to maximise privacy from the new houses. Concerns are also raised with respect to houses siding on to the existing houses

Why should existing occupiers have to put up with construction traffic every day for the next few years?

Social housing: The current belt development does not have any social housing which was a key consideration in purchasing a property in this area. Social housing would have a negative impact on the area and house values.

Water pressure is also poor and this will make it worse.

Loss of hedges to the front of the property.

Houses will now face onto the school aiding those whom wish to harm the children and is an ideal location to watch them.

Why can't these be larger houses more appropriate to this area? Why can't the houses go elsewhere?

Loss of value and loss of view.

Loss of wildlife

Why hasn't everyone in the estate been notified?

In response, the loss of a view and value are not material planning considerations. Water pressure is a matter for Seven Trent Water.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)
<http://planningguidance.communities.gov.uk/>

West Lindsey Local Plan First Review 2006

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

STRAT3: Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT9: Phasing of housing development and release of land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT12: Development within the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

SUS1: Development proposals and transport choice
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Pedestrian and cycle routes within developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

MT1: Market Towns
<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm#mt1>

RES1: Housing layout and design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES2: Range of housing provision in all schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES5: Provision of play space/ recreational facilities in new residential development
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

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

CORE10: Open space and landscaping within developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE10: Area of Great Landscape Value
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

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>

NBE20: Development on the edge of settlements.

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

Central Lincolnshire Local Plan Further Draft (Oct 2015)

http://central_lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP9: Health and well being

LP10: Meeting accommodation needs

LP11: Meeting housing needs

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP16: Development on land affected by contamination

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP25: Design and amenity

LP26: Open space, sports and recreation facilities

The Central Lincolnshire Local Plan Further Draft is currently going through its second consultation (Oct 2015). The policies of this plan are therefore subject to debate, possible objection, modification or deletion. In accordance with paragraph 216 of the NPPF the Plan's policies can only be afforded very limited weight at this stage.

Main issues

- ***Principle of housing in this location and sustainability*** (STRAT1, STRAT3, STRAT9, STRAT12 and MT1)
- ***Highway safety*** (STRAT1 & RES1)
- ***Character*** (STRAT1, RES1, RES5, CORE10, NBE10 and NBE20).
- ***Housing mix*** (STRAT1 and RES2)
- ***Open space, play areas and drainage (maintenance and management)*** (STRAT1, RES1, RES5, CORE10 and NBE14)
- ***Contributions*** (STRAT1, STRAT9)

Assessment:

- ***Principle of housing in this location and sustainability***

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

The Local Plan, which has a lifetime of 2006-2016, contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy

framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site lies outside of the settlement limit for Gainsborough and is therefore classified as being within the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless there is justification for it being in an open countryside location or it can be supported by other plan policies.

Development would take place on agricultural fields in active arable use. The NPPF (paragraph 112) states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Natural England Agricultural Land Classification for the site is grade 3 (good to moderate).

Permission is sought for residential development comprising both market and affordable housing – it does not meet the exceptional criteria of STRAT12. As an undeveloped, or 'greenfield' site it also falls on the bottom rung of STRAT9's sequential approach towards prioritizing previously developed land.

Development is contrary to the development plan and falls to be refused unless there are material considerations to indicate otherwise.

The new Further Draft Central Lincolnshire Local Plan (Oct 2015) has just been published and also contains a suite of policies relating to the planning principles for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Gainsborough would be considered as a main town. Here policies indicate that substantial housing development should be directed to the town supported by appropriate levels of employment growth, retail growth and wider service provision. LP3 indicated that 4,435 new dwellings required in Central Lincolnshire would be located within sustainable urban extensions and regeneration of specific areas.

Although the site has been put forward within the SHELAA for Gainsborough the application site has not been formally designated within the draft plan for consideration. The adjoining site, recently built out, is noted within the plan as being an acceptable location for housing. Similarly, the northern SUE to the north east of the site is also allocated as a potential housing site indicating that in principle this part of Gainsborough is deemed acceptable for growth.

In considering the Further Draft of the Central Lincolnshire Local Plan, it is important to note that it is still some way from adoption and particular approaches and/or policies could be challenged. As such whilst these policies need to be considered they should still only be afforded limited weight.

A significant material planning consideration, however, is the National Planning Policy Framework (NPPF). Paragraph 49 states that:

‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

The Council has recently received the new 5 Year Housing Land Supply document which indicates the Council is able to identify a supply of 5.37 years’ worth of land across Central Lincolnshire.

The publication of the 5 Year Land Supply Report (October 2015) does not alter the position of the spatial strategy of the adopted Local Plan (2006) policies, they are still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development. The provision of the 5 Year Housing Land Supply Report should be considered within the planning balance required by para 14 of the NPPF, however as outlined earlier, the spatial strategy outlined within the Further Draft of the Local Plan notes that Gainsborough will be the focus for substantial housing development and as such it is not considered that the planning balance in this application will be particularly altered by the publication of the 5 year housing supply.

As has been indicated above Gainsborough is deemed to be a sustainable location and as such will be the recipient of an appropriate number of dwellings within the Further Draft Local Plan to contribute to the five year housing supply of land.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, the “golden thread” of decision making.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Planning balance

The proposed development does not comply with the adopted Development Plan, The West Lindsey Local Plan. Its spatial approach to housing and housing supply policies are largely deemed to be out of date. The Central Lincolnshire Local Plan is still at an

early stage within the adoption process having only just completed the second consultation phase with the results of this unknown.

Annex 1 of the NPPF explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taken the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

As noted the plan is at an early stage and therefore its policies should only attract limited weight.

In the absence of an up to date Local Plan the proposed development therefore needs to be assessed against the provisions of the NPPF.

Sustainability

The NPPF indicates Sustainability has three strands: economic, environmental and social. The proposal therefore falls to be considered in these terms

Although the application falls outside the development boundary of Gainsborough it does adjoin it on two sides. Saved Policies STRAT3 and MT1 indicate the importance of Gainsborough as a central location for growth. Policy MT1 seeks to ensure an adequate supply of housing with choice and opportunity for all who need a home by allocating suitable sites and ensuring a mix of housing types including an element of affordable housing where needed.

The benefits of being located on a site adjoining Gainsborough is that it allow residents to enjoy the full range of facilities available within a town of this size. This includes jobs, education, health, retail and leisure facilities. Such development would support the growth of Gainsborough in economic and social terms and accord with the town's growth point status. These are strong positive reasons to support a residential proposal on this site.

Environmentally the site is well contained with the existing Sunningdale Way development to the west, residential and woodland development to the south and the school to the east. Whilst the proposal would lead to the loss of a greenfield agricultural site, it is a single relatively small field in between existing urban development. The proposal therefore would appear is a logical rounding off of the existing urban area. This also limits the impact of the loss of grade 3 agricultural land. The impact on the

wider AGLV area would be limited by its position but also by the large belt of mature trees to the north of the Belt Road. These trees fall within the ownership of the golf club and form a dense natural boundary to Gainsborough from northern viewpoints. As such from a character viewpoint the impacts of this proposal would be limited to the immediate surrounding area rather than from longer distances.

The site, however, is not without its short comings. Whilst in general distance terms the site well located for services and facilities the road/ pathway network is very limited meaning that access to services has to take a roundabout route increasing journey times. The Belt Road could provide access to a number of facilities but again the highway is not suitable for pedestrians or cyclists as there are no footpaths or street lights and the speed limit is 60 mph.

Initially the only option for cyclists and pedestrians would be to walk through Sunningdale Way to access the majority of facilities. The distances and average timing to access such facilities are noted below.

| Amenity Type | Amenity Description | Distance from site | Timing (minutes) |
|--------------------|---|--------------------|------------------|
| Public Transport | Bus stops Lime Tree Avenue/ Highfield Lodge | 1km | 11 |
| Shops/ services | Coop (Front Street) | 1.6km | 19 |
| | Town Centre | 1.7km | 20 |
| Schools | Morton Trent Side (Primary) | 1.9 km | 22 |
| | Gainsborough Academy (Secondary) | 1.9km | 22 |
| | Castlehills Primary (opening Sept 2015) | 550m | 6 |
| General facilities | Doctors Surgery (Vanessa Drive) | 1.5km | 17 |
| | Chemist (Vanessa Drive) | 1.5km | 17 |
| | Leisure Centre | 700m | 8 |

In an effort to enhance access the applicant has agreed to direct a pathway through the site to the academy school to enhance connections. The exact detail of this is to be agreed but would allow pupils attending Trent Academy from the west good access to the school without a long walk. As the land beyond the application site falls within the schools grounds it is not possible to extend the access further but would allow the school to create a corresponding access to their side to enhance connectivity. The applicant has also agreed to fund a combined footpath/ cycle way along the front of the site to connect to the existing pathway at The Avenue. This would be constructed on highway land and would provide further connection without the need to navigate the existing estate pavements.

The site is also within an area that is designated for extensive housing as part of the Northern sustainable urban extension. This will require extensive works to the Belt

Road. This would improve connectivity to the wider area along with the potential for public transport services. Such improvements would resolve the limitations outlined, however, such proposals are at a relatively early stage may be some years away. Therefore only limited weight should be attached to such matters and the present situation should be the main determining factor.

- **Highway safety**

The application now seeks to access the development solely from the existing estate of Sunningdale Way rather than partially from the Belt Road. The use of the Belt Road is the preferred route for objectors as it would take the pressure off the existing roads which are congested with parked vehicles. The issues to be considered are: the acceptability of the use of the existing highway access and why the Belt Road cannot be used.

The access points proposed to Sunningdale Way are of tarmac construction with paving either side and lit with street lights. The road is approximately 5.5m wide with the pavements either side some 1.8m wide (approx.). Such widths are deemed sufficient to allow vehicles to pass each other including HGV's. The width of the road, junction geometries and footpath widths on Sunningdale Way are all, in general, acceptable in terms of highway safety and allowing the free flow of traffic for both the existing estate and the proposed 80 dwellings.

Objectors have indicated that many residents park on the highway due to the limited car parking at their properties. This is partially due to the limited on-site parking levels on driveways. It is clear from site visits at various times of the day and early evening that vehicles (including transit type vans) are parking partially on the pavement and partially on the highway. Where this occurs on both sides of the road this can narrow the carriageway to a single lane.

Whilst accepting this is not an ideal situation, many roads in urban areas are congested like this and operate without significant accident levels or congestion. It can also be argued that vehicles parking on the highway can be considered as traffic calming measures requiring drivers to slow down and be more attentive to other road users.

Similarly, it is noted that vehicles parking on pavements reduce safety levels for pedestrians. Whilst this is correct this currently happens and the proposed development will not in itself increase the level of vehicles parked on the highway/ path on Sunningdale Way. As such safety will not be made worse.

Highway Authority officers have been on site and considered the existing situation at Sunningdale Way and The Avenue. They have also been forwarded objectors photographs of the parking in the area. Having considered these matters they have not objected to the present proposals and consider the existing network to be safe, suitable and have capacity to accommodate the proposal.

The submitted Transport Assessment has also considered the impact on various junctions that traffic would utilise in the wider area. These studies have concluded that the junctions have capacity to accommodate additional traffic without harm to

safety or an significant increase in traffic congestion. Such studies have also taken account of the traffic generated by the proposed housing scheme at Castle Hills (131606) and the new school on the same site.

In considering the original scheme the Highway Authority has indicated that it would object to an additional access being formed onto the Belt Road, even for a small number of houses. The reason given for this is the quality of the highway which is a 60mph road, with no pavements or street lighting. This arrangement continues for a substantial distance along the Belt Road. Any increase in traffic along this road would therefore increase the risk of accidents both at the new junction but also that of the Belt Road and The Avenue which is particularly poor due to limited sight lines to the west because of the crest of the hill.

The Highway Authority has indicated that to improve the road would require considerable investment, which would include road widening, pavements, lighting and junction improvements to The Avenue which would involve the flattening of the hill crest to the west. Such works would be necessary to consider a reduction in speed limit which could allow additional access points to the road. Such works are disproportional to the scale of development currently proposed. The Northern Sustainable Urban Extension (SUE) to Gainsborough to the east offers a realistic potential to fund highway improvement works due to its potential scale and impacts. Such a development, however, may not come forward in the short term and as a result to allow access to the Belt Road on the basis that the improvements would follow shortly through the SUE work would increase traffic levels at a dangerous junction without a reasonable prospect of the improvements being completed. This would be unacceptable particularly when acceptable access points are available.

In accepting that the site has limited links to the surrounding area, the applicant has agreed provide an additional pathway to the school to the east of the site and an extended cycleway/pathway to the site frontage to link to The Avenue. These elements are not insubstantial and would aid access by no vehicular means.

- ***Character***

The site is currently an agricultural field with mature hedging (and some mature trees) to the north and the Belt Road. The Belt Road itself has grass verges either side of the road creating a rural feel to this area. The development of a housing estate would therefore represent a significant visual change to the character of the area. The loss of greenfield a site and its replacement with a housing estate could be considered to detract from the traditional rural character of the Belt.

As has been outlined above, however, whilst the site is located on the edge of Gainsborough it is surrounded on two sides by existing development. This together with the tree belt screening to the north and south reduces any physical character impacts to the immediate area. This includes the impact on the Area of Great Landscape Value. The character classification for this area is the Trent Valley. Here the landscape is characterised by the higher land on the outskirts of Gainsborough which is screened by dense tree planting. It further notes that new development to the periphery should be bounded by new or existing hedgerows and anchored into the

wider landscape. The belt of trees to the north and south reduces any long distance views of this site.

In this instance the Belt Road provides a physical boundary to development to the north whilst the site is bounded by the Summerdale Way estate to the west and the Trent Valley Academy (with its extensive planting and sports pitches) to the east. This together with the 8 acre wood to the south provides the main characteristics to the immediate area. The developer seeks to build on the good design of Lindrick Drive fronting the Belt Road by proposing housing facing onto the road with significant additional planting, the retention of the existing trees and hedges to maintain the character of the Belt Road. This is particularly important and, although this application is for outline permission, conditions are recommended to maintain a landscaped strip to the front of the site. This will assist to maintain the attractive quality of the area.

The plans whilst indicative also show that open space can be provided to the east of the houses. This would be accessible but would also help to soften the change in character from open playing fields to residential estate. Similarly, indicative plans show the retention of existing hedges and trees along with further landscaping which can be controlled through conditions.

The proposal for general two storey development with key note buildings of 2.5 storeys in height would not be out of character with surrounding areas.

