



DM.16 11/12

**Development Management
Committee**

Date 16 November 2011

Subject: Planning applications for determination

Report by:

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Regeneration)

Contact Officer:

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Purpose / Summary:

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

RECOMMENDATION(S):

Each application has a recommendation within the report

IMPLICATIONS

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

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : Each planning application has been assessed to consider 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:

Various planning applications available on-line at

<http://planning.west-lindsey.gov.uk/planning/>

West Lindsey Local Plan policies available at:-

http://www.west-lindsey.gov.uk/localplan/plan_index.htm

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

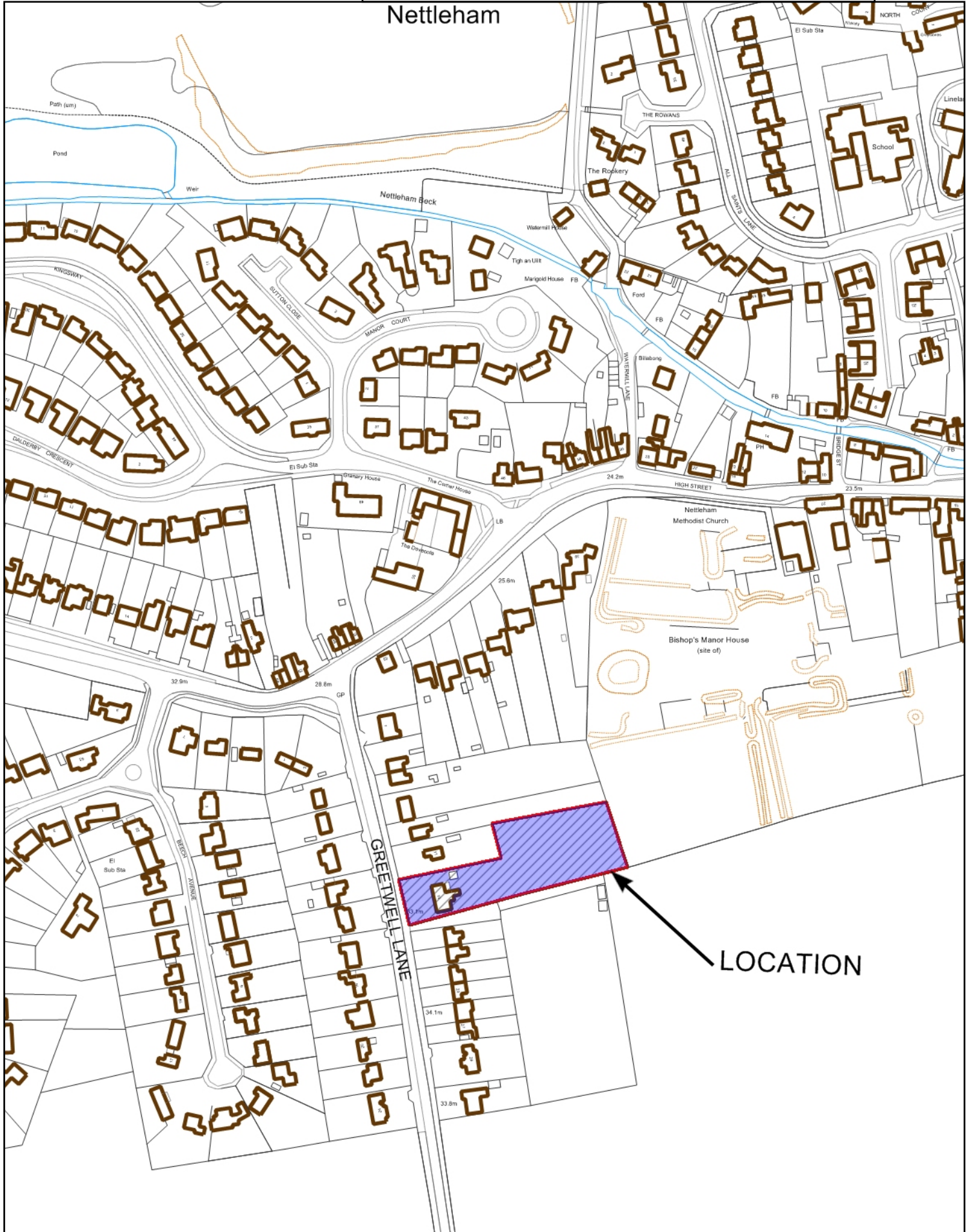
Yes

No

Key Decision:

Yes

No



Officer's Report

Planning Application No: 127518

PROPOSAL: Planning application for the erection of four detached dwellings on land to rear of 15 Greetwell Lane Nettleham and a replacement dwelling to 15 Greetwell Lane

LOCATION: 15 Greetwell Lane Nettleham Lincoln, Lincolnshire LN2 2PN

WARD: Nettleham

WARD MEMBER(S): Cllrs Leaning and Sellars

APPLICANT NAME: Mr T Schjerve

TARGET DECISION DATE: 23/09/2011

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant planning permission subject to conditions.

Description:

The application site comprises a dwelling with large garden located within Nettleham. The site faces Greetwell Lane and extends approximately 118 metres back to border the remains of a medieval Bishop's Palace, much of which is a Schedule Monument (SAM). To the north, south west and west of the site are other residential dwellings and to the south and south east is open countryside.

The application site has been subject to many applications and appeals over the last 10 years. This application seeks permission for the erection of 4 detached the additional dwellings achieving a level 3, 4 and 5 against the Code for Sustainable Homes (see policy section for link to Code).

Relevant history:

M04/P/0225 – Outline application for development of garden area for 2 dwellings, refused, appeal dismissed

M04/P/1448 - Outline application for development of garden area for one dormer bungalow, refused, appeal dismissed

121747 – Demolish existing dwelling, alter the access and erect 6 dwellings and garages, refused, appeal dismissed.

Representations:

The plans have recently been revised by resiting the two most easterly plots A further round of consultation was underway at the time of the preparation of this report. Any comments raised that have not already been covered in this report will be reported verbally to Members and recorded in the minutes.

Comments received as of the time of preparation of the report are as follows:-

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: Object due to:

- Application fails to address reasons for rejection previously
- The design, intensity and siting of development not in keeping with other properties
- Does not respect SAM
- Does not respect Nettleham Village Design Statement
- Will set a precedent for future intensive tandem developments

Local residents: Objections/concerns received from Nos. 7, 9, 10, 11, 17, 19, 21, 23 and 29 Greetwell Lane, 4, Westway Nettleham and 56, Meadowfield, Sleaford. Main objections/concerns relate to:

- Design out of keeping with character of area
- Impact on setting of SAM
- Impact on TPO
- Impact on conservation area
- Overlooking
- Overbearing/ reduction in sunlight
- Human Rights Act and right to a private life
- Noise and disturbance from vehicles
- Traffic/highway safety issues
- Loss of view
- Contrary to local and national policies
- Demolition of existing, sound building deplorable
- Will set a precedent
- Impact on drainage system
- Noise and disturbance during construction phase

English Heritage: No comments

Environment Agency: None received

LCC Archaeology: This development has been subject to extensive discussions with this department. The current application reflects these discussions as the proposed development has been located away from the most sensitive archaeological remains. These remains should be left in situ and protected.

LCC Highways: No objections, request conditions

Relevant Planning Policies:

Development Plan

- **East Midlands Regional Plan 2009**

Policy 1 Regional Core Objectives

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

Policy 3 Distribution of New Development

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

Policy 13a - Regional Housing Provision

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- **West Lindsey Local Plan First Review 2006**

STRAT1 Development requiring planning permission

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

STRAT6 Windfall and infill housing development in Primary Rural Settlements

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

STRAT9 Phasing of Housing Development and Release of Land

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

RES1 Housing layout and design

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

RES2 Range of housing provision in all housing schemes

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

RES3: Backland and Tandem Development

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

RES6 Affordable housing provision

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

CORE10 Open Space and Landscaping

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

NBE20: Development on the edge of settlements

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

Other policy guidance

- Draft National Planning Policy Framework
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS1: Delivering Sustainable Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS3: Housing
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS4: Planning for Sustainable Economic Growth
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS5 Planning for the Historic Environment (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>
- PPS25: Development and Flood Risk
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Scheduled Monuments - Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979 – (2010)
<http://www.culture.gov.uk/images/publications/ScheduledMonuments.pdf>
- Nettleham Village Design Statement
http://parishes.lincolnshire.gov.uk/Files/Parish/9/VDS_September_2010_low_res.pdf
- Nettleham Conservation Area Appraisal
<http://www.west-lindsey.gov.uk/residents/planning-and-building/conservation-and-environment/conservation-areas/nettleham-conservation-area/104209.article>
- Code for Sustainable Homes
http://www.planningportal.gov.uk/uploads/code_for_sustainable_homes_techguide.pdf

Main issues

- **Principle**
- **Housing mix and affordable housing.**
- **Visual impact on locality (including character and appearance of Conservation Area and setting of SAM)**
- **Impact on archaeology**
- **Impact on trees**
- **Impact on residential amenities**
- **Access/highway safety**
- **Flood and drainage.**

Assessment:

Principle - National policy contained within PPS3 states that local planning authorities should ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Policy STRAT3 of the Local Plan Review identifies Nettleham as a 'Primary Rural Settlement' as it has some services and public transport links and residential development in such locations is normally considered acceptable (policy STRAT6 of the Review applies). However, part viii. of policy STRAT6 states that proposal should have no impact either individually or cumulatively on the housing strategy of the plan including in relation to development proposals on unallocated land and the phasing and release of land. In this context, it is noted that the site constitutes "garden land" no longer falling within the definition of previously developed land (PPS3 2011) and therefore not the preferred type of land to be released for development. Furthermore, in the context of policies STRAT3 and STRAT9, the Council, as at 1st April 2011, has a deliverable housing supply (as defined by PPS3) of 7.5 years which is significantly in excess of the minimum required by PPS3 and still above the 5 yr plus 20% cited in the draft National Planning Policy Framework (2011).

However, it is still considered that there is a reason for supporting the principle of housing development on this site as the proposal is for an exemplar housing scheme achieving high Codes for Sustainable Homes levels. The proposal seeks to achieve code levels 3, 4 and 5 on the new dwellings. Specifically building to higher code levels would result in:-

- a development in a sustainable location with in-built sustainability, minimising resource and energy use during construction and future life;
- safeguarding future occupants from fuel poverty;
- minimising the demands on the infrastructure of Nettleham;
- an example of a development that can showcase current techniques in energy efficiency renewable energy use in West Lindsey use which can be used as a precedent for others to follow in the district.