- **Housing mix**

Objectors to the scheme seek to reduce housing number whilst the requirement for larger executive housing has also been requested. Local Planning Policy RES2 seeks developers to provide a mix of housing and tenures to meet the needs of the population. The outline nature of the application makes this difficult to identify but indicative plans show the site to be capable of accommodating mainly 3 and 4 bedroomed properties. It is likely that at reserve matters stage that a greater mix will be sought, however, the plans are sufficient to show that up to 80 dwellings could be accommodated in this site. Any reduction in the size of homes could be therefore accommodated within the maximum number of dwellings recommended for this site.

Applicants also propose 25% affordable homes and are willing to accept these properties be accommodated on site. This recognises the need for affordable housing within Gainsborough.

- **Open space, play areas and drainage (maintenance and management)**

The development would lead to the loss of open countryside which does provide an attractive area for recreation, indeed the current driveway to the former oil well is used by dog walkers informally. Its loss to development would therefore represent a decline in some existing resident's amenities.

The indicative plan, however, includes significant areas of open space within it which are linked in a linear fashion to the eastern side of the site. This area together with landscaped walks equates to the significantly greater area than the 7.5% open space

requirement sought by Saved Policy RES5. Given the outline nature of the site it is recommended that conditions are imposed requiring this area of the site to be made available as useable open space.

A LEAP area is proposed which is an equipped play area for the local area. No details of this have been provided and investigations need to be undertaken as to whether the town council wishes to take responsibility for future maintenance of this provision. A management company is proposed to maintain this facility and an s106 legal agreement is recommended to ensure facilities are available to maintain this in the future.

It is noted that within the surrounding area, surface water drainage has been an issue. The removal of this green field site could therefore exacerbate this issue which is a concern.

As noted above, however, the site includes a dedicated play area and more general open space which would double as part of a sustainable urban drainage area to flood at times of excessive rain. Such drainage features are generally dry for the majority of the year and would be graded in a shallow fashion to ensure that they are usable in a safe manner.

The applicant has provided a general drainage strategy which has indicated that a development of this scale could be successfully drained without causing harm to surrounding areas. The strategy indicates that surface water would be directed to swales and ponds before being released at controlled greenfield rates into the existing dyke system. The detailed scheme would need to be designed and agreed for the site but the layout and density is such that appropriate drainage measures could be accommodated on site. Any detailed design will need to be submitted as part of a reserve matters application. It is important, however, that an s106 legal agreement is entered into at the outline stage to ensure a future developer is bound to comply with such an agreement.

- **Services and infrastructure.**

The issue of sustainability also relates to the ability of existing services to deal with the proposed development. Given the site adjoins the Gainsborough area occupiers will be able to access the majority of high quality services. This accords with Saved Policy STRAT1, ix) which requires the availability and capacity of infrastructure and social/community facilities to adequately serve the development;

The Education Authority has indicated that the Schools in the area have capacity and indeed the Castle Hill Primary School has just opened following its construction.

Health provision is less clear and the capacity of general practitioner services in Gainsborough is under pressure. The NHS has indicated that a contribution of £42,500 is requested. The detail of this is awaited but improvements to provide additional capacity at local surgeries will be supported. This will take the form of physical alterations/extensions.

Finally, the Sustainable Urban Drainage systems which form part of the open space and the LEAP will require a maintenance regime for long term. The facilities will not be adopted and as a result a management company will need to be agreed along with a management plan. The applicant has indicated a willingness to enter such an agreement and has agreed heads of terms as outlined at the start of this report.

Other matters

Nature conservation

The applicant has provided a phase 1 habitat and protective fauna survey which indicates that the site is generally farmed and therefore has limited opportunities for wildlife. The site does, however, include a number of mature trees and hedgerows. These features have the potential for wildlife and should be retained. The applicants' layout is indicative but does show the retention of hedgerows to the front of the site. The hedge to existing properties is not shown and is sporadic but can be accommodated within any layout given the indicative nature of the current plan. Conditions are therefore recommended to ensure that the investigations are undertaken and until these occur to retain existing trees and hedges currently on site.

Contamination

The site is known to have been the location for oil pumping apparatus and piping. Whilst the operator has capped the well, cleaned and filled remaining pipework with inert material there is still a potential for contamination following this use. As a result of this it is recommended that conditions be imposed requiring an assessment of the site for potential contaminants with remediation/ mitigation undertaken if required.

Conclusion

Although the site is not allocated within either the adopted West Lindsey Local Plan or the Further Draft of the Central Lincolnshire Local Plan the site immediately adjoins the urban area of Gainsborough with all its facilities and opportunities. Gainsborough is noted within both Local Plans as being a focus for significant housing growth particularly within the wider north eastern part of the town around where this development is proposed. Whilst the site does not form part of the 5 year housing land supply assessment, the advice within the NPPF is that housing development within sustainable locations should be supported unless material planning considerations indicate otherwise. The five year supply is therefore a minimum requirement but reduces the weight to be placed on the provision of housing in the planning balance where significant material concerns are outlined.

The development of the site would have limited impact on the character of the wider area and on a more localised basis could be considered to finish off the urban area next to the open playing fields of Trent Academy. The use of conditions to ensure public open space fronts both the Belt Road and the school fields would ensure that the character of the area would be enhanced by softening the change from open space to an urban environment.

The site is located outside of the flood zone and would provide a good mix of additional housing for the town. The application shows an agreement to provide 25% affordable housing and this will assist to meet need within the Gainsborough area. Similarly, the site would generate a need for a £42,500 health contribution to be provided to mitigate any increase impact on the development on local facilities. Surface water drainage would be managed through a SuDs system of swales before releasing water into the existing drains at a controlled rate reducing the likelihood of any additional flooding being experienced at the site or in the surrounding area.

The proposal would utilise access points to an existing estate which are deemed of sufficient width and quality with pavements and lighting to protect safety and maintain capacity. As such the Highway Authority has not objected to the proposal.

The proposal would, however, build upon a grade 3 greenfield site taking it out of agricultural production and creating a further urban area. The proposal would also alter some existing resident's outlook. Whilst such concerns are noted, it is considered that the loss of this small individual field of moderate to good quality would not be sufficient reason to resist the proposal. Similarly, the impact on the character of the area would be limited to its immediate surroundings. The proposal would significantly increase traffic levels within the existing estate which would increase nuisance, congestion and reduce safety. These impacts both individually and collectively are not deemed serious concerns and the road system would be sufficient to accommodate additional traffic without harm to safety or congestion levels. Without a formal objection from the Highway Authority it is not deemed appropriate or acceptable to seek to resist this proposal on these grounds.

RECOMMENDATION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended).

- The provision of 25% affordable housing units,
- £42,500 for health centre improvements.
- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 30 months from the date of this permission.

Reason: This element of the development 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 to accord with the West Lindsey Local Plan (First Review) 2006 and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year 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).

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:

- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site, following the principles within the submitted Drainage Strategy.
- Attenuation details and discharge rates to demonstrate that rates would not exceed 12.5 litres per second; and
- Details of the timetable for, and any phasing of, implementation of the drainage scheme;
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;

The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

4. No development shall take place until, a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme approved under this condition.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan saved Policy NBE14.

5. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the street layout proposed shall be submitted to and agreed in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of highway safety and capacity; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with saved Policies STRAT1 and RES1 of the West Lindsey Local Plan.

6. Before development first commences the recommendations of the Wildlife Report, including the submission of additional reports and investigations, shall be completed and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: To protect wildlife and enhance biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan and the provisions of the NPPF.

7. No development shall be commenced before the details of works to improve the public highway (by means of providing a 2.5 metre wide shared surface footway/cycleway along the Belt Road to form a connection with the development adjacent to the north eastern corner of the site so as to connect up to the existing facilities at the junction of the Belt Road with The Avenue) and a pedestrian access pathway through the development to the Trent Academy boundary have been submitted to and approved in writing by the LPA. The approved schemes shall be certified complete and ready for use by the local planning authority before the any dwelling is first occupied on site.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with Saved Policies STRAT1, STRAT9, RES1, SUS1 and SUS4 of the West Lindsey Local Plan and the provisions of the NPPF.

8. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
 - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant

information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Environmental Health Manager in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Conditions to be observed during the development of the site

9. Notwithstanding the outline nature of this permission the areas of open space hatched on drawing no. PL02 rev J shall be maintained as public open space/suds drainage feature and shall not be used for any other purpose.

Reason: To maintain the character of the area and to provide adequate outdoor amenity space and to create an acceptable transition from the countryside to urban area in accordance with saved Policies: STRAT1, RES1 and NBE20 of the West Lindsey Local Plan.

10. No tree(s) or hedges on the site shall be felled or removed without the prior written agreement of the Local Planning Authority.

Reason: In the interest of visual amenity and the protection of wildlife in accordance with saved Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

11. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

Reason: To protect the wildlife using the hedge in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework

12. The development hereby approved shall not exceed 80 dwellings.

Reason: To maintain the character of the area, highway safety and drainage in accordance with saved Policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan 2006.

13. Before each dwelling is 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 to enable them to be adopted as Highways Maintainable at the Public Expense.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

Conditions to be observed before occupation of any of the dwellings

14. None of the dwellings hereby approved shall be first occupied until the foul and surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by conditions 3 & 4. The approved system shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

15. Notwithstanding the details submitted with the application, none of the dwellings shall be first occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In accordance with paragraph 36 of the National Planning Policy Framework.

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

the following drawings: PLO1, PLO2 rev j (in relation to open space only), PLO3 and Documents Titled: Design & Access Statement, Phase 1 Habitat and Protected Fauna Survey, Planning Statement, Flood Risk Assessment, Transport Assessment. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policies STRAT 1 STRAT3, STRAT19, MT1, RES1, RES5, RES6, SUS1, SUS4, NBE20 and CORE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (NPPF)

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

None

Advice notes

The developer will need to enter into a Section 278 Agreement with Lincolnshire County Council to deliver the highway improvements and combined cycle path and footway.

The Sustainable Drainage Scheme should include the use of permeable paving, driveways and road and include a scheme to transfer surface water from private properties to the swales proposed. The private driveway construction should also not involve the use of culverts but be crossable open channels.

The developer is directed to the attached map and advice notes with respect to the pipelines and wells on the site and the guidance, restrictions and legislation which protects them.

The developer is requested to include two fire hydrants within the development. The fire hydrants should be located on the main roads (in accordance with BS3251/ 1976 and conform to BS750:2006 and should sustain a minimum outlet discharge of 20 – 75 litres/ second.

Reason for approval

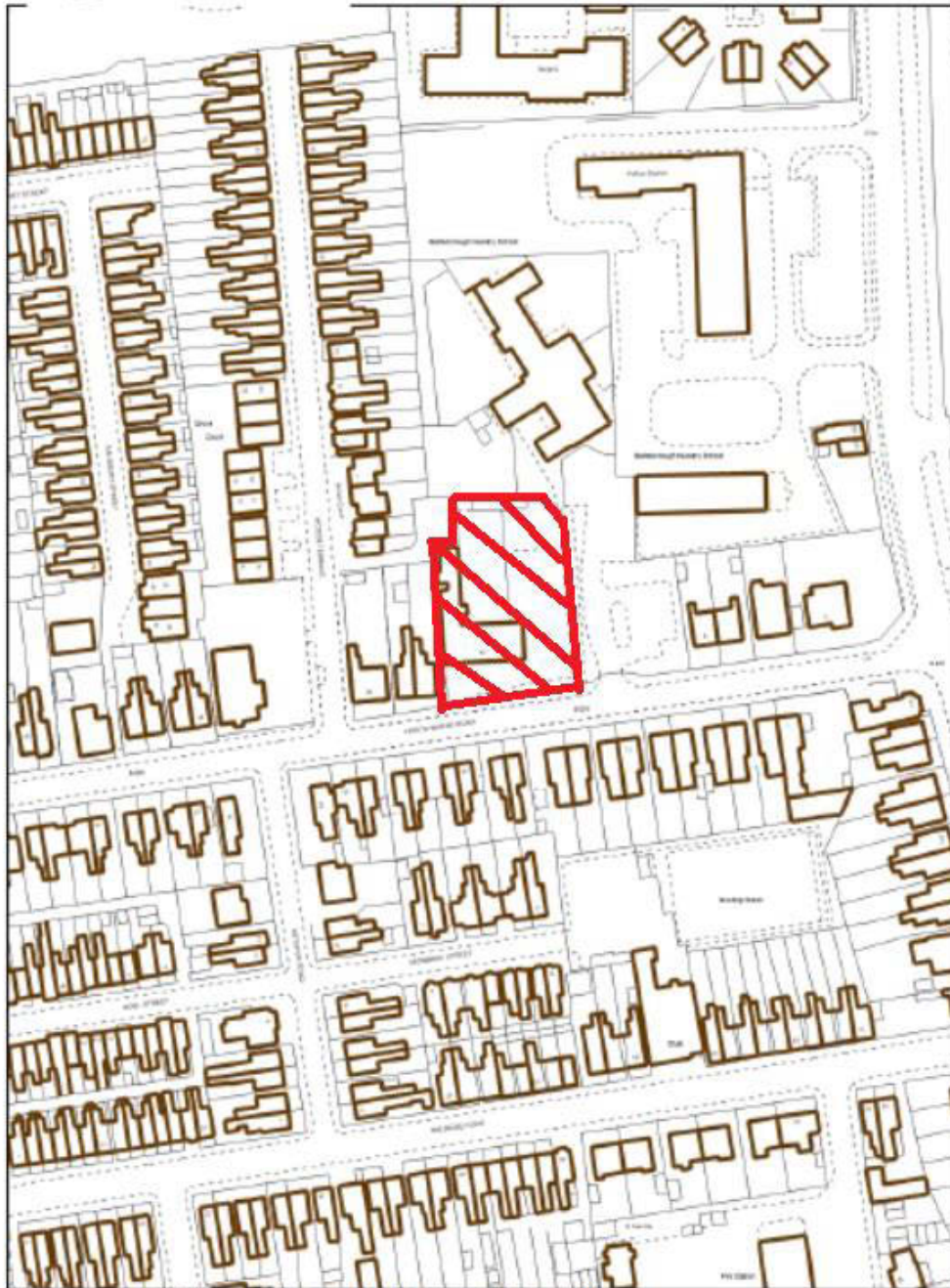
It is considered therefore that on balance the proposal would represent a sustainable residential development, which would assist to meet the housing need whilst maintaining: the character of the area, heritage assets, residential amenities, highway safety, local facilities, landscaping, wildlife and drainage capacity and would accord with saved Policies STRAT1, STRAT3, STRAT19, RES1, RES5, RES6, SUS1, SUS4, NBE20 and CORE10 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework (NPPF)

Human Rights Implications:

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

Legal Implications:

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



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Officers Report

Planning Application No: 132259

PROPOSAL: Planning application to erect 24 no. apartments and associated access and parking.

LOCATION: 22 North Marsh Road Gainsborough Lincolnshire DN21 2RN

WARD: Gainsborough North

Ward Councillors: Councillor Boles, Councillor Bardsley and Councillor Bibb

TARGET DECISION DATE: 10/04/2015

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision the site as affordable housing units,

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

The application site, to the north side of North Marsh Road, Gainsborough, contains a detached Victorian property. Roughly rectangular in shape the site is 0.19ha in size and comprises a large two storey red brick dwelling with dormers to the roof and one three storey gable to the frontage. The site is accessed from North Marsh Road with large areas of the site to the eastern side left as car park/yard area. The building is vacant and includes several later additions. Also within the site is a derelict portable building. The site boundaries are made up of a variety of brick walls, and wood and wire fences.

To the west of the site is a traditional two storey semi-detached dwelling (no. 24) with a rear wing. Within the flank elevations of the gable and wing are various windows. To the north of the site are various extended gardens of properties at Woods Terrace although the majority of the site backs onto Gainsborough Nursery School. This includes the part of the outdoor play area as well as the nursery's building. The nursery school site wraps around to the eastern side of the application site with the entrance car park and footpath forming the adjoining land use. Opposite the site across North Marsh Road are further two storey residential dwellings facing no.22.

This application seeks permission to erect 24 retirement apartments at North Marsh Road, Gainsborough. Twenty one flats would have 2 bedrooms, with three having just 1 bedroom each. The building would incorporate a small shared lobby/ reception area, communal sitting room and mobility scooter garage with charging point. Residents

would lead independent lives but would have an administrative member of staff/cleaner whom would be at the premises during office hours only. No specific care would take place at the property and whilst the proposal would be for over 55s although spouses/ partners under this age would be accommodated on site. The building would also accord with the affordable housing definition.

The building would be three storeys high with a pitched roof to the front within which dormer flats would be accommodated. To the rear would be a three storey wing fronting the nursery car park to the east. It would have a flat roof but with a traditional parapet roof. Associated stairwells would be set slightly back from the main accommodation blocks and finished in glazed sections. A single storey communal lounge would be located to the rear of the property. The final three storey block would be located to the rear of the site with a similar design to the side of the building. The structure would be completed in brick and render. The development would include a 4.5m wide access to the western side of the site with 15 car parking spaces to the rear (including 1 disabled spaces).

As part of this application the original red brick building would be demolished.

Relevant history:

M03/P/1247 Change of use to educational establishment (Class D1) retention of storage room and a temporary classroom. Approved 17 Dec 2003
W33/955/80 Change of use to school of dancing. Approved 3 Dec 1980

Representations:

Original scheme

Chairman/Ward member(s): Cllrs Bowler and Bardsley have requested the application be determined by the planning committee due to flood risk concerns, traffic congestion and safety and; the scale of the proposal relative to the existing properties.

Gainsborough Town Council: Comments – all parking spaces should be laid out to disability standards, any piling done should be augmented not pile driven or undertaken at half term.

Seek clarification of the nature of care being proposed. How will the office be used?

Local residents: 3 (x2) & 4 (x3) North Marsh Lane object on the grounds of:

The proposal is institutional in scale and would appear as a workhouse or prison within the street. Three storey buildings are not a characteristic of the street and the proposals are extensive, imposing and threatening. This would be out of character with the domestic appearance of the street. The existing building is only part 3 storey and is set back from the road by a considerable distance. Other larger structures within area (such as the police station are well set back from the street frontage and have lots of landscaping in front of them. The vast majority of the buildings are late Victorian and early Edwardian properties which without question sit well back from the pavements. The current proposals sit too far forward and create an over dominant feature to the street. The domestic and well established sense of community, security

and place in a built environment would be completely lost if the plans were to go ahead. The proposals are not modest in scale and would jar with the historic surroundings of the area.

This building should be converted not demolished.

The scheme would generate significant traffic which would reduce safety to residents and the children and parents using the nursery. The road is also within walking distance of three education establishments which would create significant footfall. The road is the only access to Woods Terrace. It is also the last link road between two main roads adding to traffic in the area. Additional and conflicting movements would therefore reduce safety. Parking is extremely limited with residents having to fight for spaces.

The proposal is outside the building line stated by the covenant on the land. The proposal will cast a large shadow over the nursery reducing the levels of light enjoyed by the children. It will also reduce light to adjoining properties.

Initial revised plans

The revised proposals still represent a significant scale of development out of character with the area. Residents feel if the proposal were dropped by one storey it would nestle quite nicely within the street scene.

Site Notices have not been displayed and people have not felt they could object.

LCC Highways: Have not objected and recommend conditions.

Further comments were received from the Highways Authority following residents and members concerns relating to the shortfall in parking spaces the proximity to the nursery entrance, the number of cars parking in the area and the general traffic using North Marsh Road. Despite these concerns the Authority indicated that an objection would not be sustainable at appeal and the existence of parking restrictions within the area would ensure occupiers and children at the nursery would be adequately protected.

Environment Agency: have objected to the scheme as the FRA fails to: demonstrate a safe means of access and egress from the site during times of extreme flooding and; consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Following the submission of additional information the Agency has withdrawn its objection subject to the imposition of condition.

NHS: have not requested a contribution.

Education: No contributions sought

Housing & Communities Team: West Lindsey District Council and our partners have an ambition to significantly grow the housing services and commercial outlets that the town offers and has recently been allocated as the Greater Gainsborough Housing Zone. Housing Zones are areas where the process of house building on difficult brownfield sites can be simplified and sped up through locally led partnerships with a range of support measures including recoverable investment funding provided through the Homes and Communities Agency. The creation of the Housing Zone therefore offers the authority the momentum it needs to increase housing and regeneration opportunities by unlocking development on brownfield sites within the town and ultimately providing a wider mix and better choice of housing in the town.

The application site is one of the sites identified in the Council's successful allocation of the Greater Gainsborough Housing Zone (see attached map). The proposal is for 22 apartments to be delivered on this brownfield site. If granted planning permission the developer will enter into a conditional contract with Ongo/North Lincolnshire Homes who will bid for HCA funding for the units to be delivered and managed as affordable rented units designated for the over 55's. The units will be built to HCA design and quality standards for general needs accommodation including communal space, a lift and outside storage for mobility scooters. North Lincolnshire Homes will provide an element of on-site support by means of supported housing officer visits. The site is in the ownership of the developer and can therefore provide positive evidence of deliverability.

The units upon completion will be let through the Lincs Homefinder CBL Scheme. This scheme currently indicates that 699 applicants in West Lindsey require accommodation suitable for the over 55 age group of which 273 require accommodation in Gainsborough. The scheme will therefore contribute towards meeting this housing need.

In terms of location the site is in close proximity to many of the services required to make it a sustainable location. It is close to bus routes to the centre of Gainsborough as well as the route between Lincoln and Scunthorpe. It is close to a doctor's surgery, dentist, park, hospital and local shops.

The Housing and Communities Team therefore are in full support of this proposal.

- It is a brownfield site that has sat empty for a number of years without development being brought forward. Viability is a major issue with a number of the brownfield sites within the town and many need support such as housing grant in order to be delivered. Without this I believe development will not take place and it will continue to be a blight.
- The site will contribute to delivery of new housing within the Greater Gainsborough Housing Zone and will help to provide a wider range of housing.
- The development will bring a new registered provider into the district and particularly Gainsborough
- The site is developer owned and has an end user in place therefore it can be delivered quickly and contribute to the short term housing supply within the town.
- As with all housing zone sites it is in a highly sustainable location.

The West Lindsey Special Project Programme Manager has commissioned a piece of work on flooding in relation to this site and others and has opened negotiations with the environment agency. While other sites may be available outside of zones 2 and 3 delivery of the housing zone and regeneration of these sites is a key priority for the town and its continued growth. Without the re-development of these sites regeneration of this area will not be achieved.

Comments on further revised scheme November 2015

Gainsborough Town Council: Request that the buildings be set back from the pavement with garden areas put to the front.

Neighbours: Gainsborough Nursery School: We are a local authority maintained nursery school. Over 200 people walk down our path. The proposal is that the flats will be very close to this path. I am concerned that people could drop things either deliberately or unintentionally onto our path and cause an injury/death.

The flats are designated to be for elderly people but it did state only if there was a demand. I am concerned that the demand will not be there and the flats could be used for other purposes; will I be informed if any undesirable people become tenants?

Parking is a constant problem. Each of the 24 flats does not have it's own designated parking space. This will only add to the current congestion and associated danger to young children.

The position of the building to 2 of our boundaries will significantly reduce the light into the school.

We try to be as environmentally conscious as we can, for this reason we had solar panels fitted, the light to these panels could well be compromised. The flats will overlook the children's playground and school buildings, we are concerned that the interior of the school would be seen, when previously it could not be. Will this make us a target for criminal activity, theft etc?

Already mature trees have been felled before the planning was applied for. There is a mature tree on the boundary that I am concerned will be felled.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission

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

STRAT3 – Settlement hierarchy

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

STRAT4 – Windfall and infill housing development in Gainsborough and the urban area of Lincoln

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

STRAT9 – Phasing of housing development and release of land

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

SUS1 – Development proposals and transport choice

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

MT1 – Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm#mt1>

RES1 – Housing layout and design

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

RES5 – Provision of play space/ recreational facilities in new residential developments.

<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>

CORE10 – Open space within developments

<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>

The Further Draft of the Central Lincolnshire Local Plan (Oct 2015)

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP10: Meeting accommodation needs

LP11: Meeting housing needs

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP24: The historic environment

LP25: Design and amenity

LP41: Regeneration of Gainsborough

The Further Draft Local Plan is undergoing its second consultation process and will be the subject of assessment through a Local Plan Inquiry. As such its policies may be challenged, altered or even deleted. In accordance with para 216 of the NPPF the weight afforded to these policies should be very limited.

Main issues

- *Principle of dwellings in this location (STRAT1, STRAT3, STRAT4, STRAT9, SUS1, CRT14 and MT1)*
- *Flood Risk and drainage (STRAT1, STRAT4 and STRAT9)*
- *Design and character of the area and heritage assets (STRAT1, RES1, RES5, CORE10)*

- *Residential amenity (STRAT1, STRAT4, RES1)*
- *Highway Safety and car parking (STRAT1 and RES1)*
- *Landscaping (RES1, RES5 and CORE10)*

Assessment:

- *Principle of dwellings in this location (STRAT1, STRAT3, STRAT4, STRAT9, SUS1, CRT14 and MT1)*

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless considerations indicate otherwise (Town & Country Planning Act 1990 s70(2))

The West Lindsey Local Plan seeks to guide development to the most sustainable locations. Gainsborough is a sustainable location and is noted within STRAT3 as a town with the full range of facilities to support residential living. The site is also previously used ('brownfield'), complying with policy STRAT9's sequential approach. The proposal is close to a main road with good bus services into the town centre with local shops and facilities close by for residents to access. Within the immediate area there are a number of corner shops, a surgery and a church. Full lit footpath links are available in the area. The location can therefore be considered sustainable (leaving aside flood risk which will be considered below) and would be supported by Saved Policy STRAT4 and MT1 of the West Lindsey Local Plan.

In addition to this, the NPPF indicates that local planning authorities should boost the supply of housing to meet (in full) an objectively assessed need for market housing and affordable housing (para. 47). It further notes at para. 50 that plans should seek to deliver a wide choice of high quality homes... to create sustainable, inclusive and mixed communities... This includes housing for older people. The applicant has indicated that a condition limiting the occupiers of the apartments aged 55 and over (other than spouses and partners whom live with them) would be acceptable.

- *Flood Risk and drainage (STRAT1, STRAT4 and STRAT9)*

The NPPF/ NPPG requires decision makers to focus development within areas at least risk from flooding. Only if such sites aren't available should development be considered within more vulnerable areas. Such an approach is supported by saved Policy STRAT1 and STRAT4 of the Local Plan. The site is located within Environment Agency Flood Zone 3 as being vulnerable to river flooding with a 1 in 100 annual chance or greater of flooding.

A sequential test submitted outlines that large areas of Gainsborough are also at risk from flooding and that there are no other suitable sites available to the developer. A detailed site search has not been provided on the basis that the site is a brown field site which if left vacant would blight the area. The applicant indicates the proposal represents a regeneration opportunity in an attractive residential area. Such an approach accords with the West Lindsey Strategic Flood Risk Assessment (paras 6.4 and 6.5) which recognises that brownfield sites will need to be redeveloped. The site is also located and designated within the Greater Gainsborough Housing Zone which seeks to address difficult to development brownfield sites to support housing growth

and regenerate key parts of the town. 22 North Marsh Road is one of these key regeneration sites. It is considered therefore on balance that the importance of regenerating this site is key to Gainsborough and no alternative sites should be considered subject to acceptable designs and mitigation measures.

A Flood Risk Assessment (FRA) and an exceptions test have been undertaken which indicate that in the event of a breach in the defences the apartments would remain dry. This is positive but the site would still be unusable in a normal sense (i.e. access would be limited if not impossible, water, electricity and sewerage facilities may not be operational and lower outdoor site areas may be contaminated) for the period of the flood and possibly some time afterwards until facilities were reconnected. Residents would still require evacuation but they would be safe until this happened. It is also the case that the site would be brought back into use much quicker than surrounding properties as any damage would be much less severe. The applicants have also supplied recommendations for evacuation. These measures are still being considered by the Environment Agency and the results of these consultations will be verbally reported to members at the meeting.

On balance it is considered that the benefits of bring this site back into use, with the mitigation from the most significant risks would override the risks which would occur in the event of a flood following a breach of the defences.

- *Design and character of the area and heritage assets (STRAT1, RES1, RES5, CORE10)*

The NPPF notes that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (para 56). Permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions (para 64) and core NPPF principle (Para 17).