The non-mandatory Code is intended to help promote high standards of sustainable design, but the levels proposed here are significantly in excess of Building Regulations requirements for energy efficiency. The Code measures the sustainability of a new home against nine categories of sustainable design, rating the whole home as a complete package. It covers energy/CO₂, water, materials, surface water runoff (flooding and flood prevention), waste, pollution, health and well-being, management and ecology. In this instance, the applicant wishes to provide an exemplar scheme which addresses the national government's objectives for greener, more sustainable homes that will offer reduced environmental impact, lower running costs and features that enhance health and well-being, such an objective being carried forward

through the presumption for sustainable development in the draft National Planning Policy Framework. Throughout the pre-application process the applicant has been involved in discussions with West Lindsey Building Control officers and SAP calculations and a preliminary Code for Sustainable Homes Assessment have been carried out. Based on the submitted design and specification the Building Control Officer has confirmed that a very good level was achieved on the SAP, calculations that in turn lead to good initial level on the Code Assessment. To ensure the high code levels are achieved a condition will be added restricting occupation until the agreed level under the Code for Sustainable Homes has been achieved.

Through design and choice of materials, an exemplary and environmentally sustainable scheme can be achieved. Such sustainability accords with the Vision Statement detailed in the Nettleham VDS. It states that:-

” The village supports sustainable and appropriate development that takes account of, and blends with, the traditions, natural environment and man-made elements of the village. We are dedicated to maintaining the quality of the local environment whilst accommodating appropriate developments in lifestyle and technology, creating new opportunities for residents now and in the future, whilst protecting the unique character of Nettleham for posterity.”

This is clear support for such technology use, to safeguard future sustainability. Such sustainable development will assist in delivering the objectives of sustainable growth enshrined within the Regional Plan and echoes in the Council’s own Corporate Plan.

The issue is therefore whether the development blends into its surroundings, is acceptable in visual impact and residential amenity terms.

Housing mix and affordable housing – The surrounding areas is characterised by twentieth century ribbon development extending away from the village centre. The dwellings are detached and semi-detached with no terraces being evident in the immediate vicinity. Tenure appears to be owner-occupation.

The introduction of a high density, including terraced dwellings and flats would not be appropriate in this setting, the character of which is discussed in greater detail in the ext section.

The population of Nettleham exceeds 3,000 inhabitants and therefore the threshold for an affordable housing requirement is development of more than 15 dwellings (as cited in policy RES6). The development is below this threshold and therefore an affordable housing contribution is not required.

Visual impact on locality (including character and appearance of Conservation Area and setting of SAM) - .The existing dwelling and site is not listed and the site is not within the conservation area; the boundary with the conservation area is at the rear of the whole site and the impact on its character and appearance is only relevant to the new dwellings in the rear

garden. The immediate context is ribbon development leading out of the village in to the open countryside. The surrounding dwellings are mainly 20th century buildings in red brick. The replacement dwelling is contemporary, but by using sympathetic materials it will help integrate it into the streetscene.

Turning to the impact of the additional dwellings, it is noted that the Inspector, in paragraph 3 of their decision letter for the most recent appeal (WLDC ref 121747), stated that “*in principle, increasing the density of residential development here is acceptable.*” However, they concluded that the proposal for 5 dwellings would:-

“appear to extend the built form into the landscaping to the rear of the existing row of houses, thereby failing to respect the character of the settlement edge and eroding the setting of the village in the countryside” (para 6).

They added:-

“To my mind, when looking from the south, the harmful effect of the development on the views (of the conservation area and Bishop’s Palace) would also undermine the setting of these designated areas” (para 9).

These concerns are echoed in the representations received from the Parish Council and neighbours and the protection of views, especially on or near to village boundaries, is specifically highlighted in the Nettleham VDS. The VDS also seeks to ensure that development should be maintained below the skylines and that the scale and proportion of buildings should complement and reflect surrounding dwellings and buildings.

The Bishop’ Palace SAM is included within the conservation area due to its visual qualities as a green lung that reaches from the periphery all the way into the centre of the village and also due to its historic importance. The extensive remains of the Palace now lie below grassy mounds within the Bishop’s Palace Field. The Palace was sacked by the insurrectionists in the Lincolnshire Rising of 1536 and demolished in 1630, but the archaeological remains are of national importance.

Policy HE9 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. It continues by stating that, once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. This last point is relevant here as there is no direct impact proposed. HE9 also states that substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, should be wholly exceptional.

In this context, the location of the new dwellings does go against the existing form of long, undeveloped rear gardens in a semi-rural environment. However, this latest proposal, in order to protect the setting of the nearby heritage assets and views into the village the proposal, is to be low lying with the site being dug lower than the surrounding levels and carefully designed rooflines. This, together with the existing and proposed soft screening around the site and the loose layout of the development helps integrate it into its surroundings and respects views to and from the Bishop's Palace and conservation area. The specification of the materials, including texture and colour palette will be important. Compliance with the Code for Sustainable Homes will ensure provenance in terms of sourcing and minimisation of embedded energy in the construction process and the applications particulars give some indications as to the nature of the materials proposed (such as larch cladding). However, it is considered that conditions are required to require the exact external finishes to be agreed to ensure that the setting of the Bishop's Palace and the character and appearance of the Conservation Area are preserved as well as that of the general visual amenity. A Construction Management Plan is necessary to ensure that the Monument is not affected during the construction period.

Archaeology - This site has been subject to extensive discussions between the applicant, Lincolnshire County Council Archaeology and English Heritage. The current scheme now reflects these discussions in that the buildings have been located away from the most sensitive archaeological remains. Subject to conditions it is considered that the proposed development will not have any adverse affects on the SAM.

Impact on trees - There is a Maple and Walnut tree to the front of the site that are covered by a Tree Preservation Order. A tree report has been submitted with the application. It concludes that it is feasible to retain all trees and hedgerows on site but it will be necessary to protect them during the construction phase. Therefore, with an appropriate condition attached to any permission there need be no harm to the protected trees in the garden.

Impact on residential amenity – It is noted that in paragraph 21 of their decision letter, the Inspector concluded that that proposal would not have unreasonably affected the living conditions of existing residents. Therefore, in the context of policies STRAT1, RES1 and RES3 of the Local Plan Review, there appears to be potential for such tandem development without significant adverse effect on residential amenity..

For the new proposal, the dwellings have been specifically designed and sited so as to satisfy the high code level aspirations but have also taken into account the surrounding residential properties. Careful consideration has been given to the size and scale of the dwellings and location of windows to help reduce any adverse impacts on residential amenity. The properties closest to the proposed scheme would be Nos. 9, 11 and 17 and there will be some, but not significant, effect on the outlook from these properties. Particular concerns have been raised with regards to plots 3 and 4 and the replacement dwelling.

Plot 4 sits to the rear of No.11 Greetwell Lane and adjacent to the southern boundary of No. 9 Greetwell Lane. The rear elevation facing part of the rear garden of No. 9 has a blank gable, the west elevation (facing No. 11) has a door and window and ground floor level and 2 windows serving a bathroom and en-suite at first floor level. These windows are likely to be obscure glazed but a condition will be imposed that this is the case.

The dwelling on plot 4 is to be located 1 metre from the north elevation and 1.5 metres from the west elevation. The dwelling will be 6 metres in height and is over 20 metres from the rear elevations of Nos. 9 and 11. A balcony is proposed on the south elevation of plot 4. It is considered that, due to existing screening on site, the balcony will not result in direct overlooking of the rear garden to No. 11.

Plots 1 and 4 will overshadow some of the garden of No. 9, but it is the bottom half of their garden and the garden most likely to be used for recreation is that closest to the house. The house itself would also remain unaffected. As a result, this level of overshadowing is considered not to be significant.

Overall it is considered that, due to the size, scale and degree of separation from neighbours, the dwellings, specifically plot 4, would not appear overbearing or overlook Nos. 9 and 11, Greetwell Lane.

Plot 3 is located adjacent to the southern elevation of the site. Directly to the south is paddock land, to the south west is No. 17 Greetwell Lane. There are windows proposed at ground floor level and first floor level in the south and west elevations. The window in the west elevation will serve an en-suite and again is likely to be obscure glazed. The windows in the southern elevation will overlook the paddock, these windows will not afford direct overlooking of the neighbouring properties, specifically No. 17.

No. 15 is currently located 14 metres from the front boundary, 3 metres from the north boundary, and 2.5 metres from the south boundary. The replacement dwelling will be set slightly further back being 17 metres from the front boundary, 1.4 metres from the north boundary and 8.7 metres from the south boundary.

The new dwelling is 5.4 metres high to the eaves and 7.4 metres to the ridge. The front boundary consists of a 1 metre high stone wall, the north boundary has mature trees (including TPO) and hedge approx 2 metres in height and southern boundary has a 1 metre high stone wall and approx 2/3 metre high hedge, beyond which is a field access.

No. 11 Greetwell Lane has expressed concerns regarding the replacement dwelling and impacts upon their residential amenities. There are 2 small windows and a door at ground floor level and 1 window at first floor level in the north elevation. A hedge currently runs along the north boundary and this will provide screening at ground floor level and a condition will be attached to any permission requiring the retention of the hedge and any additional boundary treatment to safeguard the neighbour's privacy. The window at first floor level is to serve a bathroom and a condition is suggested to ensure that it is obscure glazed.

The replacement dwelling is to be sited closer to the northern boundary but, given the current boundary treatment and existing orientation of the properties, the replacement dwelling would not be particularly dominant and would not take away an unacceptable amount of daylight.

A shared access for all 5 properties is proposed, at the closest point it will be 2 metres from the southern boundary. It is acknowledged that traffic using the new access will be audible from No. 17, but it is considered that the resultant noise and disturbance would not create unreasonable living conditions for the occupiers of this dwelling.

Finally, given the proximity of existing dwellings, it is considered necessary to ensure that the hours of demolition and construction works are limited with weekend and nighttime work avoided when noise levels are at the quietest and many residents will be at home. The Construction Management Plan, as previously proposed in this assessment, will also ensure residential amenity is preserved during this period.

Highway safety - It is considered that the increase in traffic movements to the site would not result in an unacceptable increase in traffic flows along Greetwell Lane, a road that links the village to the main A158. The County Highways Authority have advised that the access and parking layout are acceptable in terms of width and visibility, subject to the construction specification being agreed first.

Flooding and foul and surface water disposal – These issues are considered separately below:-

- *Fluvial flooding* – The site is within flood zone 1 as defined by the Environment Agency's flood zone maps. This is the sequentially preferred location for more vulnerable uses such as the dwellings proposed. The proposal therefore passes the sequential test detailed in annex D of PPS25.
- *Surface water disposal* – The applicant has specified that they intend to use soakaways and a Sustainable Urban Drainage system (SUDs). There are no site constraints to suggest such methods cannot be used and the compliance with the Code for Sustainable Homes will also ensure that the most sustainable strategy is employed.
- *Foul water* – The proposed connection to mains sewer accords with the sequential test contained within circular 3/99 and policy NBE14 of the Local Plan Review. .

Conclusion

The proposal has been considered against the provisions of the development plan in the first instance and specifically policies 1, 3 and 13a of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT3,

STRAT6, STRAT9, RES1, RES3 and NBE20 of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include policy contained within national guidance statements, PPS1, PPS3, PPS5, PPS25, Scheduled Monuments - Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979 – (2010), the Code for Sustainable Homes and local policy documents; the Nettleham Village Design Statement, the Nettleham Conservation Area Appraisal.

In light of this assessment, the proposal is considered acceptable. The development is within a Primary Rural Settlement and the proposed scheme will provide an exemplar development of 5 dwellings with code levels 3-5 under The Code for Sustainable Homes that will offer reduced environmental impact, lower running costs and features that enhance health and well-being. The proposal scheme will, subject to conditions, preserve the character and appearance of the nearby Conservation Area and preserve the setting of the nearby Scheduled Ancient Monument. The scale and outlook of the dwellings proposed will ensure no significant detriment to residential amenity in terms of overlooking and overshadowing.

Recommendation

Grant permission subject to the following conditions.

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

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

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

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

2. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of noise, dust and dirt during construction

- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

- 3. No development of any of the dwellings hereby approved shall take place until a sample panel of the bricks and mortar mix to be used in the external facing elevations has been constructed on site for inspection and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

- 4. No development of any of the dwellings hereby approved shall take place until a sample and details of the larch cladding and surface finish have been submitted to and agreed in writing by the local planning authority..

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

- 5. No development of any of the dwellings hereby approved shall take place until details of the roofing tiles has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

- 6. No development of any of the dwellings hereby approved shall take place until details of the colour and finish of the render to be used on external elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

7. No development of any of the dwellings hereby approved shall take place until details of the window framing section and the colour finishes have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

8. No development of any of the dwellings hereby approved shall take place until details of the timber garage doors, to include surface finishes, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

9. No development of any of the dwellings hereby approved shall take place until details of the design, fixings and number of photovoltaic cells have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

10. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, including retention of the hedge on the north boundary, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and RES 1 and national policy contained within PPS1, PPS3 and PPS5..

11. No development shall take place until details relating to the vehicular access within the public highway and for the private drive, including materials, specification of works and construction method have been submitted and approved in writing by the local planning authority

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

12. 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, fencing 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: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

13. No development shall commence until a scheme for surface water disposal for the whole development reflecting the principles of sustainable urban drainage (SUDs) and/or employing the use of soakaways has first been submitted to and approved in writing by the local planning authority.

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 Planning Policy Statement (PPS) 25 (2010).

14. 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: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

15. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 14 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

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

15 The approved Construction Method Statement referred to in condition 2 shall be adhered to throughout the construction period.

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

16. The development shall be carried out in complete accordance with the approved plans and the approved specification of materials as referred to in condition 3 to 10 (inclusive) of this permission.

Reason: In the interests of the visual amenity of the area, given the sensitive edge of settlement location and its proximity to the SAM and Conservation Area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS5.

17. The access, private drive, parking and manoeuvring areas shall be completed in accordance with the approved plans and the specification agreed by the local planning authority as referred to in condition 11 of this permission prior to the first occupation of any of the dwellings hereby approved and shall thereafter be retained.

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 policy STRAT1 of the West Lindsey Local Plan First Review 2006.

18. The approved surface water drainage details as referred to by condition 13 shall be completed prior to the first occupation of any of the dwellings hereby approved and 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 Planning Policy Statement (PPS) 25 (2010).

19. All trees on site (including those subject to the Tree Preservation Order) shall be protected during the construction work as follows:

- Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees erected a minimum distance from the trunks equal to the spread of the crowns of the trees, to the satisfaction of the local planning authority;
- No site huts shall be erected within the spread of the crown of the trees;
- No materials, including fuels, shall be stored within the spread of the crown of the trees and no development shall be carried out under the spread of the crown within written permission of the local planning authority;
- No burning of goods shall take place within 3 metres of the crown of the trees without the written permission of the local planning authority.

and thereafter retained.

Reason: To protect the trees during construction work and thereafter in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

20. Demolition and/or construction works shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006.

21. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 14.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

22. Following the archaeological site work referred to in condition 21 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

23. The report referred to in condition 22 and any artefactual evidence recovered from the site shall be deposited within 6 months of the

archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

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

24. Prior to the first occupation of the dwellings the first floor windows in the west elevation of plot 4, the first floor window in the west elevation of plot 3 and the first floor window in the north elevation of plot 5 shall be glazed in obscure glass and fitted with a device to limit their opening, the details of which shall have been previously submitted to and approved in writing by the local planning authority, and thereafter retained in perpetuity.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

25. The dwellings hereby approved shall not be first occupied until the agreed level, in accordance with the Code for Sustainable Homes, has been achieved at post construction phase. This shall be to a minimum requirement of:-

- Code level 5 for Plot 1;
- Code level 4 for Plots 2, 3 and 4;
- Code level 3 for Plot 5;

and a copy of the summary score sheet and Post Construction Review Certificate shall be submitted to the local planning authority verifying that the agreed standards have been met, and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that energy efficiency through sustainable design and construction is achieved in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and government advice set out in PPS1, Planning and Climate Change - Supplement to Planning Policy Statement 1.

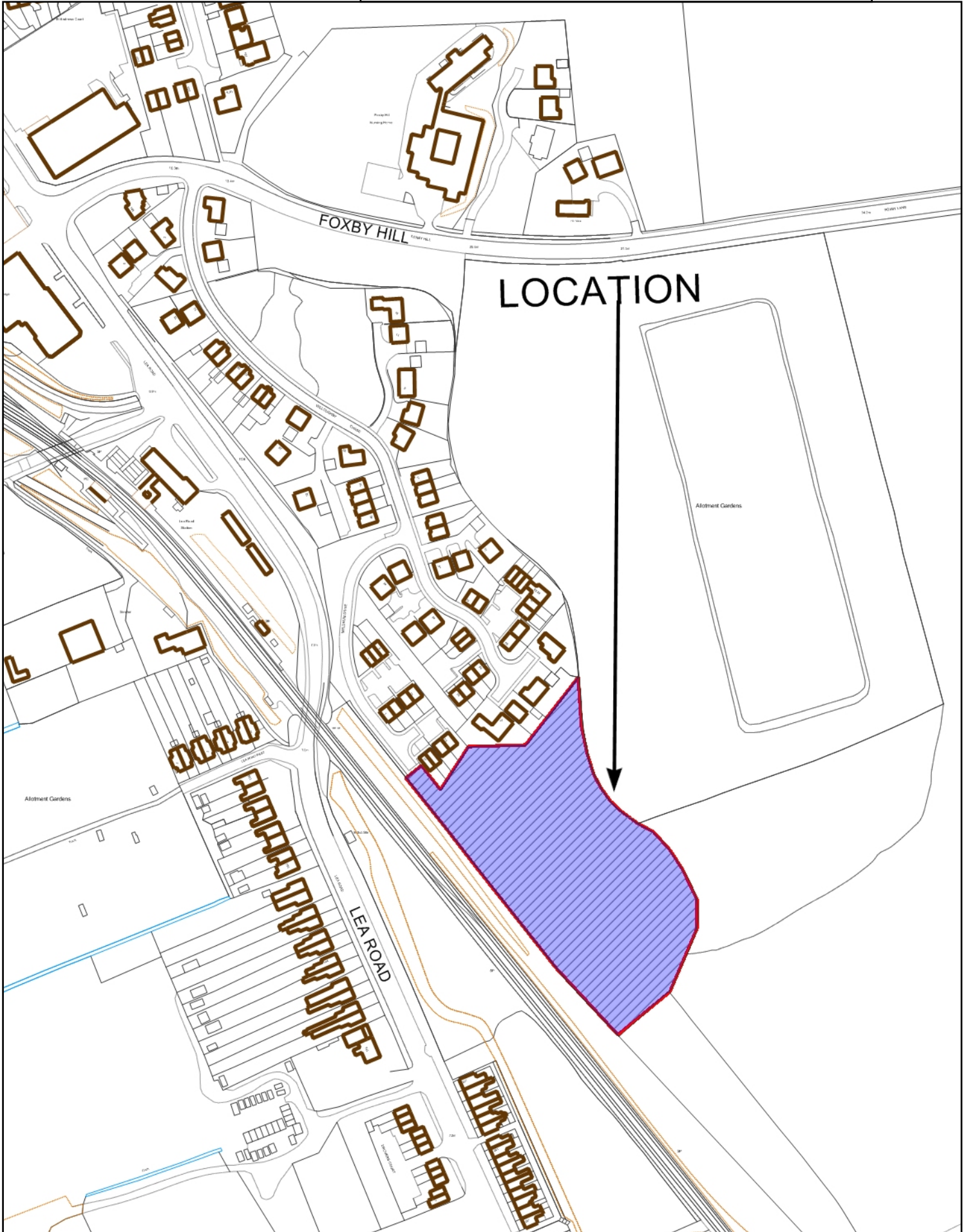
26. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking and re-enacting that Order, there shall be no external alterations to the dwellings, including the insertion of new windows or dormer windows and no buildings or structures shall be erected within their curtilage unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of the residential amenity of future occupiers of the permitted houses, specifically to ensure no overlooking or overshadowing of adjoining dwellings and to preserve the character

and appearance of the adjacent conservation area and SAM in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

27. All planting, seeding or turfing comprised in the approved details of landscaping, as required by condition 12, shall be carried out in the first planting and seeding season following the occupation of the dwellings 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 occupiers of adjacent dwellings and in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.



Officer's Report

Planning Application No: 127509

PROPOSAL: Planning application for residential development comprising 35 dwellings and related infrastructure on undeveloped land directly to the south of Meldrum Drive, Gainsborough

LOCATION: G10 Site Land Off Lea Road And Foxby Hi Gainsborough

WARD: Gainsborough South West

WARD MEMBER(S): Councillors Mrs Rainsforth and Young

APPLICANT NAME: Chestnut Homes

TARGET DECISION DATE: 04/10/2011

DEVELOPMENT TYPE: Large Major - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION:

That the decision to grant permission subject to the conditions detailed in this report be delegated to the Planning & Development Services Manager upon:-

- **the expiration of the consultation and publicity period for the amended plans, subject to no new issues being raised in representations received which have not already been addressed in the report below and;**
- **the signing and completion of a section 106 agreement pertaining to the provision of affordable housing (subject to viability), fire and rescue infrastructure and public open space provision and management.**

Introduction

This application was deferred by Members at the October Development Management Committee meeting to enable officers to negotiate:-

1. The deletion of the footpath/cycleway link between Meldrum Drive and Lea Road.
2. The deletion of the footpath/cycleway link to the south-eastern boundary which would have allowed future connectivity with the permitted new neighbourhood quarter.
3. Revisions to plots 3 and 4 to ensure that there are no first floor windows in these dwellings facing north towards existing dwellings on Meldrum Drive.

The report has been amended to reflect and consider the changes that the applicant has subsequently made to the application. These changes can be briefly summarised as follows:-

1. The deletion of the footpath/cycleway link between Meldrum Drive and Lea Road.
2. The deletion of the footpath/cycleway link to the south-eastern boundary; a bungalow is now proposed at the southern end of the proposed public open space (plot 23a) which effectively prevents the ability for a formal or informal link to be forged through to the new neighbourhood quarter in the future.
3. The replacement of plots 1-4 with a row of terraced houses now facing west towards the railway line. Plot 2, the dwelling nearest the existing houses on Meldrum Drive, would have a blank gable end facing these properties.