The NPPF also seeks support a positive strategy for the conservation and enjoyment of the historic environment (para 126). In determining planning applications (para. 131), local planning authorities should take account of:

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

Paragraph 135 of the NPPF also indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The current proposal is a structure is a large detached dwelling which has been vacant for some time. Set back from the road it displays its Victorian heritage through its

design with multiple bays, gable, chimneys, stone window and door features and slate roof. Surrounding the site is significant areas of open space. Although attractive the site has been vacant for some time and is considered by the applicant too difficult to convert for further use. No detailed evidence to this effect has been provided. The dwelling is not listed and is not located within a conservation area. Whilst not a designated heritage asset it clearly has merit and is a significant feature within the street scene particularly when entering North Marsh Road. The loss of this building is therefore a significant consideration.

The redevelopment of this site has the benefit of bringing 22 North Marsh Road back into use after a period of vacancy. No detail has been provided for how long the site has been vacant but no recent planning applications have been submitted to the authority for changes of use. The site has also begun to deteriorate since the last use ceased reducing its attractiveness. The site is, however, part of the Greater Gainsborough Housing Zone specifically set up to bring forward difficult brownfield sites for redevelopment. 22 North Marsh Road is identified as one of the key sites for attention and as such the opportunity to bring the site back into use (albeit through complete redevelopment) should be given significant weight. In principle, therefore, it is considered that, the loss of this attractive but non designated heritage asset could be justified subject to the proposed replacement being of a quality design that enhances the area.

North Marsh Road is an attractive residential area characterised, on the whole by two storey dwellings (with the occasional 3 storey gable), approximately 9m in height, with attractive detailing such as gables, sash windows, chimneys and stone detailing. The buildings have a vertical emphasis and are mostly modest in scale.

The current proposal has been significantly modified since submission in an effort to reduce the impact of the proposal on the surrounding area and improve its appearance. The building would still significant in scale, in terms of its height, massing and site coverage. The structure would be 3 storeys in height and set a maximum of 2.6m from the back edge of the footpath. At a maximum height of 11.7m it would fall to 8.8m for substantial sections of the rear elevations, with limited sections being lower. The structure would still be a significant and dominant feature within the street scene but is now more traditional in character to the street with a proportion of the third floor being accommodated within the roof of the building.

Whilst still dominant the structure has been reduced in scale and has been moved away from the adjoining dwelling at 24 North Marsh Road. The resulting gap and scale of the building would assist to provide an acceptable setting from the building compared to its neighbours. Similarly, the car park to the east would also provide a setting for this substantial structure in the street reducing its impact.

To the rear the building would in effect be split into individual blocks of three storey development. The use of flat/ parapet roofs to rear along with the setting in of further ancillary sections (such as stairwells/communal areas) would limit the impact further by reducing the mass of this building. The final three storey block would be to the rear of the site but set back from the northern boundary by 5m. To the north of the site is a play field attached to Gainsborough Nursery. Whilst the proposed 3 storey structure would remain a dominant feature to this area the nursery has other outdoor play areas

further away from the application site protecting the level of good quality outdoor amenity area available. The impact of the block would also be partially mitigated by existing boundary walls at the site. Views of the rear most block from the street to the east would be reduced by its position set back into the site by 13m.

The open car park to the east of the site provides an open a setting for a large building visually reducing its dominance within the street scene. The rear wing of the proposed building would, however, be some 46m in length. In places the 3 storey 9m high block would be 1.8m from the boundary fence to the car park making this a significant and dominant structure to the nursery footpath. The dominance of the structure would, however, be broken up as already noted, by various sections set into the site away from the boundary and varying roof heights and designs. This would visually reduce the dominance.

In assessing the proposal the applicant has accepted that the design/scale of the development has been heavily constrained by need to accommodate 24 flats at the site to make the proposal viable. Whilst negotiations have allowed a reduction in scale it has not been possible to reduce the number of flats proposed on site. Whilst accepting that this would push the site to its limits it is considered, on balance, that the proposal would be acceptable for the reasons provided above.

- *Residential amenity (STRAT1, STRAT4, RES1)*

The 3 storey development would be positioned some 18m from the dwellings opposite. The overall height, scale and width to the street frontage would be significant (and taking account of increased ground levels) and quite dominant to the properties opposite. The intervening distance, however, would be sufficient to protect residential amenity. Similarly, its northern position and street side location, would however, ensure light, sunlight and privacy were not significantly impacted upon.

To the west is a modest residential dwelling (no.24). Fronting North Marsh Road the proposal would represent a significant 3 storey mass of development which would be a minimum of 9.5m from the side garden boundary of no. 24. Such a relationship is an improvement on the full three storey building (although falling to two storey to the rear) currently erected within 1.8m of this boundary. A window within the gable of no. 24 would be impacted upon but this serves a bedroom and would be some 10m from the side elevation of the proposal limiting the impact. Privacy would not be significantly impacted upon due to the closest side elevation being blank. The windows to the 3 storey rear wing would overlook no. 24's rear garden, however, the intervening distances would be 15.7 – 25.5m. The occupier of no. 24 might be overlooked by the facing windows but the position of the wing some 25.5m from the garden boundary would be sufficient to protect privacy. It is also considered that the loss of the existing building would open up the eastern aspect of no. 24 considerably removing a dominating feature to its garden.

The occupants of no. 24 would also be impacted upon by traffic moving back and forth along the access drive. The nature of the access with 24 flats being serviced (although not necessarily by private motor vehicles) would cause noise and nuisance. A 1.8m high wall would assist to limit the impact but the nuisance within the garden area would still be significant.

The impact on dwellings to the east would be limited by the nursery car park, providing a sufficient gap to protect residential amenities. The proximity, 3 storey height and 46m length of the proposal is noted and its relationship to the access footpath could be considered to dominate this area reducing its attractiveness to users. The breaking up of the building forms/ positions and heights would, however, reduce the impact of the proposal on this area and subject to high quality boundary treatment and landscaping would maintain the amenity of users.

Other properties to the north and east would also be impacted upon but would be sufficient distance away to ensure residential amenity would be maintained to acceptable levels.

It is accepted that outdoor amenity space would be limited but the proximity of the site to Richmond Park would be sufficient to maintain outdoor recreation. It should also be noted that the complex would include a communal lounge for residents to mix within despite each flat being individually owned.

Highway Safety and car parking (STRAT1 and RES1)

The design includes 15 car parking spaces, one of which are designed to accommodate disabled drivers vehicles. The site is located next to the nursery and the majority of the site frontage is covered by zig zag school markings. In addition to this, the majority of the road to the east is covered by double yellow lines on both sides. The on street car parking is limited but is well used particularly during nursery start and leaving times. The road itself is 6m in width but narrows where there is on street car parking. North Marsh Road is generally straight and neighbours note it is used by fast moving vehicles travelling between Morton Terrace and Ropery Road. To the extreme end of North Marsh Road the Council's depot is also located and as a result the Council's service vehicles also use this area increasing traffic.

The applicant indicates that the proposal would be for older people. Whilst more people continue to drive into old age it is considered that the nature of the accommodation would result in less people driving. This would reduce the need for car parking at the site. The site however, is not exclusively for those people without cars and without clear evidence to the contrary general apartments should require sufficient car parking. It is considered that one space for just over half of the flats would leave considerable number of people parking their vehicles on street. Whilst any congestion would not significantly impact on highway safety, due to parking restrictions in the area, it would create competition for available spaces with existing residents creating an amenity concern. Whilst this concern is noted the development would be for residents over 55 whom may have less use for a car, the urban location of the development has connections to facilities in the town and outside nursery dropping off and picking up times the area is not particularly busy. It is considered therefore that whilst there would be more competition for space on street the issue would not be so critical that a refusal of planning permission could be justified.

The development is also within an area with a number of facilities such as a doctors, pharmacy, takeaway and corner shop which are all within easy walking distance of the

site. Bus services into the town centre are also available from Morton Road. In this way those residents without cars would be catered for.

Despite concerns of residents the Highways Authority has not objected to the proposals and consider the access acceptable.

- Landscaping (RES5 and CORE 10)

North Marsh Road is predominately urban in character but the small residential front gardens present an attractive setting for the buildings. The scheme by its nature provides minimal landscaping to the frontage/ eastern boundary due to the scale of the proposed footprint. Such area would be sufficient to provide a setting for the development in this urban context.

The existing trees to the site cited by residents are not protected with the trees to the front having been removed since the application submission. The application does not seek to retain other trees on site but would require the submission of a landscaping scheme and its implementation to soften the proposal.

Conclusion

This proposal would provide a number of significant benefits to Gainsborough. This includes the provision of housing of a type for older people. It is a type that is in short supply within the town. This is a significant consideration. Similarly, the proposal would bring an important site back into use after a number of years of being vacant. The site would be located within a flood risk area but if a catastrophic flood event were to occur, the mitigation measures proposed would keep residents safe and dry and the development would be brought back into use much quicker than general housing within the area. The design of the proposal is now more traditional and would maintain the character of this area better. Finally, the location of the development would allow easy access to a large number of facilities without recourse to private vehicle transport.

These benefits, however, are balanced by the scale of the proposal relative to the size of the site which is still considerable and would create a dominant feature within the street scene and adjoining properties. This impact would, however, be reduced by the changes in form and design of the proposal. The loss of the attractive, if non-designated Victorian villa currently on site is regrettable but the site has been vacant for a significant period without refurbishment or reuse. The development of the site would therefore send an important message about regeneration within Gainsborough, particularly at sites which have traditionally been difficult to bring forward. Finally, the scale of the proposal would lead to increased competition for car parking spaces on surrounding streets creating nuisance within the area. Whilst regrettable this issue is not deemed of sufficient concern to justify a refusal of the application particularly given the facilities and public transport connections in the area.

On balance it is considered that the benefits of the proposal stated would outweigh the limitation and as a result the proposal would accord with Saved Policies STRAT1, STRAT4, STRAT5, RES1, MK1, RES5 and CORE10 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

Recommendation: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision the site as affordable housing units,

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

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

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

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

2. No development shall commence until a scheme detailing the disposal of foul and surface water drainage from the site (including the results of soakaway tests) has been submitted to and approved in writing by the Local Planning Authority.

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

3. No development shall take place until details of all external walls, windows, doors and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. No development shall take place until, details of all gutters, downpipes and all other external pipework have been submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and thereafter retained.

REASON: To protect the external appearance of the building and preserve the character of the area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, boundary fencing, railings and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme (to include both hard and soft materials) would enhance the development and protect residential amenity is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

6. No demolition of any part of the building pursuant to this consent, until a true copy of a contract, signed, exchanged and completed has been produced to the Local Planning Authority, for the carrying out of the redevelopment of the site permitted under this planning permission.

Reason: To safeguard the character and appearance of the area in which the site is located in accordance with West Lindsey Local Plan First Review Policy STRAT1.

7. No development shall take place until, a programme of measures to minimise noise, vibration and dust levels from the site during the demolition/ construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interest of residential amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

8. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 08:00 and 13:30 on Saturdays and at no time on Sundays and Public Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with West Lindsey Local Plan First Review Policy STRAT1.

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: S01, 001 rev D, 002 rev F, 003 rev D, 004 rev E along with the Revised Flood Risk Assessment by RM Associates, Flood Evacuation Plan. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

10. Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 5 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

11. Before the flats are occupied, the associated amenity area shown on the plan no A1/001 rev D hereby approved shall be provided in accordance with details submitted to and approved by the Local Planning Authority and thereafter shall be used only for domestic purposes incidental to the enjoyment of the flats hereby permitted.

Reason: In the interests of the residential amenity of future occupiers of the development hereby permitted in accordance with West Lindsey Local Plan First Review Policy RES 5.

12. The development permitted by this planning permission shall be carried out in accordance with the approved Revised Flood Risk Assessment (FRA) Version 2 dated April 2015 and Evacuation Plan including the following mitigation measures detailed in the FRA:

- a) Finished floor levels are set no lower than 6.5m above ordnance datum (AOD)
- b) Flood protection measures stated at page 10 of the revised report.

These works and mitigation measures shall be fully implemented prior to occupation and remain in place thereafter.

Reason: To reduce the risk and impact of flooding to the proposed development and its occupiers and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan (First Review).

13. The arrangements shown on the approved plan A1/001 rev D for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of North Marsh Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan (First Review) and the provisions of the NPPF.

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

15. The occupation of the apartments shall be restricted to persons of 55 years or over, or dependants of such persons residing with them but including widows or widowers of such persons.

Reason: The layout of the site provides insufficient areas of private open space and parking areas commensurate with modern standards of development except in the circumstances and mode of occupation hereby permitted in accordance with West Lindsey Local Plan First Review Policies STRAT1.