Members may note that the deletion of plot 1 and introduction of plot 23a keeps the total number proposed at 35.

Description

- **Site** – Greenfield land, albeit with evidence of some clearance and regrading which is likely to have occurred at the time of the development by the applicant of the residential area to the north. The Gainsborough to Lincoln railway line runs along the western boundary beyond which is Lea Road. To the south is scrub land and to the east, farm and woodland which forms part of the area with the benefit of outline planning permission for a new neighbourhood (see history).
- **Proposal** – An adopted highway serving a mix of detached, semi-detached and terraced houses (all 2 storeys in height and brick faced) and four bungalows, associated public open space and landscaping.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999:

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

Relevant history

None relevant to the site but planning permission has been granted for 2500 dwellings, commercial uses and public open space for the land which borders the eastern boundary of the application site (our ref 125020)

Representations

The publicity period for the amended plans (submitted in response to the Member resolution) has yet to expire. Any comments received following publication of this report, if received before Committee, will be reported verbally to members and recorded in the minutes.

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

Parish/Town Council/Meeting: No comments received.

Local residents:

No representations have been received at the time of the preparation of the report pertaining to the most recent revisions. Representations received regarding the now superseded plans, reported previously to members, raised the following issues:-

- There will be insufficient distance between the rear of their houses and the rear of the proposed dwellings to the south-east which will cause disturbance to their privacy and residential amenity.
- Due to a natural slope of the land there is a concern that the proposed dwellings will be at a higher level than existing buildings and therefore cause overlooking and loss of privacy.
- Due to the existing narrow road infrastructure which currently serves 11 dwellings, there is worry that there will be increased congestion and noise pollution when serving the additional 35 dwellings.
- As the proposed dwellings would be in an elevated position, during the winter months their privacy would be infringed upon, specifically overlooking into front rooms and bedrooms of properties along Lea Road due to loss of leaves on trees.
- The development could result in sand and soil being washed away and block the drains under Lea Road bridge which happened after the first development was built (Meldrum Drive/Willoughby Chase) resulting in driveways and paths down as far as No. 156, Lea Road being flooded.
- Concerned about the wildlife which resides on the land and the effect this development would have on their natural habitats and the surrounding environment.
- The proposed footpath and cycleway link to Lea Road is dangerous and will also compromise security.

Environment Agency: Comments still awaited following revisions. The EA did object to original submission as the surface water drainage was proposed via the mains sewer, contrary to the principles of sustainability enshrined in Planning Policy Statement (PPS) 25.

LCC Archaeology – No further archaeological input required as no known archaeology in the immediate vicinity other than Warren Wood. bat roosting provision within buildings.

LCC Highways: Comments awaited on revised plans. Didn't object to previous plans but did require completion of footpath and cycle link to Lea Road.

Lincolnshire Police: The private roadways, cycleways and pedestrian routes should be lit in accordance with details to be submitted to and agreed in writing by the local planning authority. Clear vision should be preserved through landscaping.

Lincolnshire Wildlife Trust: Strongly support recommendations of ecological report with regard to using native species to enhance site's biodiversity potential and provision for nesting birds and bat roosting within the site.

WLDC Housing: There is an identified need for social rented housing in this area as of February 2011. It is unlikely that the figures will have changed to any great extent over the last few months. Recommend that affordable housing be delivered on site, with an expectation that it is built to Code for Sustainable Homes Level 3.

Relevant Planning Policies

The Development Plan

- East Midlands Regional Plan 2009 (RSS8)

Policy 13a – Regional housing provision

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). The site is outside of the settlement limit for Gainsborough and is therefore defined as being open countryside. The following policies are considered applicable:-

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

SUS 7 Building materials and components

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE10 Protection of Landscape character and Areas of Great Landscape Value.

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

NBE 14 Waste Water Disposal

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

Other policy documents

- Gainsborough Regained – The Masterplan (2007)
<http://www2.westlindsey.gov.uk/upload/public/attachments/1242/GainsboroughRegainedExecutiveSummary.pdf#>
- West Lindsey Corporate Plan 2011-15
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/council/committee-reports/council-committee-reports-september-2011/107037.article>
- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 3 Housing (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS 9 Biodiversity and geological conservation (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- PPG 13 Transport (2001, updated 2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>

Main issues

- **Principle**
- **Housing mix and affordable housing**
- **Urban design, character and appearance**
- **Accessibility and highway safety**
- **Residential amenity**
- **Flooding and Drainage**
- **Biodiversity**

Assessment:

Principle - Policies STRAT 1, 3, 9 and 12 of the West Lindsey Local Plan First Review 2006 were saved in 2009 and remain part of the development plan for the purposes of development management. They collectively provide a policy umbrella for considering applications for residential development on unallocated land, such as the application site, in the open countryside (as defined by policy STRAT3) and they advise that such development should normally be resisted on the grounds of unsustainability unless exceptional circumstances apply.

Policy STRAT9 also outlines a sequential approach, which is not dissimilar to that contained with the national PPS3, for a preference for previously developed land being developed before greenfield land. Members are reminded that it is greenfield in appearance.

Furthermore, policy support cannot be gained from the need to maintain a deliverable 5 year housing supply as prescribed by PPS3 (or even a 5yr plus 20% supply as advocated by the draft national planning policy framework); the Council currently has a 7.5 year supply as of 1st April 2011 as reported in our own Annual Housing Supply Assessment. when assessed against the 480 dwelling per annum provision detailed in policy 13a of the Regional Plan.

However, it is still considered in this context that the principle of the proposed residential development can be supported. This is because of the desire to regenerate the town of Gainsborough as identified in the Gainsborough Masterplan (2007) and the Programme of Development (2008). The Council's own Corporate Plan for 2011 also identifies the Gainsborough South west Ward (of which this site is part) as a priority neighbourhood.

The deletion of the footpath/cycleway links to Lea Road and the new neighbourhood will mean that the development no longer has the potential to be an important linkage between the existing developed areas of the ward and the planned new neighbourhood. However, the proposal still has the following benefits:-

- The ability to provide a range of additional dwelling types in a comprehensively planned and mixed community on an area of land lying adjacent to other planned growth and directly abutting existing

residential areas on land which is not farmed and has little public amenity value.

- The existing development to the north currently ends abruptly and is marked by a series of domestic 2m close boarded fences. This results in a rather hard and inappropriate transition between the urban environment and the open countryside to the south. Such a view is currently in the public domain as it is visible from passenger trains and will become more prominent through the development of the new neighbourhood. The application site development will enable a more appropriate transition between countryside and existing neighbourhoods (as discussed in greater detail later in this report) and provide a enhanced visual connectivity between the western boundary of the new neighbourhood and the existing development off Willoughby Chase and Meldrum Drive.

The loss of the pedestrian and cycleway link removes one of the main reasons for supporting this development. In the absence of these linkages, the principle of the development is very finely balanced, but nevertheless still supported. .

Housing mix and affordable housing – The surrounding areas are characterised by a rich mix of housing types; Willoughby Chase includes bungalows, semidetached and detached houses, whilst Lea Road includes terraced, semi-detached and detached houses. The proposal includes a similar mix of dwelling types. The bungalows include two and three bedroom variants, whilst the housing types include terraced, semi-detached and detached and a minimum of two bedrooms and maximum of four. In the context of policy RES2, this mix can therefore be supported and will, to a certain extent, foster a mix of ages and socio-economic groups within the new community of residents.

However, there is also an identified and currently unmet need for affordable rented housing within the area of the site. The applicant is currently in negotiation with the officers as they have questioned whether the scheme is viable if a full contribution of 25% of the dwellings being affordable is delivered as required by policy RES6 of the Local Plan Review. Viability is a material consideration as detailed in national policy in PPS3. In this context the applicant has been asked to prepare an “open book” appraisal of their site development costs and revenue, which will be assessed by officers so that the level of contribution of affordable housing and other infrastructure contributions can be agreed. This report is asking members to delegate the powers for officers to conclude these negotiations and formally agree the contributions before the grant of any permission. Members are advised that the current agreed West Lindsey Developer Contributions (Section 106) Priorities policy provides a priority for contributions towards infrastructure to make the development acceptable being made before affordable housing.

Urban design, character and appearance – The site is not near any listed building, conservation area or scheduled ancient monument, but adjoins a designated Area of Great Landscape Value (AGLV), policy NBE10 of the

Local Plan Review being applicable. This AGLV covers the land to the east, now with the benefit of permission for the new neighbourhood. It is noticeable that the AGLV designated falls short of covering the application site, but a clear differentiation can be made between the rather rough scrub and rubble of the site and the farm and woodland of the AGLV itself. Development of the site would not detract from this landscape value and, if anything, would actually enhance its setting by providing planned development that includes areas of public open space and views into this adjoining land. Furthermore, weight must also be afforded to the fact that the adjoining site is the subject of the extant permission for the new neighbourhood and is likely to be developed in the next five years.

In the context of policies STRAT1, RES1 and CORE10 of the Local Plan Review, the overall layout, in its amended form, successfully proposes a legible hierarchy of spaces; the linear public open space, characterised by soft landscaping, will provide a focal area for the community by being lined by dwellings that overlook it. In most cases these dwellings have semi-private front gardens bordering this public space, the dwellings themselves providing a physical buffer between the public areas and the private rear gardens. Where this is not the case for all plots, such as at Nos. 29, 30, 31 and 35, sensitively designed brick walls have been proposed to provide a boundary feature that will not deteriorate at the rate that, say, a close boarded fence might and will not detract from the overall quality of public open space. A condition is suggested to ensure that the walls are implemented and remain in place after occupation of the dwellings. A condition is also suggested to require suitable native species to be used within the public open space, that not only provide habitat for wildlife (as recommended by the Wildlife Trust), but also provide the appropriate softening of the landscape and will not grow to such heights that they will come under threat for their removal from future residents on the grounds of overshadowing or damage to foundations.

It is also noted that dwellings have been carefully positioned to provide view stops to the views across the public open space, the bungalow at plot 12a being an example. The topography of the escarpment has also been used to provide a varied roofscape and gaps between the houses (the detached housing on the eastern boundary being an example) which will allow views of the woodland beyond the site to still be visible from Lea Road.

The area of public open space proposed still accords with the standard detailed in policy RES5 (5% of total area) despite the loss of some of the space to plot 23a. It does not include formal play space or built facilities but policy RES5 of the local Plan Review states that it should be either informal recreational space or formal play space. Furthermore, there is already a Locally Equipped Area for Play (LEAP) on Willoughby Chase.

The massing, scale and layout of each plot of the proposed development is also considered to complement the existing urban areas to the north and west. The density proposed is just under 29 dwellings to the hectare. Lea Road has higher densities, the terraced housing on the eastern side and south of the railway bridge being characterised by a density of over 50

dwellings to the hectare and the existing Willoughby Chase development to the north being calculated as having a density of 30 dwellings to the hectare. With a minimum density threshold now absent from national policy, the proposed density is considered to be appropriate in the context of its surroundings. Likewise, plot ratios (building footprint expressed as a percentage of the plot size) is also considered to be appropriate, echoing again the average ratio of around 25% for Willoughby Chase. The architectural styles and massing of each dwelling also take their cues from existing development, although this is not surprising as the applicant developed the Willoughby Chase development and only completed it in the last ten years. The architectural language is conservative and inoffensive in approach, lacking modernity but not over elaborate and the simplicity is a key feature of the local Lincolnshire vernacular as are the proposed use of brick (prevalent in the South West Ward) and the traditional gabled forms.

Accessibility and highway safety – The removal of the pedestrian access to Lea Road from Meldrum Drive will mean that every dwelling will now be in excess of 400m of the nearest bus stops on Lea Road as well as Lea Road Railway Station. 400m is the maximum reasonable distance for walking advised by the Department for Transport assuming relatively level walking. The loss of this footpath link will therefore adversely affect the potential for sustainable non-car trips. Members indicated at the last meeting that more weight should be afforded to providing a secure and safe neighbourhood and it is on this basis the application has been amended.

With regards to vehicular accessibility, the road layout has been the subject of negotiations with the County Highways Authority who have agreed to adopt most of its length within the site. Again, a condition will be required to ensure provision of the roads to adoptable standard where they are to be adopted and implementation in accordance with the plan where they are not. It is suggested that the future management of the private roads along with the public open space is best secured through obligations within the section 106 agreement. Members are asked to delegate the power to officers to complete these negotiations and secure the relevant obligations and complete the agreement.

Finally, the proposed use of Meldrum Drive and Willoughby Chase for vehicular access is considered acceptable in terms of highway safety; the visibility eastwards up Foxby Hill at its junction with Willoughby Chase is adequate due to the wide pavement and the width of Willoughby Chase and Meldrum Drive are again adequate to serve an additional 35 dwellings (the impact on residential amenity of the additional traffic is considered in the next section)..

Residential amenity – This issue is detailed in policies STRAT1 and RES1 and further advice is provided in PPS3. The considerations of impact of construction, the overlooking and overshadowing of dwellings on Willoughby Chase and Meldrum Drive, the impact of noise and disturbance from traffic on the existing residents and noise from trains on future residents are considered separately below. There is not a detailed assessment of the impact of dwellings on Lea Road as they are all at least 65m from the site and in most

cases over 80 m away and a maximum of two storeys in height is being proposed.

a. Impact of construction period – The development of 35 houses could take a prolonged time of many months. Given that the vehicular access for all contractor's vehicles, plant and machinery is through an existing residential area and that residential properties directly abut the site, it is suggested that a restriction in terms of construction management, including working hours, is necessary. A management plan can also deal with the issue raised in the representations about soil and sand being washed down into the drains during the construction period (the section of this report on drainage deals with post construction issues of soil and sand being washed into drains).

The construction management plan and restriction of working hours can be controlled by conditions.

b.. Overlooking and overshooting of dwellings on Willoughby Chase – The nearest dwellings to the existing bungalows on Willoughby Chase are plots 12a and 14 which are also both bungalows, their relatively low overall heights of 5.4m and 5.5m respectively designed to respond to the proximity of the existing dwellings. All windows are on the ground floor and therefore overlooking is not possible due to the existing solid boundary fence within the neighbour's control. Furthermore, the roof sizes and shapes of the proposed bungalows would not permit first floor space to be inserted without a roof lift which would require a separate application. However, a condition is considered necessary to ensure that the finished floor levels are as detailed on the submitted plans so that the land is not elevated to allow overlooking over the boundary fence and overshadowing.

c. Overlooking and overshooting of dwellings on Meldrum Drive – The revised plans are considered to have completely addressed Members concerns; there are no first floor windows facing existing properties thereby ensuring no significant overlooking and the separation distance between existing and proposed dwellings and the relatively modest height of the latter will ensure no significant overshadowing. However, it is advised that a condition is required to restrict the permitted development rights available to the dwellinghouse at plot 2 so that it cannot be altered or extended without an application being required and those alterations and extensions result in overshadowing and overlooking.

d. Noise and disturbance from vehicles on existing residents – The traffic to and from the site travelling along Willoughby Chase and Meldrum Drive will inevitably result in an increase in noise emissions along this route. In the context of ambient noise levels that include traffic along Lea road and the from the railway line, it is not considered that the increase in noise and disturbance would be detrimental to residential amenity.

e. Noise from railway trains – This has been identified as a material consideration, an acoustic report was submitted with the application and mitigation measures in the form of an acoustic barrier along the western boundary proposed. This barrier will provide adequate acoustic attenuation but a condition will be required to enforce its implementation before occupation of any dwelling and retention thereafter.

In summary, with the conditions suggested, it is not considered that residential amenity would be significantly affected.

Flooding and foul and surface water disposal – These issues are considered separately below:-

- *Fluvial flooding* – The site is within flood zone 1 as defined by the Environment Agency's flood zone maps. This is the sequentially preferred location for more vulnerable uses such as the dwelling proposed. The proposal therefore passes the sequential test detailed in annex D of PPS25.
- *Surface water disposal* – The applicant originally proposed that surface water was discharged via the mains sewer. This is the least preferable means of disposal in terms of sustainability. Therefore, in accordance with national guidance contained within PPS25 and, following an objection from the Environment Agency, the applicant was asked to justify this method of surface water disposal. The drainage engineer subsequently commissioned by the applicant has concluded that the steep site gradients and soil conditions do not lend themselves towards a full SUDs drainage scheme. However, they have now amended their strategy to ensure that not all surface water drains into the sewer and some sustainable techniques are utilised. These techniques are different to those employed with the Willoughby Chase development and will avoid any issue of sand and soil being washed onto Lea Road. The establishment of the landscaping will also restrict such erosion. Whilst the Environment Agency have yet to withdraw their objection, it is nevertheless considered that the conclusions of the applicant's drainage engineer are realistic and that a full SUDs scheme could not be reasonably required. A condition is suggested to ensure that the drainage scheme
- *Foul water* – The proposed connection to mains sewer accords with the sequential test contained within circular 3/99 and policy NBE14 of the Local Plan Review. .

Biodiversity – The submitted ecological survey and later addendum on badgers have concluded that no protected species were present within the site but evidence of such species including bats and badgers was recorded on adjoining land to the east and within the site in the past. The application site also currently provides some limited habitat opportunities for protected

species and, therefore, in accordance with national policy contained within PPS9, a condition is considered necessary and reasonable, requiring opportunities for roosting bats and nesting birds to be provided within the site.

Conclusion

The application has been considered against the provisions of the development plan in the first instance and specifically policy 13a of the East Midlands Regional Plan and saved policies STRAT1, STRAT3, STRAT9, STRAT12, SUS7, RES1, RES2, RES5, RES6, CORE 10, NBE10, NBE14 and NBE20 of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include national policy contained within PPS's 1, 3, 9 and 25 as well as draft national policy contained within the draft national Planning Policy Framework, circular 3/99 and Gainsborough Regained – The Masterplan (2007).

In light of this assessment the proposal is considered acceptable. It will provide an enhancement to the transition between the urban and rural environments and provide a range of new housing to foster the continued regeneration of the South West Ward. Therefore, whilst being outside of the settlement limits and on greenfield land, the principle of the proposal can be supported.

The layout provides a suitable hierarchy of private, semi-public and public places, a sense of place and echoing of existing built forms in the area. With the provision of conditions, residential amenity will not be significantly affected and appropriate foul and surface water drainage will be provided. However, the management of the public open space, infrastructure contributions and affordable housing provision will all need to be secured through a section 106 agreement if viable.

Recommendation

That the decision to grant permission subject to the conditions detailed below be delegated to the Planning & Development Services Manager upon:-

- **the expiration of the consultation and publicity period for the amended plans, subject to no issue being raised in representations received which has not already been addressed in the report below and;**
- **the signing and completion of a section 106 agreement pertaining to the provision of affordable housing (subject to viability), fire and rescue infrastructure and public open space provision and management.**

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 for surface water disposal for the whole development reflecting the principles detailed in the AECOM letter dated 16th September 2011 (ref CH_Foxby_EA le01) referenced in an e-mail received from the applicant dated 20th September 2011 has first been submitted to and approved in writing by the local planning authority.

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 Planning Policy Statement (PPS) 25 (2010).

3. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of noise, dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4. 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 (to include native species), 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 enhance the development and provide an appropriate mix of the natural and built

environment is provided in accordance with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006.

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

5. The dwellings hereby approved shall be completed in accordance with external materials specified in the Brick, Tile and External Finishes Schedule dated and received on 2nd November 2011 unless any variation to this schedule has first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area given the prominent escarpment position visible from Lea Road and the need to harmonise with the existing development to the north on Willoughby Chase and Meldrum Drive and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1 and PPS3.

6. The finished floor levels for the ground floors of the dwellings hereby approved shall be as per drawing FCG/05 Rev E received on 1st November 2011.

Reason: To ensure a satisfactory relationship with the adjoining development to the north and given the prominent escarpment position visible from Lea Road and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement (PPS) 5.

7. None of the dwellings hereby approved shall be first occupied until the surface water drainage scheme agreed in writing by the local planning authority as referred to in condition 2 has been fully completed and it shall thereafter be retained.

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 Planning Policy Statement (PPS) 25 (2010).

8. Foul water from the development shall drain to the mains foul sewer and none of the dwellings hereby approved shall be first occupied until those mains foul sewers serving the development have capacity to deal with this development.

Reason: To ensure that foul drainage from the development is via the mains sewer in accordance with the sequential approach advocated by Circular 3/99.

9. None of the dwellings hereby approved shall be occupied until the highway shaded green on the approved drawing FCG/11 Rev B, including the

pedestrian link between Meldrum Drive and Lea Road has first been completed to an adoptable standard. The said areas shall thereafter retained to this standard until formally adopted by the County Highways Authority.

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

10. None of the dwellings hereby approved shall be first occupied until the private parking, manoeuvring and vehicular and pedestrian access to that dwelling have been completed in accordance with the layout detailed on drawing FCG/11 Rev B and surfaced in accordance with details which shall have been previously been submitted to and approved in writing by the local planning authority.

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

11. The development shall be carried out in accordance with drawings FCG/05 Rev E, FCG/10 Rev B, FCG/11 Rev B, FCG/14, FCG/16, FCG/17, Type 1G (2010)/02, FCG/Blocks A & B (2010)/02 Rev A, FCG/Blocks A & B (2010)/01 Rev A, Garage D(D)/01, FCG, Type T2A (2010)/01, Type S (2010)/01, S1Ldg (2010)/01, Type T1 (2010)/01, Type P (2010)/01, Type L (2010)/02, Type G2A(2010)/02, Type 1G(2010)/01, Type 3N (2010)/01, Type G2A(2010)/01, FCG12, FCg/06 Rev B, Detail 6 Rev F and Garage E/01 Rev A,. FCG/Block C (2010)/03 and FCG/Block C (2010)/04

Reason: In the interests of the visual amenity of the area given the prominent escarpment position visible from Lea Road and the need to harmonise with the existing development to the north on Willoughby Chase and Meldrum Drive and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1 and PPS3.