16. The roof area of the single storey communal area hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the residential amenities of the occupants of nearby property in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Reason for approval

The proposed development would bring back into use a hard to redevelop site within Gainsborough. The proposal whilst intensive would maintain residential amenity, highway safety and the character of the area and subject to conditions would limit the potential risks from flooding in accordance with saved Policies: STRAT1, STRAT4, STRAT5, RES1, MK1, RES5 and CORE10 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

Working Practise Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications:

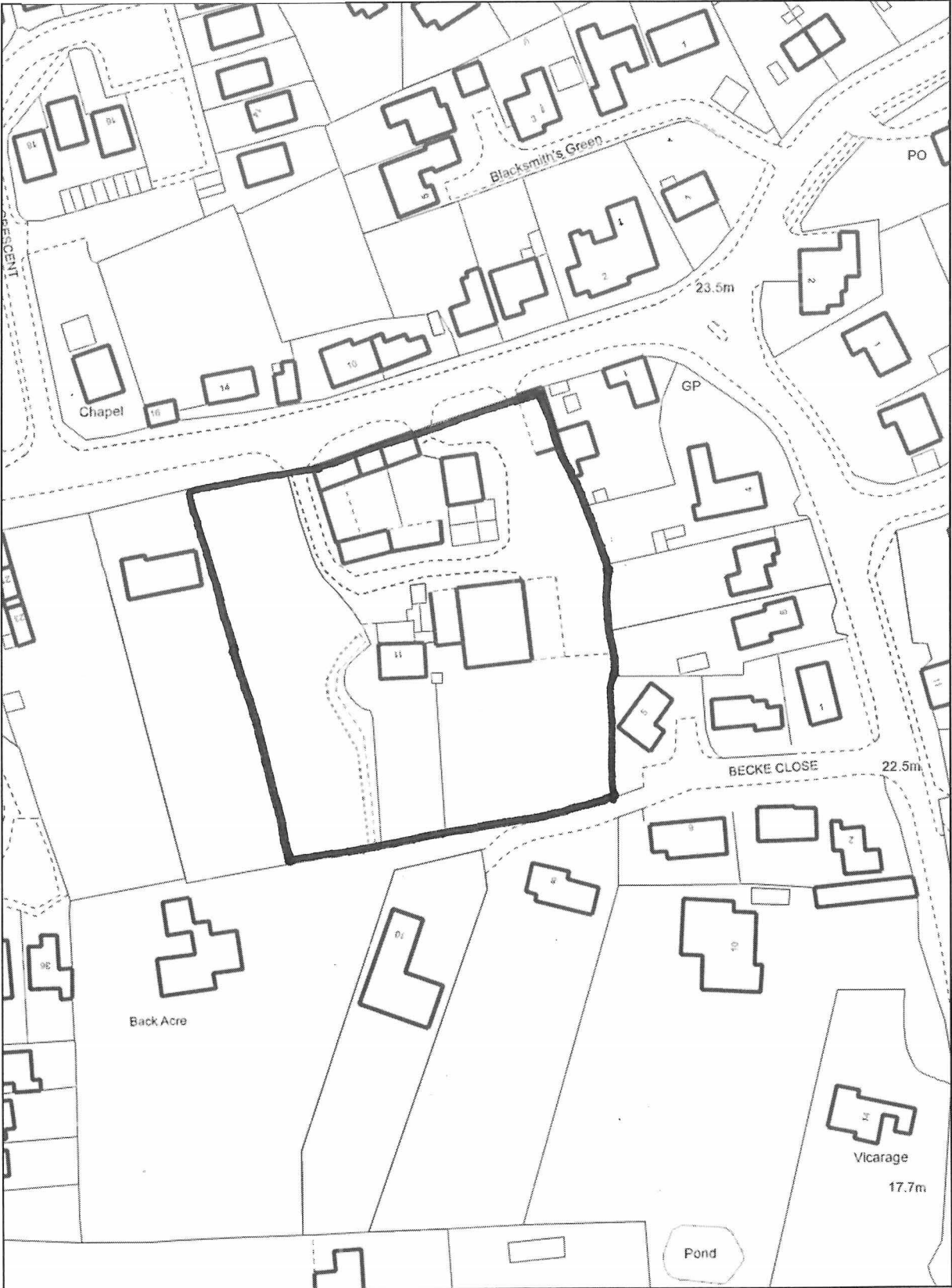
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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



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Officers Report

Planning Application No: 132418

PROPOSAL: Outline planning application for erection of 13 dwellings with all matters reserved and the conversion of a barn to a dwelling

LOCATION: Bleak Farm High Street Cherry Willingham Lincoln LN3 4AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllrs Bridgwood, Darcel and Cllr Mrs Welburn

APPLICANT NAME: Administrators of the Estate of R Bowser

TARGET DECISION DATE: 08/05/2015

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of 25% affordable housing units, 3 dwellings on site and a contribution of and on offsite contribution of £26,638.50.
- The provision of not less than 3% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Introduction: The site is located to the south of High Street in the village of Cherry Willingham and covers 0.73 hectares of land. It is roughly square in shape and comprises a farmhouse and various former farm buildings. Older brick buildings are located to the front of the site, rear facing onto the road behind a deep grass highway verge. These buildings are mostly open into their own small 'courtyard' and in varying states of repair. To the rear of the site there are larger and more modern pre-fabricated structures used for storage, there is hard standing and over growth around the site where material has been stored externally and where vehicles have circulated through the site. There is a grassed paddock running along the western edge of the site with an old orchard in the south eastern corner and two horse chestnut trees protected by a Tree Preservation Order (TPO) along the front. Along the rear boundary are two oaks who during consideration of the application were considered to meet the criteria for having a TPO placed on them and this was made on 24th March 2015.

High Street runs along the front (north) of the site and the residential curtilages of existing dwellings form the eastern, western and southern boundaries of the site.

Proposal: An outline planning application for 18 dwellings with all matters reserved for subsequent consideration was originally submitted. A protected species survey and tree report was submitted in support of the application. The application now proposes 14 dwellings, 13 new build and the conversion of an existing brick barn, which was found to contain a bat roost, to a dwelling. The existing farmhouse will be retained. **Although a number of indicative schemes and layouts have been submitted the application still remains in outline form with all matters reserved for future consideration.** The only exception to this is the retention and conversion of one of the barns.

Relevant history: The north eastern section of the site is allocated for residential development as site CW2 by STRAT 2 – Residential Allocations – Lincoln Policy Area of the West Lindsey Local Plan First Review 2006. It covers 0.29 hectares (0.7 acres) and is intended to deliver 10 dwellings. It comprises 39.7% of the application site.

Representations:

Cllr A Welburn: Will the orchard be saved? I can see on the conservation notes that it has a value for its biodiversity and I know it is used by residents to pick fruit but we did fail to get it registered as a community asset, even so I would like to see every effort made to save this area. I would also like to ask for an archaeological survey of the area as this site has been occupied since the early 1800s and is also adjoining to the farms & manor house that have stood in this area since the 1400s and before that was part of the area mentioned in the doomsday book. We have also had Roman and Saxon finds within close proximity to this site and the heritage society are interested in logging and recording any artefacts that may be located. This is a unique opportunity to explore this area. I appreciate the need to develop this site but it must be done sensitively retaining the village feel, I cannot over stress the importance of this area, it is near the site of the original village and has stood at the village centre in more recent times, we must under no circumstances loose the aesthetics of our village with development for the sake of it. Please ensure that the design & materials are in keeping with the original house and do not take anything away from the country feel

Cherry Willingham Parish Council: Following a meeting taking place of the Planning Committee taking place, Cherry Willingham Parish Council in principle do not object to the Bleak Farm planning application. However we have some comments which we believe would enhance the scheme whilst also helping to retain the historic context of the site. We have previously been in talks with the land owner regarding their application and would welcome the opportunity to further work with them to help direct the village's views on the potential development of this site. It is therefore a disappointment that we were not notified by the planning department at West Lindsey of the amended plans and feel this needs to be pointed out considering the value and sensitivity of this site within the heart of the village. We feel that the overall

feel of the amended scheme is still suburban in form which doesn't reflect the historic context of the site. The sketch for plots 1-4 is similar to developments found in more built up areas as opposed to a village or rural setting, especially with the inclusion of a wall and railings. We feel that the least that could be done here would be to replace these with a softer boundary. However, these plots, whilst they follow the line of the existing farm outbuildings, don't have the look or feel of the character expected from a former farm site. We understand that a conversion of the existing buildings is not feasible but would prefer to see a development which reflects the existing features by making the buildings more agricultural and traditional in style and taking into account the existing street scene. Looking at the existing street scene we see that the site doesn't currently infringe directly onto the High Street and access is via a track to the Farmhouse and outbuildings. The concerns raised by the Planning Committee are that the five new plots facing the road are designed to have their primary access from the High Street. Coupled with allowing only one designated parking space each for plots 1-4 we can see an issue arising where residents regularly park on the roadside, especially those with more than one vehicle per household. This is of particular concern to the Parish Council as the High Street already sees a high volume of vehicles parking along here and it is something which we do not want to see becoming a bigger issue. This is also the main bus route through the village which connects us to Lincoln and may cause issues with other large vehicles passing through. One suggestion for resolving this issue may be to turn the houses around so that their location is just in front of the current designated parking spaces on the plans. This would then ensure that the majority of the development is self-contained within the site and allow greater privacy for the gardens of these plots. This would then enable the developers to look at installing a 6ft high wall to the rear of these properties in the style of the existing agricultural buildings whilst creating a garden boundary. It would fit in with the existing street scene and reduce the amount of stationary traffic which could build up on the High Street with the current proposals. Parking appears to remain a potential issue on the site in general with limited spaces being made available for the majority of the plots. Most modern families will have at least two vehicles with some having three or more depending on how many are living there. Providing one or two parking spaces on a limited site such as the proposed may and will cause issues further down the line with residents parking on the road and blocking access for others. Ultimately, as a Parish Council, we would welcome the opportunity for this site to have a reduced number of properties that are replaced with larger but better quality ones. We feel that this would still retain the value in the development whilst reducing the density of the site. This would work better as it would enable the homes to have more of a traditional and sensitive feel to them to reflect the existing site's layout. The main farmhouse, whilst being retained in this application, feels as though it is being compromised by the other properties on the site. The close proximity of number 14 doesn't give the prominence that such an old and historic part of the village deserves whilst the location of number 15 restricts the view and openness of the site as it appears today. It is vital that we stress how important the open space in front of number 15 as you enter the site is as it forms an integral part of the site in retaining its current character. We would

ideally like to see this protected as open space in anticipation of any further amendments or future planning applications for this site. By reducing the number of dwellings on the site and opening up the entrance to allow more open space this will retain the significance and character of both the Farmhouse and site whilst maintaining the current traditional street scene.

Local residents: Comments have been received from: 4, 10 and 19 High Street, 5, 6, 8 and 10 Becke Close: 3 Dale Avenue and 3 Waterford Court. A 69 signature petition has also been submitted which seeks to “*retain at the very least the barn and stonewall fronting High Street, alongside the two magnificent chestnuts*”

There are 8 objections and 1 in support:

Grounds of objection:

- The orchard trees are very important for biodiversity but the planning application does not take this into account. It needs to be considered as a priority habitat within Lincolnshire and National action plans. The submitted ecology / protected species report recommends further surveys which have not been carried out. It also states that “the orchard comprises traditional trees and represents a valuable biodiversity asset and should be retained and provision contained in the application proposals for its sympathetic restoration and management. The submitted layout clearly disregards this recommendation.
- Cherry Willingham was formerly a hamlet with few houses and has a small history, therefore I think it sacrilege if the barns and house on the High Street are removed. I see from the plan that the farm house is going to remain, but the other buildings at the front of the site are to be replaced by no doubt expensive executive homes similar to those at the bottom of Waterford Lane. This is unnecessary - having worked for an architectural practice in Oxford for many years in a building that was formerly used as a fruit storage barn and associated buildings which we sympathetically rebuilt in the same configuration, I think this should be done with these existing buildings. The first "barn" single storey next to 1 the High Street would make a beautiful single storey, barn conversion, and the other buildings on the front could be rebuilt in virtually the same way as a courtyard development providing maybe three or four dwellings or even Alms Houses. I think it is vital we do not change the face of the High Street, as we have a few cottages, the Church and one or two other old houses and that is all. Cherry is 95% 60's onwards brick and concrete. There is no reason why the developers cannot do this and retain an attractive view*
- I appreciate that they are not listed buildings above, but I think in the interests of retaining something of a village atmosphere, it is imperative the road facing buildings are retained and rebuilt in the same style and configuration.
- No appropriate consideration given to the loss of privacy, disturbance and impact on visual amenity:

- The plans do not give a true representation of the adverse impacts it will have. The current farmyard is 1 to 2 feet higher in ground level than our property. Height restriction should be imposed if planning is granted. Bungalows not houses.
- A full tree report needs to be submitted as the plans submitted show trees in the wrong position and omit those existing. The two large trees on the south should be protected by preservation orders.
- We want the orchard retained to preserve our visual amenity. Not all species surveyed.
- Seeks the imposition of a condition on behalf of 19 High Street that there should not be windows or habitable rooms at first floor level within 15 metres of the boundary
- Unacceptable change to the character of the village.
- No transport reports submitted.
- Density is unacceptable
- No landscaping.
- Will not function well with the surrounding properties or respond to local character and will be visually unattractive so it will not be in keeping with the National Planning Policy Framework.
- My property is a bungalow and will be overlooked by any two storey development and will clearly be subject to noise disturbance regardless of the type of property.
- Bleak House Farm is in the heart of the older part of Cherry Willingham. Much of the village was built post 1950 and has little character, the High Street however has a selection of old properties which serve as a reminder of the history of the village. It would be fantastic if Bleak House could remain as it is, but I do know this is not realistic. I object to the current proposal as I don't think it will be in keeping with the area and fear another bunch of crammed in houses. A revised application for fewer homes in keeping with the surroundings and utilising some of the current farm buildings (barn conversions) including the retention of the Bleak House would be more sympathetic to the area.

Support:

- The farmyard which is directly opposite my house, where I have lived for the past 47 years has never been an attractive scene of beauty. It has encompassed a mixture of buildings in various states of repair, and the grounds have been used for objects past their day of use. Tidiness would not have improved over the years. I consider the plans are acceptable with the proviso that elements of High street are respected

LCC (Highways): Do not wish to restrict the grant of planning permission.

Note Only 5 dwellings are permitted to be served from a private drive Access would be subject to meeting the minimum visibility requirements Layout, geometry and construction would be subject to the specification laid out in Lincolnshire County Council's Development Road Specification and adoption under the Section 38 process.

Environment Agency: No objections

LCC (Historic Services): It is recommended that prior to development the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the archaeological handbook (2012)) according to a written scheme of investigation to be agreed with, submitted to and approved by the Local Planning Authority. This should be secured by an appropriate condition to enable the historic assets within the site to be recorded prior to their destruction. The results of the survey should be submitted to the Local Planning Authority and the Historic Environment record prior to work commencing on site. This scheme of works will consist of full historic building recording.

Environmental Protection: Given the historic use of the land for agricultural storage there is a requirement for a contaminated land survey to be undertaken prior to development. A sustainable surface water disposal method ought to be considered over soakaways.

Tree Officer (WLDC): On the assumption that the submitted layouts are indicative as all matters are reserved on this outline planning application I have the following comments to make:

There are two TPO horse chestnut trees on the front boundary. Protective fencing will be required to be positioned around the outer extents of their Root Protection Areas (RPA's). A local resident raised concerns about the trees in this site, especially the orchard trees, and asked me to do a TPO assessment on the trees. The two large oaks on the rear boundary met the criteria for a TPO to be made and this was subsequently made on 24th March 2015 (Cherry Willingham No. 1 2015). The TPO trees will require appropriate protective fencing placed around the outer extents of their calculated Root Protection Areas (RPA's). Section 4. Of the submitted tree report covers all aspects of tree protection, and its recommendations should be conditioned and adhered to. The Tree Protection Plan (TPP) on page 5 of the tree report shows where the protective fencing should be positioned to prevent root damage and ground compaction across the RPA's of the TPO trees within this site, and the neighbouring trees (T7, T9, T10 & T11) close to the westerly side boundary. The tree survey sheets within the tree report also has a table listing the minimum radius for protective fencing around individual trees. Protective fencing should not be placed closer to the trees than the RPA radius measurements listed for each tree. The TPP also includes protection areas around trees T5, T6 and T8, but I do not consider these to be of good enough quality, size or prominence to insist on their retention and protection. T6 stem is in a damaged and decaying condition, ash stem T5 is only 140mm diameter so is a size that can be easily replaced in a more appropriate position after development as part of a landscape scheme, and T8 is a young tree with a low fork and bent stem. T14 is a walnut within the orchard area. It has a reasonable structure, but has low amenity value and is currently insignificant within the whole site. These are not good enough to warrant their retention and could be removed to make way for development. The orchard trees were not closely inspected for their health and remaining life expectancy. These do

not meet the criteria for a TPO, but this does not necessarily mean they are not important for other reasons. A TPO identifies trees which are important for their quality and prominence of visual amenity value that they provide to the surrounding community. Traditional old orchards are very important for their mosaic habitat and high biodiversity value, which is not part of a TPO assessment.