12. Demolition and/or Construction works shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings on Willoughby Chase and Meldrum Drive and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006.

13. The approved Construction Method Statement referred to in condition 2 shall be adhered to throughout the construction period.

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

14. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 2005, or any Order revoking and re-enacting that Order, the boundary brick walls to plots 3, 7, 8, 9, 29, 30, 31, 32 and 35 and the 2 rail fence to the boundaries of plot 35 detailed on drawing FCG/05 Rev E shall be completed prior to the first occupation of the dwelling that they serve and shall thereafter be retained.

Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1 and PPS3.

15. Before any of the dwellings hereby approved are first occupied:-

- a scheme for the provision of bat roosts and nesting boxes for nesting birds shall be submitted to and approved in writing by the local planning authority and.
- The agreed provision shall be provided and thereafter retained.

Reason: In the interest of biodiversity and to accord with national policy contained within PP9.

16. All planting, seeding or turfing comprised in the approved details of landscaping as referred to by condition 4 shall be carried out in the first planting and seeding season following the first occupation of one of the dwellings hereby approved 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 a landscaping scheme to enhance the development and provide an appropriate mix of the natural and built environment is provided in accordance with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006.

17. None of the dwellings hereby approved shall be occupied until the 2m high the acoustic barrier detailed on drawing FCG/05 Rev E has been completed along the entire length of the western boundary of the site. The said barrier shall be retained thereafter.

Reason: In the interests of future occupiers of the development, to protect them from noise and disturbance emanating from the adjoining railway land and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

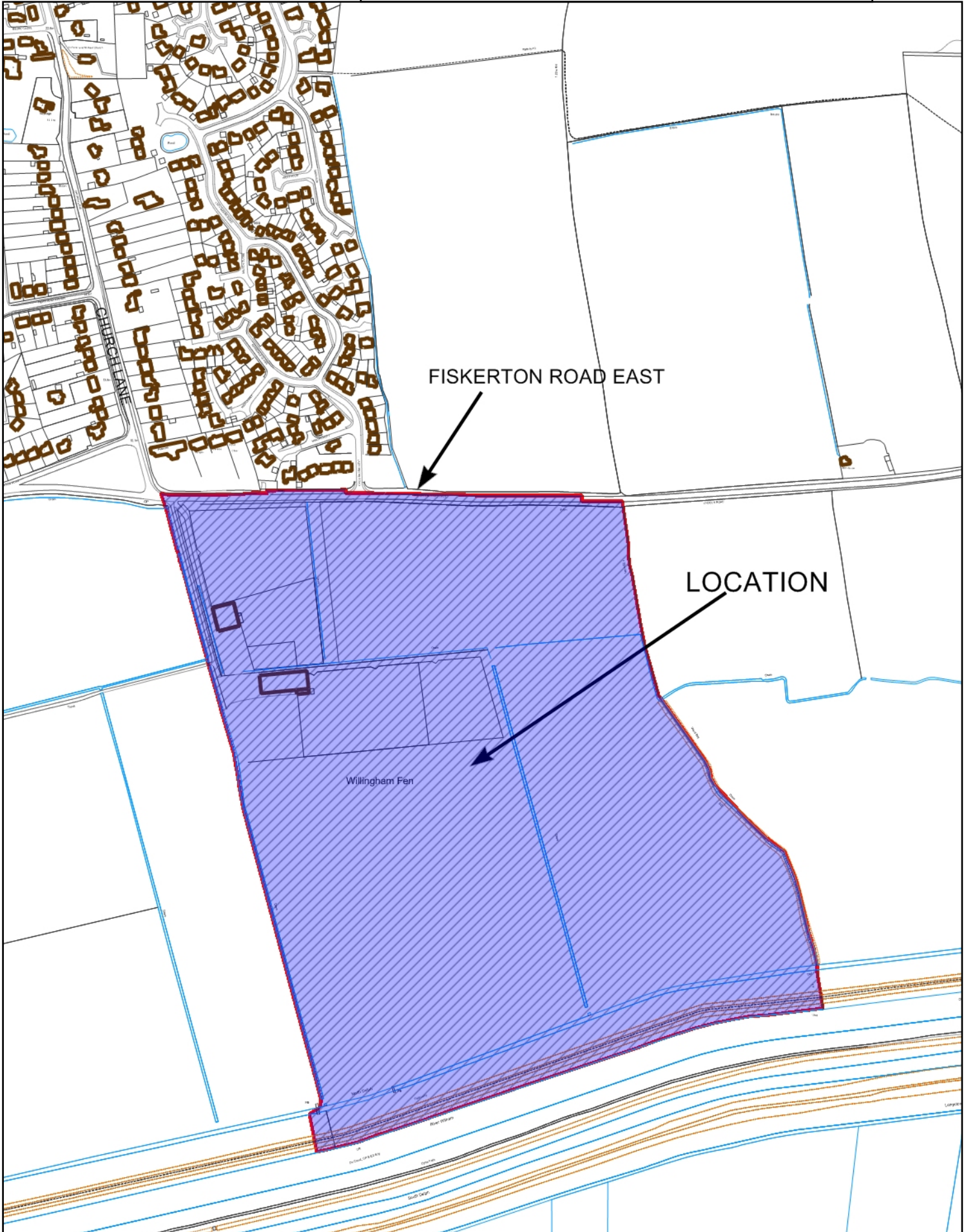
Conditions which apply or relate to matters which are to be observed following completion of the development:

18. Notwithstanding the provisions of Classes A, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking and re-enacting that Order, the dwellings marked as plot 2 on drawing FCG/05 Rev E shall not be extended and no buildings or structures shall be erected within their curtilage unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of the residential amenity of existing residents of Nos. 17, 19 and 21, Meldrum Drive, specifically to ensure no overlooking or overshadowing and in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

Notes.

1. It is advised that the County Highways Authority are contacted prior to development commencing as separate approval under the Highways Act will be required for work approved by this permission within the adopted highway.
2. The adopted standard referred to in condition 8, refers to adoption by the County Highways authority in accordance with section 387 of the Highways Act 1980.
3. You are advised to contact Network Rail prior to development commencing as there are restrictions as to the nature of work that can be undertaken adjoining a railway line.



Officer's Report

Planning Application No: 127112

PROPOSAL: Planning application for development of a 220 berth marina with access to the moorings from the river Witham and marina building incorporating a chandlery, workshop, cafe and customer facilities. Also, 40no. 2 bedroom holiday lodges, 24no. bedroom hotel with attached restaurant-bar, landscaping and open space improvements and improved access from Fiskerton Road East incorporating a right turn ghost island.

LOCATION: Fiskerton Road Cherry Willingham Lincoln, Lincolnshire

WARD: Cherry Willingham

WARD MEMBER(S):

APPLICANT NAME:

TARGET DECISION DATE: 06/07/2011

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant permission subject to the conditions detailed in this report be delegated to the Planning & Development Services Manager subject to the completion and signing of the section 106 agreement.

Description

- **Site** - Located in the open countryside, immediately to the south of Fiskerton Road East, opposite a recently completed housing development on the edge of Cherry Willingham. It is currently in agricultural use and located within the Willingham Fen. The total site area is 26 hectares of which 19.52 hectares is in use as farmland. The north western corner of the site is occupied by 2 agricultural storage buildings surrounded by arable farmland and horse paddocks. The eastern and western boundaries of the site are marked by open drains with similar agricultural land beyond. The North Delph acts as the southern boundary and next to it is the River Witham. The Viking Way public footpath is located between the North Delph and the River Witham. The site slopes southwards towards the Witham and levels range between 5m AOD to 7.3m AOD at its highest point along Fiskerton Road East falling to between 1m AOD and 1.5m to the south.

- **Proposal** – A 220 berth marina is to be created with access from the River Witham. The expanse of enclosed water will cover an area of approximately 58,000 square metres. The space will be created by diverting the North Delph around the new marina and creating a single opening to the river through the existing embankment. A marina building incorporating a chandlery, workshop, and café and customer facilities is to be provided on the western side of the marina and beyond it will be a dry dock which will provide a facility for boat repair and maintenance.

A 24 bed hotel and restaurant are to be built on the north western corner west of the proposed access from Fiskerton Road East.

To the east, 40 cedar clad, 2-bed holiday lodges are proposed linked by a series of informal paths. This and the hotel and restaurant have been described as “enabling development” in order to make delivery of the Marina financially viable as well as contributing to the overall offer of the marina development.

To the south, a substantial wetland habitat is proposed in the form of a roughly linear arrangement of wildlife pounds. Between this and the marina, a large area of land running across the central section of the site is proposed to be left as open space with footpath routes through it and with information boards placed on it relating to the Roman and Saxon finds on the site following archaeological intervention.

A new access to the site will be created from Fiskerton Road. Two pedestrian refuges are proposed to either side that will allow connection to a new pedestrian footway providing access into the site. The footway to the west will join the site at its north eastern corner and will provide a footpath to adoptable standards directly connecting to the Viking Way. .

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

The application is ‘EIA Development’ under the 2011 Regulations and an Environmental Statement has been submitted with the application (although it was prepared under the now superseded 1999 Regulations) .

The submitted Environmental Statement accords with the current EIA Regulations in terms of structure; for example it includes the mandatory non-technical summary. The scope of impact considered is also considered appropriate.

Relevant history:

None relevant

Representations

Amendments to the design of the marina and hotel buildings were made during October 2011. The reconsultation period for these amendments will expire prior to Committee but after the preparation of this report. Members are therefore advised that any comments pertaining to these amendments raising issues not covered in the report, but received after its preparation, will be reported verbally to the meeting and recorded in the minutes.

The following comments were received as of the time of preparation of this report. .

Chairman/Ward member(s): No comments have been received

Cherry Willingham Parish Council : “We note the strong feelings of those who oppose the scheme but note also that the majority of residents who have responded to us, both through this consultation and many informal conversations, are in broad support of it. This reflects the views of the Members of the Council that the potential benefits to the village are significant and so they broadly support the application.

However, Members wish to emphasise that these benefits will only be delivered if any planning consent is subject to the following:-

- That access to the river and site amenities is created through legally binding agreements which preserve them in perpetuity for local residents and visitors and that this access should take the form of a public bridleway and that this should be adopted by the County Council under appropriate law. That this access is opened at the earliest safe time and before any other part of the development is opened to the public.
- There should be agreed phasing for the development with the marina being delivered as the initial phase. This is because the other elements of the development proposal are only considered acceptable in the context of the marina itself.
- That further discussions take place between the Parish Council, West Lindsey District Council and Lincolnshire County Council concerning the already increasing volume and speed of traffic along Fiskerton Road which addresses safety issues for both users and residents of Cherry Willingham. Such increase in traffic volume is acknowledged in the supporting Transport Assessment but no consequential assessment of impact on amenity or character of the village is made.
- The proposed gated village entrance/traffic calming features should be provided prior to any part of the development being first brought into use.
- Identification of and maintenance/management regime for areas to be provided with public access (this should include arrangements for the collection of litter including along the approaches to the development).
- Strategic landscaping to be implemented commensurate with the start of

- Construction (traffic) method statement to be agreed.
- Conditions ensuring use of lodges as holiday accommodation only.
- Implementation of the Travel plan. ~

Cherry Willingham PC also held an open-house consultation on this application on the 8th and 9th of April 2011. Residents were asked to fill a form selecting one of two options: - “In principle I/we support the proposals” or “In principle I/we do not support the proposals”.

35 forms were received representing 42 people in support and 11 forms were received representing 12 people not in support of the proposals.

The first group were invited to identify the reasons for supporting the plan

These were:

- It will provide an excellent amenity and focal point attracting more visitors to the village providing existing pubs/shops with more potential customers bringing economic benefit to the village and the wider area as well.
- The project will create job opportunities accessible by local residents, including young people, in an area where few currently exist.
- It will enhance recreational opportunities for local residents as well as visitors to the site. Potential for cycling, fishing and boating opportunities. Good landscaping will enhance the landscape and encourage wildlife diversity.

This group was also asked about their concerns and suggestions in the event of permission being granted. These include:

- It should be a condition of planning consent that the public access to the river and open space is opened at the earliest safe time and not later than the site opens to the public and that this access, along with the proposed land for the base of a bridge across the River Witham, is secured under legally binding conditions.
- Road safety issues on Fiskerton Road should be fully addressed especially the speed of traffic entering the planned 40 mph zone. It is recommended that roundabouts be provided both around the proposed site and at the bottom of Waterford Lane – this is seen as the only effective way to reduce the present excessive speeds in a situation where traffic is already increasing and will increase further. In addition there is concern about pedestrians, especially children, crossing Fiskerton Road to and from the site.
- Concern at the possible use of large vehicles to deliver boats to and from the site.
- That the operators of the site be required to provide adequate site management and security to avoid undue nuisance to local residents especially late at night.
- Granting of planning consent for the site as proposed should not create a precedent for the expansion of the site or adjacent development along

Comments were also sought from people not in support and they were asked to identify why they opposed the plan. In summary these were:

- Not convinced village needs such a facility and could become a white elephant
- Questioned the deliverability of the suggested economic and amenity impacts and whether they would outweigh the detrimental impact on the nature of the village as a community and on the standard and quality of life of individual residents
- Concerns expressed about the quality of life for residents especially those adjacent the site and along Fiskerton Road from increased light, noise, vibrations and dust from the site and additional traffic including concerns about the ever increasing volume of and speed of traffic with the detrimental effects on road safety
- Concerned about the adequacy of assessment of increased flood risk and environmental impacts arising
- Could set a precedent for further expansion

Fiskerton Parish Council (adjoining parish) – “The Parish Council's main concern is the effect that this proposal could have on the flood plain of the Witham which in the past has been effective in containing flood water when the banks of the Witham/Barlings Eau have burst. The proposal could:

- Reduce the capacity of the flood plain and the effectiveness of the North Delphi's drain away water
- Increase the risk of flooding to the west of the site;
- Create a precedent for further developments on the flood plain:

The flood plain contains virtually no buildings between Lincoln and Bardney. It provides uninterrupted views across along the Witham Valley. The development will be a considerable visual intrusion from all directions and will create a barrier across the green corridor out of Lincoln and disrupt the movement of wildlife. There will be an increase in traffic, particularly turning traffic along the Lincoln to Fiskerton road.

The plans to facilitate a potential crossing point of the river Witham which would connect to the water rail should be part of the application or there will be many families on bikes using a very dangerous road from Cherry Willingham to Fiskerton to gain access to the Water Rail Way.

The pub and hotel will take trade away from the surrounding villages
A similar marina was created at Short Ferry. Demand for moorings was so low the marina was drained and filled with caravans.”

Local residents: Comments have been received from

- Nos. 3, 5, 16, 18, 20, 23, 25 Fiskerton Road:
- “Petworth” on Fiskerton Road
- “Cereza” and “Tanglin” on Fiskerton Road East;

- Nos. 14, 19, 20, 24, 33, 34, 39, 49, 50, 51 and 52 Church Lane;
- Nos. 10, 24, 54, 75, 87, 97, 107 and 115 Lady Meers Road;
- Nos. 2, 7, 8 and 9 Ash Grove;
- Nos. 32, 35, 48 and 51 Laburnum Drive ;
- Nos. 1, 7, 11 and 17 Heathcroft;
- Nos. 2, 27 and 97 Waterford Lane;
- Nos. 80, 91 and 93 Minster Drive ;
- No. 28 Ancaster Close ;
- No. 31 High Street;
- No. 3 Becke Close;
- No. 1 Holly Close;
- No. 15 Middleway;
- No. 3 Fern Grove;
- No. 7 Larkin Avenue;
- No. 34 St. Marks Avenue;
- No. 62 Rudgard Avenue;

In total there are 84 signatories. 76 oppose the development and 8 support the development. Objections raised:

- Will significantly increase the risks of accidents on this very busy stretch of road where the speed limit is regularly ignored. Road traffic accidents have occurred as recently as 26.03.11 and 09.04.11. No mention is made of double fatality less than 2000 metres from the site on 12/12/2008.
- Pedestrian safety will also be compromised as there is no footpath providing access from Church Lane to Lady Meers and onto Fiskerton Road
- Question assumptions in Transport Assessment including traffic count which was carried out prior to the Lady Meers Road junction being opened onto Fiskerton Road East
- Insufficient infrastructure in place to serve the village of Cherry Willingham which could not cope with the demands of such a huge development and the burden would fall on local council tax payers to make good the damage to the roads
- Will have a damaging impact on existing views of the countryside and the peaceful and quiet nature of the village which is part of its attraction and the reason homes were purchased in this area.
- Wildlife, flora and fauna will be damaged and the countryside eroded.
- Increased levels of air and noise pollution during and after the building works phase from traffic, construction vehicles, hoteliers, lodges and people using the restaurant / café once the complex is built. Light pollution will be a problem
- increased risk of antisocial behaviour
- There are already 2 marinas and there is no demand for this type of facility as boating is declining -Narrowboat World (March 2010)
- Increased risk of flooding by building on the flood plain
- No benefit to local people only to wealthy people

- Does not comply with the East Midlands Regional Plan, or policies STRAT 12 or NBE 20 of West Lindsey Local Plan First Review 2006 as it detracts from the existing rural character of the area
- Unsustainable location with poor transport links
- Will take trade from the village
- Negative impact on house prices
- No Right of Way being established as part of the proposals
- Loss of Agricultural Land
- White Elephant

LCC Highways: No objections in principle, subject to the following details being resolved and agreed:-

1. Details of the width and connection of the proposed cycleway / footpath through the site between Fiskerton Road East and public Footpath 102 (Viking Way))
2. Securing of adequate land for a potential crossing point over the River Witham
3. Technical specification and plans in relation to the two pedestrian crossing points and the proposed junction arrangements providing access to the site. Accept that this can be provided by imposition of a suitably worded planning condition.
4. Investigation of potential to provide additional footpath provision within the Church Lane gyratory.
5. Construction Management Plan
6. A financial contribution of £5,000 to be secured through a Section 106 agreement to be used by the Highways Authority (LCC) for a proposed scheme of traffic calming.
7. The submitted Travel Plan has been checked and accepted by LCC. A planning condition will be required to ensure implementation.
8. Details required by Public Rights of Way Officer in connection with bridge structure and treatment of Viking Way.

Environment Agency: Originally objected to the proposals as a non mains foul drainage scheme was proposed. This is no longer the case and so the objection has been formally withdrawn subject to the imposition of the following conditions relating to.

1. Surface water drainage scheme for the site based on sustainable drainage principles
2. Appropriate foul drainage provision to be agreed.
3. Compliance with the submitted Floor Risk Assessment.

The EA also note that a sequential approach with regard to fluvial flooding has been applied to the site.

The Witham Third District Internal Drainage Board - The Board maintained watercourse, "The Green" crosses the site. Should the proposed

development be approved, most of the dyke will be removed and its drainage function will have to be met by a new system installed by the developer. A further Board watercourse, the North Delph, crosses the site orthogonally to the alignment of The Green. The North Delph is shown as being diverted around the proposed marina. For the sake of continuity the Board should retain responsibility for the realigned length. The board has the following requirements in this regard.

- Minimum 6m wide access to both sides.
- The marina will accept any material removed from the Delph on to the drain side. If disposal is required elsewhere, then that would be at the owners' expense, whether carried out by the Board or a third party.
- The access from North West corner of the site must be suitable for tracked machines.
- Access is to be unobstructed and available at all times.
- Any access crossings to the North Delph are to take the form of clear span bridges, bank top to bank top; and be maintained by the marina.
- All utility crossings of the North Delph to be at least 1.5m below the proposed bed level with suitable protection measure between the service and the bed of the watercourse (e.g. concrete slab).
- Prior board consent must be obtained for any proposal involving watercourses on this site

British Waterways - No objections to the proposed development, subject to the imposition of suitably worded conditions relating to the following matters:

1. Landscaping strategy to minimise impact of large areas of hardstanding proposed.
2. Materials palette
3. Lighting
4. Any bridge design will have to confirm to BW requirements.

LCC Archaeology: Archaeological evaluation was undertaken in 2009 across the site in order to support the planning application for the marina and associated leisure facilities. The south eastern area of the site was identified as of highest archaeological potential. This area is designated as an 'area set aside for archaeological interest' by the current planning application. As a result the level of archaeological input is deemed to be that which can be dealt by condition attached to a planning consent:

Natural England: We have considered the proposal and supporting documents against the full range of Natural England's interest in the natural environment. NE is of the opinion that the development will not have a detrimental impact on the natural environment providing the development is delivered in line with the proposals in the ecology Report in the Environmental Statement (ES).

We support the proposal in the ES on future water vole survey and appropriate mitigation should a colony be found.

Lincolnshire Wildlife Trust - Strongly support proposed habitat creation and enhancements proposed, such as planting of native hedgerows and trees, creation of water bodies for wildlife and wildflower meadow creation. Support the need for further water vole surveys to ensure that mitigation for this species is implemented if appropriate. LWT make detailed comments on the Landscape strategy in relation to the use of appropriate native species. Recommend that provision for bats and birds is made as part of the overall development.

Provided the recommendations in the Environmental Statement (ES) are followed there should not be any significant negative impacts on protected species as a result of the development.

Ministry of Defence (aircraft safeguarding): The application falls within the bird strike safeguarding zone for RAF Waddington.

The principal concern of the MOD regarding this application relates to the creation of large areas of open water and habitat which have the potential to attract bird species (such as geese and gulls) considered hazardous to aircraft increasing the risk of a bird strike incident.

To help reduce the risk of a bird strike incident the applicant should design the proposal to be as unattractive to hazardous species as possible. The MOD sets out a detailed series of measures to help achieve this including: the erection of signage to actively discourage the general public from feeding birds; the use of self closing bins; designing ponds with steep banks planted with a continuous border of vegetation. A bird management plan is considered essential and the MOD sees this as being delivered by a Section 106 legal agreement

Subject to the scheme incorporating these detailed suggestions the MOD has no safeguarding objection.