The tree report has assessed the orchard trees just as a group of trees and does not address any old orchard biodiversity value. Admittedly various orchard trees are in very poor condition including one or two that have actually fallen over, but the cavities and decay of old orchard trees are part of their important value for biodiversity reasons. Removing several trees for the development and incorporating remaining trees into gardens where the ground around them is likely to be close mown lawn, or the trees are likely to be removed to make more garden space and get rid of the 'tatty' trees will basically destroy the old orchard as a habitat. Old orchards are not just valuable for the biodiversity value of the trees, but also for the additional features around the trees, such as long grass, hedgerows, often a pond etc... all of which combine to create a mosaic of habitats characteristic of old orchard habitats. The submitted ecology report also has a paragraph about the orchard, stating that "the orchard comprises traditional trees and represents a valuable biodiversity asset, not only for the fruit varieties, but also from the wealth of insects associated with such habitat.... It should be retained and provision contained in the application proposals for its sympathetic restoration and management". The full importance of this recommendation in the ecology report has not been reflected in the indicative site layout, as the developers wish to remove many of the orchard trees, and the layout places the rest of the trees within gardens where they will be at risk of removal. These actions will basically destroy this old orchard as an important Biodiversity Action Plan habitat and remove the valuable biodiversity value that it currently provides. * Within the Lincolnshire Biodiversity Action Plan, 'Targets and actions 2011-2020' would like Local Authorities to ensure that traditional orchards are recognised as a BAP habitat in need of protection within the planning system.

I have no objection to much of the proposed development, but I do object to the destruction of the old orchard. I acknowledge unfortunately that there is no statutory protection that can be applied to it.

Housing and Communities: The affordable housing requirement on the above development will be for 25% of the units to be delivered as affordable housing. This equates to 3.5 units, 3 on site and an offsite contribution of £26, 638.50 Based on the West Lindsey SPG off site contributions 2012 tariff.

Lincolnshire Police: Acknowledges scheme is in outline and offers advice when detailed proposals are being considered, in terms of properties orientated to overlook streets / public areas; car parking provision (ideally within curtilage of the property at the front); clearly defined public / private space; creating defensible space to buildings; landscaping – low planting and raised canopies to allow surveillance; social inclusion – affordable housing

should be pepper-potted; footpaths to be overlooked by housing; management of public open space.

Relevant Planning Policies:

National Planning Policy Framework, March 2012 (NPPF)

Planning Practice Guidance

Further Draft Central Lincolnshire Local Plan 2011-2036 (October 2015)

The second phase of public consultation for the draft local plan started on 15th October 2015 for a 6 week period to close on 25th November 2015 therefore the draft local plan can only be given limited weight at this stage, in accordance with paragraph 216 of the NPPF. Weight can be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In terms of the proposed development, the following policies are considered relevant:

- LP1: A presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy and Settlement Hierarchy
- LP3: Level and Distribution of Growth
- LP11: Meeting Housing Needs
- LP17: Landscape, Townscape and Views
- LP14: Managing Water Resources and Flood Risk
- LP22: Local Green Spaces
- LP25: Design and Amenity

West Lindsey Local Plan First Review 2006 (WLLP)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the West Lindsey Local Plan First Review 2006 (WLLP) remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, 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).

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

STRAT 2: Residential allocations – Lincoln Policy Area
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat2>

- **STRAT3:** Settlement Hierarchy;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- **STRAT9:** Phasing of housing development and release of land;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- **RES1:** Housing layout and design;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- **RES2:** Range of housing provision in all schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- **RES5:** Provision of play space / recreational facilities in new residential Developments;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- **RES6:** Affordable Housing;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- **NBE10:** Protection of Landscape Character in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

Main issues

Principle of Residential Development

Impacts on the character and appearance of village

Biodiversity and protected species

Residential Amenities

Affordable housing

Assessment:

Principle of Residential Development

Planning applications must be determined in accordance with the development plan, unless there are material considerations which indicate otherwise. The principle of development in this location has already been accepted by the allocation of part of the site for housing. Cherry Willingham is designated as a Primary Rural Settlement under STRAT 3 which defines these as key service centres that meet most of resident's day to day needs, and of those villages in its rural hinterland. It is therefore considered a sustainable location for development.

The publication of the 5 Year Land Supply Report (October 2015) does not alter the position of the spatial strategy of the adopted Local Plan (2006) policies, they are still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development. This would lend support to the incorporation of additional land beyond the allocation.

One of the sections of additional land proposed contains an old orchard which has resulted in a number of objections to the proposal including from the council's tree officer. Requests were made during the application process to protect these by placing a Tree Preservation Order (TPO) on them however for the reasons outlined above this was not possible although two trees on the site now have TPO protection. The possible loss of the trees and potential biodiversity weighs against the proposal on this part of the site, however, unfortunately the orchard trees could be removed irrespective of the current application. On balance noting that no details of the proposed dwellings including layout are sought at this stage and subject to the imposition of a condition in relation to bio diversity enhancements being provided the principle is considered acceptable.

Impacts on the character and appearance of village

A strong desire has been expressed in the representations received to make use of the existing brick buildings on the site thereby helping to preserve its existing character. As part of the application process indicative proposals and designs were submitted and subsequently amended. These details do not form part of the consideration of the application although understandably comments have been made in response to them. This application simply seeks approval to the principle of residential development and it should be noted that the barns in question formed part of the original allocation for the site. The exception to this is the retention and conversion of an existing barn within the site to a dwelling following the discovery of bat roosts within the building. There will be conditions requiring details of conversion works to be submitted to and approved in writing prior to commencement of works.

Biodiversity and protected species

A protected species report was initially submitted which concluded that the existing buildings had potential to support roosting bats, and this was supplemented by a further survey which demonstrated the presence of an active roost. Two owl boxes are located on site and some Swallow nests are present. No amphibians and reptiles were seen or encountered. Mitigation will be incorporated in the site design for the continued presence of owl boxes at a suitable spot, and provision of an open-fronted structure with suitable wooden beams and design to continue to attract swallows. The barn which contains the roost is to be retained and converted to a dwelling, Subject to the

imposition of conditions securing the mitigation measures this is considered acceptable.

Residential Amenities

The detailed impacts on amenities of neighbouring residents will be assessed at the reserved matters planning application stage. The closest dwelling is 5 Becke Close which sits at a lower level and is angled at 45 degrees facing the site. At its narrowest the application site is 77 metres wide at this point which will allow a dwelling to be situated a sufficient distance away from number 5 taking the change in levels into account. Number 6 is located to the south east of the application site on the opposite side of Becke Close and at its closest is 10 metres distant. Number 8 Becke Close is located to the south of the application site and is set back within its plot 10 metres from the rear of the application site. 19 High Street is located to the west of the application site and its boundary is formed by a mix of fencing and hedging and at this point the width of the application site is in excess of 80 metres. The size of the site is considered sufficient in order to be able to design a scheme that would not have adverse impacts on existing residents. The original allocation on 39.7% of the site area envisaged the delivery of 10 new dwellings, and a reflection of this density would result in 25 dwellings on the larger application site. 14 dwellings are proposed, 13 new buildings and the conversion of an existing barn, and it is considered that this will allow a suitably designed scheme to come forward.

Public Open Space

RES 5 seeks the provision of 3% of the total site area for developments of up to 20 dwellings as informal recreational land or play space and/or associated equipment. This will be secured through a section 106 agreement.

Affordable Housing

RES 6 seeks a 25% contribution towards affordable housing. As 14 new dwellings are proposed this equates to 3.5 units. Three affordable units will need to be provided on site with an offsite financial contribution equating to 0.5 units'. This will need to be secured through a section 106 agreement.

Highways

No objections are raised on highway safety grounds.

Drainage

The site is not located in an area at risk of flooding and conditions will be imposed requiring drainage details to be submitted to and approved in writing and implementation in accordance with the approved details.

Potential Contamination

This can be addressed by use of a condition in line with the recommendation from Environmental Protection.

Archaeology

Section 141 of the National Planning Policy Framework sets out that Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. This will be delivered by the use of planning conditions.

Conclusion

This is a proposal for residential development in a sustainable location incorporating a previously allocated housing site which will make a contribution to affordable housing. Subject to the imposition of the conditions discussed above, following the completion of a section 106 agreement, that delivers affordable housing and public open space, a grant of planning approval is considered appropriate

RECOMMENDATION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended).

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

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

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

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

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

Framework and saved Policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

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

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

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

4. No works to convert barn “15(Ex)” on Drawing No. L- BOW-025-SLPP REV E dated 11.09.2015 to a dwelling shall take place until full details of mitigation measures in relation to the existing bat roost described in the final Bat Survey Report prepared by JBA Consulting dated October 2015 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason: To protect wildlife and biodiversity in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review 2006 to accord with the provisions of the National Planning Policy Framework 2012.

5. No works to convert barn “15(Ex)” on Drawing No. L- BOW-025-SLPP REV E dated 11.09.2015 to a dwelling shall take place until full details of the proposed works including internal and external alterations and proposed floor plans have been submitted to and approved in writing by the Local Planning Authority, The works shall be carried out in accordance with details approved.

Reason: In the interests of visual and residential amenities in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:

- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory

Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;

The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

7. No development shall take place until, a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme approved under this condition.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with West Lindsey Local Plan saved Policy NBE14.

8. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the historic assets within the site are recorded prior to their alteration or removal in accordance with the National Planning Policy Framework 2012.

9. No development shall take place until details of measures to mitigate the impact on the biodiversity of the site including a timetable of have been submitted to and approved in writing. The agreed measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect wildlife and biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework

10. No development shall take place until details of two owl boxes to be located within the site and of provision for swallows as set out in the Ecology / Protected Species Survey dated 8 October 2014 have been submitted to and approved in writing. The agreed details shall thereafter be implemented and maintained.

Reason: To protect wildlife and enhance biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework

11. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

1. The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
2. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
3. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
4. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

5. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The work required by this condition is necessary in order identify potential contamination on-site as recommended by Environmental Protection and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Conditions to be observed during the development of the site

12. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

Reason: To protect wildlife in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework

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

13. Following the archaeological investigation referred to in condition 6 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 development being completed.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the historic assets within the site are recorded prior to their alteration or removal in accordance with the National Planning Policy Framework 2012.

14. None of the dwellings hereby approved shall be first occupied until the foul and surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the details required by conditions 6 & 7. The approved system shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.



Officers Report

Planning Application No: 133463

PROPOSAL: Planning application for proposed cattery and 3 bedroom detached dwelling-resubmission of 131057

LOCATION: Former RAF Sports Pavillion Newtoft and Toft Next Newton Market Rasen Lincolnshire LN8 3NG

WARD: Dunholme and Welton

WARD MEMBER(S): Cllrs England, Parish and Cllr Mrs Rodgers

APPLICANT NAME: Mr Michael Cornell

TARGET DECISION DATE: 01/12/2015

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Refuse permission

Description:

The application site is located in the open countryside within the parish of Welton, to the west of the A46 and is accessed from the end of Masovian Lane (an unadopted road) which continues from Alexandria Road. It is roughly square in shape and is located to the west of a collection of old buildings formerly in use by the Ministry of Defence as a part of a now long decommissioned RAF site. The buildings are now occupied by a variety of industrial users and this area is known as "Newtoft Business Park". The site itself covers an area of 0.4875 hectares and the south eastern section of it is currently occupied by a semi derelict single storey redbrick building that was formerly in use as a RAF sports pavilion. There is arable farmland to three sides with agricultural barns in the wider landscape to the south.

The site is to be split into two uses. The northern section is 65metres in length with a width of 40 metres. It will contain a single storey cattery office building 21.4 metres wide and 4.4 metres long. A courtyard is proposed to the immediate north which will be enclosed by animal pens on the remaining three sides. There will be 30 pens in total. These are intended to be used as a cattery and as a small animal boarding facility. A separate access from the east will lead to a 12 space car park to the south of the building. The cattery will have horizontal cedar cladding above window cill height with white render applied at lower level.

The southern section of the site will have a two storey detached dwelling together with a large 3 door garage and carport creating an enclosed garden area between the two buildings. The external walls are to be rendered with some cedar horizontal cladding at first floor level. The house roof is curved and covered in sedum whilst the garage will have a flat sedum roof with some solar panels to the west part of the garage and carport.

The main body of the detached house consists of a lounge, kitchen/dining, study, utility and WC at ground floor level. The first floor consists of three bedrooms all with ensuite bathrooms.

The application is a re-submission of application 131057 with the amendments from this application being the reduction in the size of the dwelling from a five bedroomed house to a three bedroom dwelling. This has been done by removing the north annex and changing the first floor layout. The access to the property and cattery has been changed and the wind turbine removed.

Relevant history:

W113/793/87 – Change the use of pavilion to workshop. Permission granted 15/10/87

131057 – Planning application for proposed cattery and dwelling with solar panels, wind turbine and temporary caravan for use during the construction. Permission refused 19/09/14

Representations:

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

Parish/Town Council/Meeting: There is not sufficient infrastructure to support this proposed business. It is not a suitable area to run a business of this sort.

Local residents: Objections have been received from Newtoft Mangement Company Ltd, 2 Tudor Close, Doglands House and Unit 10, Newtoft Business Park. The main concerns are –

- The road leading to and along Masovian is private and therefore permission is required to use the road.
- The connection to the existing drains is an issue. Existing drains and sewers used by resident houses on Masovian Lane were paid for and owned by NMC. Adoption doesn't come into place until 2016. Where will the excess water go?
- No indication of a trade waste licence to produce or dispose of correctly
- No indication of operational hours
- No employees being hired
- Noise and pollution levels. Implications for residents wishing to sell their properties
- The new building using straw construction does not blend in with the current houses and buildings of the industrial estate. Size of the perimeter fencing will be unreasonable
- Sightings of bats using the building
- Discrepancy regarding floor space
- Garage doors and access point are less than 3m in width
- Discrepancies regarding the planting and removal
- Impact the lives of the residents
- Boundary issues

- Odour issues
- Application states no commercial waste which is incorrect – cat litter is waste and is toxic
- Un-adopted road is in a poor state
- If the cattery proves unsuccessful after a couple of months then it will just be a house with no business link
- Will there be a work/live restrictions being imposed on the proposal

LCC Highways: No objections, three conditions

Economic Development: Support the cattery element of the application.

Environment Agency: No representations received to date.

Archaeology: No objections/comments

Relevant Planning Policies:

National guidance

National Planning Policy Framework

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

Planning Practice Guidance

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

West Lindsey Local Plan First Review 2006

STRAT1: 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 12 - Development in the open countryside

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

RES 1 Housing Layout and Design

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

RES 10 - Agricultural and forestry housing requirements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res10>

CORE 8 – Commercial Pet and Animal Establishments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core8>

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>

Main issues

- Principle
- Requirement for Housing

- Design
- Highways

Assessment:

Principle

The Central Lincolnshire Further Draft Local Plan (CLFDLP), to be published for consultation on 15 October 2015, identifies a housing requirement for 36,960 dwellings between 2012 and 2036 (or 1,540 dwellings per year over the 24 year plan period). This is based on evidence in the Strategic Housing Market Assessment (SHMA) July 2015.

The latest five year supply assessment for Central Lincolnshire published in October 2015 is contained within appendix D. The latest housing requirements published by DCLG for Central Lincolnshire is 1,540 dwellings per year or 7,700 over the five year period (2016 to 2021).

However, account must be taken of the completions between 1 April 2012 and 31 March 2015 which represents an undersupply of 2,061 dwellings. The NPPG states that 'Local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible'. Therefore the 2,061 dwellings should be added to the basic five year requirement of 7,700, rather than distributing the undersupply over the remaining plan period. The current year 2015/2016 is estimated to deliver 1,616 dwellings which represents an oversupply of 76 dwellings. Therefore after considering these figures the five year supply for Central Lincolnshire for the period of 2016-2021 is 9,685 dwellings (7,700 + 2,061 – 76).

To meet the requirements of the NPPF an additional 5% buffer must be added to the requirement. The total requirement increases to 8,185 dwellings (9,685 +485) or 1,637 per year. However, whilst national guidance is unclear on the matter, some might argue that the area has, thus, persistently undersupplied and therefore are required to include an additional 20% buffer (rather than 5%). On this worst case scenario, this means that between 2016 and 2021 the five year requirement should increase by an additional 1,540 dwellings. Therefore the five year land supply requirement for 2016 to 2021 is 11,225 dwellings (9,685 + 1,540).

Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLFDLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,059 dwellings which equates to a deliverable supply of 5.37 years.

This is a material change from the previous (September 2014) assessment which could only identify a 3.5 year supply of deliverable housing land. The NPPF states that housing supply policies should not be considered up-to-date where a five year supply cannot be demonstrated. Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan is still out of date – it does not have

sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development.

Nonetheless, when applying the presumption balance test, the ability of the Authority to demonstrate a five year supply means that the ability of the applicant to contribute towards the five year supply may still carry weight, this is less significant than previously found.

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

The NPPF requires housing development to be considered against its presumption in favour of sustainable development which for decision-taking means:

- * approving development proposals that accord with the development plan without delay; and
- * where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - * any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - * specific policies in this Framework indicate development should be restricted.

The NPPF defines the three roles of sustainability as economic, environmental and social and development proposal must be assessed against these criteria to ascertain whether it is sustainable or not. These roles are also amongst the criteria cited within policies STRAT1 and STRAT3 of the Local Plan First Review and are consistent with the principles of the NPPF itself.

The village of Newtoft lies within a Small Rural Settlement as defined by the West Lindsey Local Plan First Review 2006. In terms of sustainability, Newtoft has no facilities and only a call connect bus service, therefore making the settlement unsustainable.

Requirement for Housing

In this particular case although housing is proposed it is also necessary to test it against the requirements of RES 10 as it is contended that the housing is required in connection with the cattery. Although not an application for a dwelling in connection with an agricultural or forestry enterprise the issues are

similar. In essence permission is sought for housing in a location not normally supported due to the requirements of the commercial enterprise. Whether the dwelling is essential in any particular case will depend upon the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. The starting point is that an application for new residential development within open countryside represents an exception to West Lindsey Local Plan First Review policy STRAT12. Therefore it must demonstrate that it meets all the requirements of policy RES 10 for proposals for an agricultural or forestry worker's dwelling in the open countryside. As with STRAT 12 above it is considered helpful to look at the justification for this policy. This relates to "the protection of the landscape quality of the countryside from the intrusion of unnecessary sporadic building development. A further objective is the maximisation of efficiency and cost effectiveness of servicing housing in rural areas". The latter can be considered a reference to sustainability. This reasoning is again consistent with the National Planning Policy Framework in particular Policy 55. There is no definition within the Framework as to what constitutes "essential need". The criterion in RES 10 refers to previous Government advice in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) in particular Annex A. Although this guidance has been superseded by the Framework it is still never the less considered useful in assessing whether there is an "essential need". This approach has been endorsed by a number of recent appeal decisions in relation to similar development proposals.

The assessment of the proposal under RES10 is as follows:

- Criterion i. A dwelling and its proposed siting (on an agricultural or forestry holding) are essential to the efficient and operational running of the enterprise; (Officers brackets)

No evidence has been submitted to demonstrate this

- Criterion ii. The need is for accommodation for a full-time worker;

In the absence of a functional need, there is no need to provide on site accommodation.

- Criterion iii. The unit (and the agricultural or forestry activity) concerned have been established for a minimum of 3 years and profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;

There is no unit on the site and no business plan or forecasts have been produced.

- Criterion iv. No other housing accommodation is already available locally, whether occupied or not, to meet the need;

The case officer accessed the website Rightmove on 30th November 2015 which showed that a 3 bed terraced house close to the site is available for rent at £95pw or £410pcm.

- Criterion v. The necessary accommodation cannot be provided by the conversion of a building on the holding;

There are no existing buildings within the unit which would be suitable for conversion to residential accommodation.

- Criterion vi. The new dwelling is sited with any farmstead or other group of rural buildings on the holding;

The dwelling is located on land next to the existing industrial estate although in a relatively open location

- Criterion vii. The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain;

No information has been submitted in relation to the likely cost of such a dwelling.

- Criterion viii - The new dwelling does not cause significant environmental or landscape impact.

This criterion is capable of being met. Please see the comments in relation to design below.

For the reasons outlined above it is considered that no essential need has been demonstrated for housing in connection with the proposed commercial enterprise. It then falls to be considered on its merits as housing alone below. The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the withdrawn Core Strategy is not afforded any weight itself, policy CL6 did provide a series of criteria against which the developments could be assessed for such sustainability. Whilst not quoting the Core Strategy itself, these criteria are drawn forward here as being relevant considerations to assess the sustainability of the proposal (many of these considerations are also cited in policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and those elements of the policies are afforded weight here). It is important to note from paragraph 37 of the Dunholme appeal decision (2207053) that “the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension (does) not automatically render a proposal unsustainable.”

Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability) – The site is located primarily on overgrown shrub land to the west of the existing industrial estate bordered by arable land.

Accessible and well related to existing facilities and services (social and environmental sustainability) – There are no local amenities or services available. The nearest school is the Faldingworth Community Primary School which is 3.2 miles from the site whilst the nearest General Practitioners appear to be “The Surgery” in Owmbly by Spital, LN8 2HH, 4.5 miles away. There are no community facilities available such as a post office, local shop or pub. The nearest sub post office is in Faldingworth on the High Street 3.2 miles away. In all likelihood to access facilities it would be necessary to travel to the town of Market Rasen, the centre of which is located approximately 5.7 miles away.

Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability) – There are no mainline bus services operating through Newtoft, Toft next Newton or Newton by Toft. The area is only served by the Market Rasen Voluntary Car Scheme and Dial-a-Ride. The closest train station is in Market Rasen and there is no taxi firm within 3 miles of Toft Newton.” This lack of access by public transport undermines the concept of environmental sustainability.

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) – There appear to be no foul surface water sewers available as can be seen from the comments of Public Protection above although this is considered capable of being resolved.

Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability) - This is not considered to be the case here.

Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability) – It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being “more vulnerable” to such flooding. This includes dwellings. In this instance the site falls within Zones 1, In this regard the proposal passes the sequential test and no other mitigation will be required. The proposal also accords with policy NBE14 of the Local Plan Review in this context.

Generally consistent with economic, environmental and social sustainability – The dwelling proposed falls down on two strands of sustainability, namely environmental and social. In terms of the economic strand the creation there is believed to be new employment opportunities

assisting the rural economy which is considered to be a positive consideration that adds weight in favour of the development however projected employee totals have not been submitted. No objections to the cattery are raised by public protection subject to the imposition of conditions in relation to noise proofing and the disposal of waste. No evidence has been put forward to demonstrate that it is an essential requirement for a dwelling to be on the site in connection with the cattery operation as set out earlier in this report. Weight has been added due to the economic benefits that could arise however these are not considered to outweigh the harm to the social and environmental components of sustainability that would arise. Adding weight to the unacceptability of housing in this location is the potential for noise nuisance from the existing industrial estate and explosive ordnance testing. These are not considered to be reasons for refusal but add weight to the overall unacceptability of the development.

Design

The building is contemporary in terms of its design, and the use of straw bales as the walling material is a unique touch as is the use of a sedum covered roof. It uses a simple palette of materials and the varied forms of the building are considered to integrate successfully providing a pleasing visual appearance and the use of renewable technologies is to be welcomed. This however does not outweigh the harm to the environmental and social aspects of sustainable development. The development within its own self-contained context is acceptable although is less successful in terms of its relationship to the countryside it is surrounded by, in terms of its size and in particular the use of solid brick walls to all boundaries. The cattery buildings are single storey and have a lesser visual impact and the boundary details could also be conditioned requiring alternative proposals that have less impact.

Highways

No objections are raised to the proposals on Highway grounds

Drainage

The site is large enough to allow surface water disposal to be dealt with on site in the form proposed of underground surface water storage tanks and proposed rainwater harvesting. If a connection to a foul drainage system is not possible again it is considered that this capable of resolution through the imposition of appropriate conditions in terms of a package treatment plant.

Objector's comments

The issues in relation to private rights of way are legal matters. The issue of traffic generation is noted although not considered material to an application site next to an existing industrial estate. The boundary issues would be a civil matter.

Recommendation : Refuse for the following reason

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,

STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside and NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development. The development plan policies have been assessed for their consistency with the National Planning Policy Framework with the weight afforded to policies STRAT3, STRAT9 and STRAT12 being significantly tempered due to the inconsistency with the national framework. In light of this assessment it is considered that the development which is proposed in a remote and isolated area with no local facilities or amenities and which lacks any public transport provision would not meet the two of the three strands that together constitute sustainable development namely the social and environmental component and would therefore run contrary to the principles of sustainable development as required by the National Planning Policy Framework. In addition no justification has been demonstrated for a dwelling as an essential requirement in connection with the operation of the cattery.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

Prepared by : Rachel Woollass

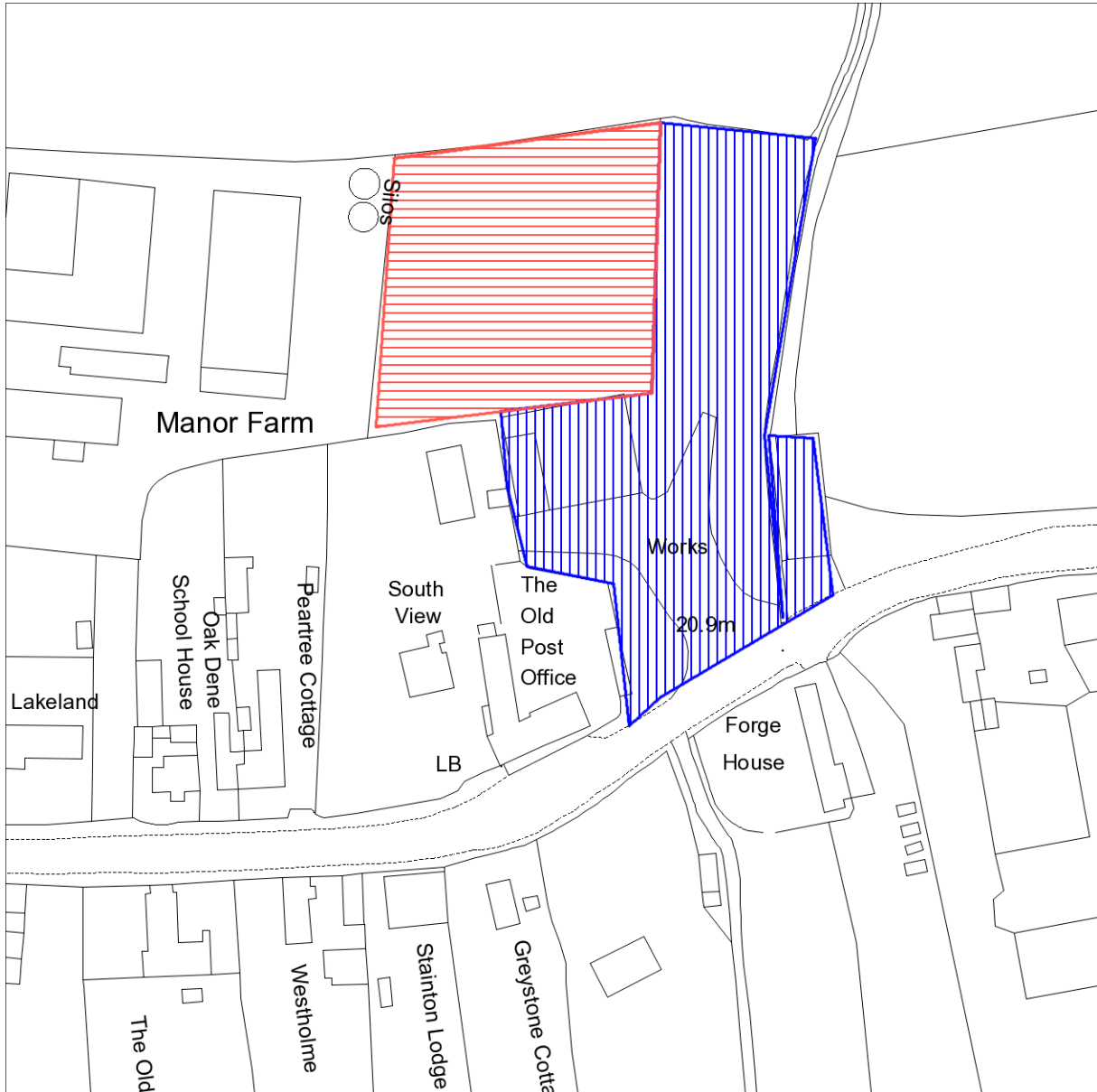
Date : 30th November 2015

Signed: *Rachel Woollass*

Authorising Officer **Date:**

Decision Level (tick as appropriate)

Delegated
Delegated via Members
Committee



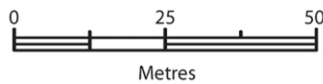
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Officers Report

Planning Application No: 133014

PROPOSAL: Planning application for change of use from grass paddock to storing agricultural tractors, machinery and tractor parts.

LOCATION: The Forge, Moor Road, North Owersby, LN8 3PR

WARD: Middle Rasen

WARD MEMBER(S): Cllr H Marfleet, Cllr J McNeill, Cllr T Smith

APPLICANT NAME: Mr James Young

TARGET DECISION DATE: 04/08/2015

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a plot of agricultural paddock land in an area of North Owersby which comprises a mixture of uses. The plot is completely covered by grass and each boundary measures between 50.6 and 52.8 metres long. The site is set well back from and above the highway behind buildings off Moor Road. Open fields sit to the north of the site with storage space to the existing business (Nick Young Tractors) to the east. Further to the east are open fields. To the south is the existing business's office/workshop building and a residential dwelling (South View). To the west is Manor Farm. The site is screened to the north by high trees with low fencing and hedging to the east and west. To the south is high hedging and the north elevation of the office/workshop building part of Nick Young Tractors. Public right of way Ower/89/3 sits closeby to the east. Approximately 115 metres to the north is the Church of St Martin which is a grade 2 listed building.

The application seeks permission for a change of use from grass paddock to storing agricultural tractors, machinery and tractor parts.

Relevant history:

Proposal site

None

Nick Young Tractors

W76/171/87 – Use part of premises as operating centre for two heavy goods vehicles and trailers – 02/04/87 – Conditional Consent

129304 - Planning application for a change of use from storage distribution of used vehicle tyres and repair of motor vehicles to distribution of new and used tractor parts, repair, dismantling and refurbishment of tractors. Storage of new and used tractor parts, storage and distribution of tractors and

agricultural machinery and motor vehicle repair - 17/12/12 - Granted time limit and other conditions

Representations

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

Parish/Town Council/Meeting: Objections

- The infrastructure of the business is unsuitable for the extra vehicles this application would attract.
- Parking in the village is not conducive to large vehicles loading and unloading.
- Concerns over noise and pollution.

Local residents: Representations received from South View, Forge House and North Owersby Post Office (All Moor Road, North Owersby) plus Thornton Manor, Thornton-le-Moor. Additionally a petition has been received with signatures from 37 North Owersby residents. Objections in summary are:

- Detrimental effect on the residents will arise through noise, smell and loss of privacy;
- Detrimental effect on the character the site and North Owersby;
- Inappropriate development on a greenfield site;
- Highway safety concerns in relation to Heavy Goods Vehicles visiting the site, loading outside the site and parking in the village. The lorries pull onto the footpaths causing a pedestrian safety concern;
- The road infrastructure is not designed to cater for Heavy Goods Vehicles;
- Inadequate onsite parking for employees who park in the street which will be worse as the application states 3 new full time employees will be employed;
- Unacceptable impact on the public right of way;
- There are more appropriate sites in Market Rasen;
- Loss of ecological habitats;
- Create an adverse and unacceptable risk of land, soil, air and noise pollution;
- Devalue house prices; and
- Burning of plastic waste will cause smoke fumes

LCC Highways: Following request for further information, have confirmed has no objections and does not wish to restrict grant of planning permission.

LCC Rights of Way Officer: No objections

Environment Agency: Comments

They have been illegally breaking and dismantling waste tractors at the site. The Environment Agency required them to stop operating a waste business or to return to compliance with the Environmental Permitting (England and

Wales) Regulations 2010 (EPR). An appropriate EPR permit is currently being considered by the Environment Agency permitting team.

Public Protection: No objections in principle with comments

Noise

Noise issues are currently being investigated in relation to existing permission (129304) and keeping workshop door closed. If this application is to be granted then rigorous 'storage only' conditions ought to be applied and consideration additionally given as regards movements and other activities likely to generate noise.

Contamination

Applicant needs to demonstrate how the potential for contamination is going to be prevented and addressed as, when and if it occurs and a suitable contaminant land condition in respect of business cessation.

Archaeology: No objections

Relevant Planning Policies:

West Lindsey Local Plan Review 2006 (saved policies)

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the Open Countryside

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

CORE 10 Open Space and Landscaping within Developments

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

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

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

NBE 20 Developments on the Edge of Settlements

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

Preliminary Draft Central Lincolnshire Local Plan 2011-2036 (October 2014)

The first phase of public consultation for the draft local plan has only recently concluded therefore the draft local plan can be given only limited weight at this stage, in accordance with paragraph 216 of the NPPF.

<http://central->

[lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files](http://central-lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files)

National Guidance

National Planning Policy Framework 2012 (NPPF)

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

National Planning Practice Guidance 2014 (NPPG)

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

Main issues:

- Principle of the Development
- Visual Impact
- Residential Amenity
- Impact on the Public Right of Way
- Highway Safety
- Off Street Parking
- Biodiversity

Assessment:Principle of the Development

Saved policy STRAT 12 states that '*planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other plan policies*'. The proposed change of use will extend the business onto a plot of agricultural land which is classed as open countryside therefore the application is contrary to STRAT 12. However the land in question is connected to the existing business at two boundaries (north and west) and can be accessed from the site.

Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity. Additionally it supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. The proposal is an extension of the existing site to provide additional room to declutter the existing site to allow for better onsite facilities. The application has additionally stated the proposal will lead to an increase in full time employees from 6 to 9.

It is considered that the site is an acceptable extension of the business due to its connection to the existing site therefore the principle can be supported depending on other material considerations being satisfied.

Visual Impact

Saved local policies STRAT 1, STRAT 12, NBE 10 and NBE 20 prohibit development which would have a harmful impact on the character and appearance of the open countryside or the settlement edge.

The proposal is located within an area specified by the West Lindsey Landscape Character Assessment (August 1999) and West Lindsey Countryside Design Summary (December 2003) as The Kelseys. To summarise this area is characterised by relatively enclosed, undulating farmland with hedgerows and hedgerow trees. It has clustered villages set in trees, linked by minor roads and has long views to the Wolds Scarp. The

WLLCA finds that within villages, development should contribute to the characteristic sense of enclosure, with brick or limestone walls and hedgerows fronting streets and trees of stature (oaks, limes and horse chestnuts) within gardens or along boundaries.

The proposed site is concealed from the street scene to the south by the existing built form to the north of Moor Road (Nick Young Tractors and South View). To the north of the site are very high conifer trees with storage space (open and shipping style containers) associated to the existing site to the east. The public right of way to the east is screened along its east boundary by very high trees and west boundary by high fencing and hedging. A section of the southern boundary is screened by medium to high hedging and to the west is a large agricultural building and silos.

The proposal can only have a visual impact on the immediate vicinity and not the wider area due to the concealed nature of the site provided by the adjacent screening described above. The use of the site for tractor storage will clearly alter the visual appearance of the site and objections have been received in relation to the detrimental impact the proposal will have on the character of the site. In fact the site is only visible from Nick Young Tractors, a small section of the public right of way and the adjacent uses to the south (residential) and west (agricultural).

It is therefore considered that the proposal will not have a significant adverse visual impact on the site, North Owersby or the open countryside.

Residential Amenity

Objections have been received in relation to the detrimental effect on the residents through noise, smell and loss of privacy. The proposed site will store tractors which have already been dismantled within the existing workshop building.

The only noise caused by the proposal will be the movement of the tractor parts to and from the site. This will be controlled by a storage only condition being added to the permission stopping the dismantling of tractors on the application site. The movement to and from the site will generate some noise but not on a regular basis or of a volume to significantly impact on the neighbouring and nearby dwellings.

Noise concerns are currently ongoing with the Environmental Team but these are in relation to ongoing activities relating to the existing premises..

The issues in regards to smell are occurring on the existing site and cannot be considered in this application. Any nuisance complaints of this nature will be dealt with by the Environmental Protection Team under the Environmental Protection Act 1990 and it is not considered appropriate in this instance to repeat such controls under Planning.

An objection has been received from the residents of South View in relation to a loss of privacy from the site. This can only be from the use of the site by the employees, however they will not be working on the site for periods of time

and will be infrequently on the site. There is a good amount of hedgerow screening to the shared south boundary with South View plus the position of a large outbuilding in the garden of South View.

It is therefore considered that the proposal will not have an unduly adverse impact on the amenities of neighbouring dwellings.

Impact on the Public Right of Way

The site lies approximately 24 metres west of the public right of way with a part of the existing business in between used for storage (including shipping style containers). The public right of way is additionally well screened therefore the proposal will not adversely impact on the use of the footpath or the safety of the user. This assessment has been agreed by the Rights of Way Officer at Lincolnshire County Council who raises no objections.

Highway Safety

There have been a number of objections from residents in relation to highway safety from the use of the site. This includes parking on the street by employees and delivery vehicles plus large delivery vehicles using the highway to turn around.

It was noticed on the site visit that there are no dedicated bay parking for employees or visitors to the business. At the same time the front part of the site is well covered by tractors parts which makes the turning of larger vehicles very difficult particularly when vehicles are parked within the site. The approval of this application will allow for some of the tractors parts to the front to be moved to the application site to allow more room for employee/visitor parking and room for delivery vehicles to park, turn around and leave to site in a forward gear. A landscaping plan has been submitted illustrating 13 parking bays for employees/visitors, 2 motorcycle bays, a mobility (disabled) bay and room for large vehicles to deliver, pick up and turn within the site. This landscaping plan will be conditioned to be adhered to at all times. The proposal will not introduce a new access but the on-site parking and ability of large vehicles to turn within the site will reduce the highway safety issues which have been commented on by objectors.

This has been supported by the Local Highways Authority (Lincolnshire County Council) who have not objected to the proposal.

Biodiversity

Due to the location of the site and its surroundings there is potential that the barns are used by protected species such as wild birds, bats or owls. For this reason a phase 1 habitat survey has been submitted concluding that the proposal:

- is unlikely to affect any protected species
- has the potential to incorporate recommended biodiversity enhancements
- may require sensitive working methods

Paragraph 118 of the NPPF clearly states that:

Opportunities to incorporate biodiversity in and around developments should be encouraged.

The survey has recommended a number of enhancements to the site as shown in appendix 3. These come in the form of a native hedgerow to the western boundary, planting of trees to three corners of the site and installing two bats boxes and one Sparrow nest box. The incorporation of these enhancements is a biodiversity benefit to the site and will be conditioned on the permission.

After discussion with the Tree Officer and due to the ground type of the area it was decided to amend the hedgerow details specified in appendix 3 to:

| English Name | % | Age | Size (cm) |
|--------------|----|-----|-----------|
| Hawthorn | 80 | 1+1 | 30-45 |
| Blackthorn | 6 | 1+1 | 30-45 |
| Dog Rose | 4 | 1+1 | 30-45 |
| Holly | 4 | 1+1 | 30-45 |
| Hazel | 2 | 1+1 | 30-45 |
| Guelder Rose | 2 | 1+1 | 30-45 |
| Field Maple | 2 | 1+1 | 30-45 |

Therefore the proposal will not have an adverse impact on any protected species and will improve the biodiversity value of the site by installing enhancements.

Other Considerations:

Environmental Impact

The works carried out as part of the business has the potential to have an irreversible contaminating impact on the site. To eradicate this Nick Young Tractors have applied to the Environment Agency for an Environmental Permitting (England and Wales) Regulations 2010 (EPR) for an EPR waste permit for the breaking and dismantling side of the business. This is still under consideration by the Environment Agency which has been confirmed in writing (email dated 28/09/15) by an Environment Agency Officer.

An advisory note will be attached to the permission stating that the proposed use of the site must not be started until a EPR waste permit has been granted and if granted must be complied with at all times.

Conclusion and Reasons for Decision:

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission, STRAT 12 Development in the Open Countryside, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value and NBE 20 Developments on the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework 2012

and National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal will not significantly harm the character and appearance of the open countryside or the living conditions of the neighbouring occupiers. The proposal will enable growth and extension of a rural business and create job opportunities. It will not have adverse impact on highway safety or the nearby public rights of way.

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

Recommendation: Grant planning permission subject to the following conditions;

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: proposed location plan received 9th June 2015 and Landscaping Plan LP01 dated November 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy

Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

3. All parking bays and the turning space shown on landscaping plan LP01 dated November 2015 shall be implemented within 1 month of the commencement of development and retained thereafter.

Reason: To ensure an adequate amount of off street parking and turning space is made available within the site and in the interests of highway safety to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

4. The site outlined in red on the attached plan shall only be used by Nick Young Tractors for the purposes of storing previously dismantled tractors only and for no other use including any other use falling within Use Class B8 of the Town & Country Planning (Use Classes) Order 1987 (as amended) . No dismantling of vehicles is permitted on the site.

Reason: To restrict the use of the site and to protect the nearby residents and the locality to accord with the National Planning Policy Framework and saved Policy STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

5. The two bat boxes shown on the plan in appendix 3 of the Extended Phase 1 Habitat Survey and Site Assessment for Protected Species Potential dated 29th September 2015 shall be installed within 1 month of the date of this permission shall be retained thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. The single house sparrow nest box shown on the plan in appendix 3 of the Extended Phase 1 Habitat Survey and Site Assessment for Protected Species Potential dated 29th September 2015 shall be installed within 1 month of the date of this permission shall be retained thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. The proposed hedgerow to the west boundary shall be planted in accordance with the species percentage table shown on plan LP01 dated November 2015 and carried out in the first planting and seeding season following the implementation of the use, whichever is the sooner; and any hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that additional screening is provided within the site to accord with the National Planning Policy Framework and saved Policy STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.