LCC Tourism Development Manager/Economic Regeneration

- A Lincolnshire Waterways Development Framework was developed by Lincolnshire County Council (LCC), British Waterways (BW) and the Environment Agency (EA), with the support of a wide range of local authorities and organisations in 2002. In 2003 a Memorandum of Understanding was signed between LCC, BW & EA and the Lincolnshire Waterways Partnership (LWP) was formed.
- It seeks to develop Lincolnshire waterways as a tourist resource, whilst retaining and enhancing the many features of natural and historical importance.
- It seeks to provide new facilities for local communities and to support the development of new businesses in the county..
- From a strategic point of view both EA and BW welcomes off line marina development. Off-line marinas provide much more secure moorings, in the sense that boats cannot break loose in times of

- The LWP is not keen on boats moving away for the winter as boats sometimes remove to other waters for the winter and do not then return to Lincolnshire, causing an overall loss of business.
- The provision of off-line marinas is a LWP priority in both safety and economic terms and currently there are no marinas between Lincoln and Boston. There are in fact only two off-line marinas in the whole county, Burton Waters and the Brayford Pool, both at Lincoln. Brayford Pool is not off-line in the true sense of the word, having all the appearance of a marina basin, but being on the river, in fact.
- The LWP is aware that the poor facilities on the Brayford Pool caused some boaters to relocate and that these boats are now moored outside Lincolnshire. The Marina at Boston is in name only, actually being on-line riverside mooring.
- There is both a shortage of off line moorings in Lincolnshire and nationally, so much so that BW set up a New Marina Unit to help prospective marina businesses (Inland Marina Investment Guide). All the work of the LWP in terms of improving the quality of the waterways infrastructure has been to support existing waterside businesses and to encourage new business start ups. Therefore new marina's have been a LWP priority for both safety and regeneration reasons; we believe that until a new marina is provided, Lincolnshire will not see the setting up of a hire boat business. There are many privately owned boats in Lincolnshire but no hire boats within the county.
- The LWP were concerned about this situation and British Waterways commissioned Strutt Parker to investigate possible Marina sites on the River Witham.
- We continue to believe that the Cherry Willingham site provides an excellent site for a marina and fits with our Development Framework. The site is large enough and can provide the requisite security that modern boaters require. Advice from the BW Marina Unit is that marina's should provide a 'destination' and offer other facilities which this application seeks to do. It is well placed on the Lincolnshire Waterway system and as they travel at 4mph boaters require regular facilities. It is a on the wish list of LWP & County Highways to provide a pedestrian bridge at Cherry Willingham giving access to Water Rail Way; we don't currently have the funds to provide this bridge but are committed to it in principle. Such a bridge would serve both the village and the marina.
- We consider the distance from the Brayford Pool as an advantage; the LWP would prefer the Pool to become more of a destination for visiting boats rather than as a marina for storing boats, the Pool currently provides a low level of service for boaters and there is little opportunity in terms of space to improve

Economic Development (WLDC): Support the proposals. The development of new visitor facilities in a rural area, the attraction of private sector investment and the creation of job opportunities for the local community are all considered key factors to promote a sustainable business environment.

Estimate of jobs created considered over optimistic due to use of a statistical scenario rather than a direct forecast approach (based on the number of effective jobs created as result of the project). A more realistic scenario is that up to 25 new jobs would be created as a result of these proposals not including employment opportunities during the construction phase.

City of Lincoln Council - No objections to the proposal in principle. In determining the application it may be helpful to assess the impact of the proposals on the Brayford Pool. It would also be helpful from a leisure and tourism perspective if the waterways network and linkage to existing facilities available at Brayford Pool and Burton Waters could be promoted.

North Kesteven District Council: In light of the separation distance between the proposed marina site and the closest NKDC settlement of Washingborough, the proposed development is considered to be unlikely to have a material impact on the District or its residents. In our opinion, the submitted Landscape and Visual Impact Assessment accurately assesses the impact from the closest viewpoints to the site within Washingborough village, and its conclusions with reference to the significance of residual impacts at Secondary Viewpoints 1 - 5 are accepted.

The Development Plan

- **East Midlands Regional Plan 2009**

Policy 27 Regional Priorities for the Historic Environment
 Policy 28 Regional Priorities for Environmental and Green Infrastructure
 Policy 29 Priorities for enhancing the Regions Biodiversity
 Policy 33 Regional priorities for Strategic River Corridors
 Policy 42 Regional priorities for Tourism

All available at

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- **West Lindsey Local Plan First Review 2006**

STRAT 1 - Development Requiring Planning Permission

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

STRAT 3 – Settlement hierarchy

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

STRAT 12 – Development in the open countryside

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

SUS 4 – Cycle and Pedestrian Routes in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus2>

CRT 9 – Public Rights of Way

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt19>

CRT 20 – Watercourse Corridors

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt19>

NBE 10 – Protection of landscape character in development proposals

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

NBE 13 – Nature Conservation in Wildlife Corridors

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

NBE 14 – Waste Water Disposal

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

NBE 20 – Development on the Edge of Settlements

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

CORE 10 – Open Space and Landscaping within Developments

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

National and other policy guidance

PPS 1 - Delivering Sustainable Development

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

PPS 4 - Planning for Sustainable Economic Growth

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

PPS 5 – Planning for the Historic Environment

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

PPS 7 – Sustainable Development in Rural Areas

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

PPS 9 - Biodiversity and Geological Conservation

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>

PPG13 – Transport

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>

PPG 17 – Planning for Open Space, Sport and Recreation

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppg17.pdf>

PPG 24 – Noise

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf>

PPS 25 – Development and Flood Risk

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>

Good Practice Guide on Planning for Tourism (2006)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>

West Lindsey Corporate Plan 2011-2014

<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>

Waterways for Tomorrow (DEFRA 2000)

<http://archive.defra.gov.uk/rural/documents/countryside/waterways/waterways-for-tomorrow.pdf>

Policy Advice Note: Inland Waterways – Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System (Town and Country Planning Association 2009)

<http://www.tcpa.org.uk/data/files/InlandWaterways.pdf>

Waterways 2025 - Our Vision for the Shape of the Waterways Network (British Waterways 2004)

http://www.britishwaterways.co.uk/media/documents/Waterways_2025.pdf

Your Rivers for Life – A Strategy for the development of Navigable Rivers 2004-2007 (Environment Agency 2004)

http://www.east-northamptonshire.gov.uk/downloads/Environment_Agency_Navigation_Strategy.pdf

Lincolnshire Waterways Partnership Development Framework (2002)

West Lindsey Landscape Character Assessment (1999) and related Supplementary Planning Guidance (2003)

<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=landscape+character+assessment>

Main issues

- Whether there is a strong enough case for a new Marina to be able to set aside policies that restrict development in the open countryside
- Whether other alternative sites have been explored
- Enabling development
- Highway Safety
- Visual impact
- Residential Amenity
- Flood risk and drainage
- Aircraft Safeguarding
- Ecology
- Archaeology
- Loss of agricultural Land

Assessment

Principle - the case for a Marina - STRAT 12 is a prohibitive policy controlling development in the open countryside. However it allows development which meets objectives supported by other plan policies. The visitor economy is of significant importance to West Lindsey and development which would boost tourism and provide new employment is supported by other development plan policies including policy 42 of the Regional Plan.

In this case the driver for this development is a response to a need identified for “off line” moorings at a regional level. An off line mooring is simply one that is not located on the river, whereas an on line mooring takes place on the river itself. In strategic terms this is supported by British Waterways (BW) and the Environment Agency (EA) as such moorings are not able to break loose in times of flooding and result in damage further downstream.

The shortage in supply of moorings nationally led British Waterways to set up a New Marinas Unit in 2006 and produce an Inland Marinas Investment Guide with the aim of providing an additional 11,700 off line moorings throughout the canal and navigable river network by 2015. The case officer has contacted the new marinas unit who confirmed that, nationally, approximately 5000 new moorings have been created and that they are close to meeting current demand. However their preference is to provide more moorings as this allows boaters more freedom rather than being tied to a single berthing point. This is particularly relevant in the summer peak season when boaters are looking for

places to moor up before continuing their journey onwards. If marinas are at capacity then this causes log jams on the network as people are unable to moor in appropriate locations.

A recent appeal decision in respect of a Marina proposal seems to point to oversupply of moorings nationally. However the figures have been skewed heavily by significant investment in certain concentrated parts of the network. For example, there has been significant investment in the West / Central Midlands area which is not the case in the Lincolnshire Area.

At regional level the Lincolnshire Waterways Partnership (LWP) was formed in 2003 (Comprising representatives of Lincolnshire County Council, British Waterways and the Environment Agency) with the aim of providing a coordinated approach to the development of the water corridor giving "Lincolnshire the edge in waterway related tourism". The visitor economy is of significant value locally and regionally and is the second largest economically important industry in Lincolnshire with a worth of £971 m in 2009 (Visit Lincolnshire in partnership with East Midlands Tourism)).

The provision of off line Marinas is a LWP priority in both safety and economic terms and Members are referred to the summary of points made by LCC's Tourism Manager regarding the importance of "off-line" moorings. The objective of delivering a marina is also recognised in the Witham area priorities contained within the Council's own Corporate Plan.

There are only two off line Marinas in Lincolnshire; Burton Waters and Brayford Pool.

Burton Waters (located to the west of Lincoln along the Fosdyke navigation to the east of Saxilby) includes significant housing, shops, offices, sports and leisure facilities. It has a marina and boatyard facilities including new and used boat sales including maintenance and operates close to capacity (The case officer contacted Burton Waters on 31st October who confirmed they only had 6 moorings available). It is also not strictly off-line.

Brayford Pool is located in the centre of Lincoln at the point where the Fosdyke Navigation enters the city and meets the River Witham. The former chandlery, fuelling and boat building and maintenance facilities have ceased to operate and as the LWP points out above "the 'Pool currently provides a low level of service for boaters and there is little opportunity in terms of space to improve this situation." It is an objective of the LWP that the 'Pool caters for day visitor moorings with the permanent moorings relocated elsewhere. This cannot occur at the moment due to the absence of off-line moorings on Witham.

There are also currently no Marinas between Lincoln and Boston. This is considered important due to the current ongoing work with the Fens Waterways Link. This is a major project to connect the rivers Witham, Glen, Welland, Nene and Ouse. The Link will connect the cathedral cities of Lincoln, Peterborough and Ely, and the market towns of Boston, Spalding, Crowland

and Ramsey and create a new cruising ring through Lincolnshire and the Fens, opening up almost 150 miles of waterways in the east of England. The first major step in the Fens Waterway Link was the reopening of 19 miles of navigation from the tidal section of the Witham, known as The Haven, in Boston along the Black Sluice Navigation in 2009. This work will generate new demand for moorings and facilities to the east of Lincoln and will provide more opportunities for tourism and the accompanying economic benefits.

Accordingly officers are of the view that there is a case for providing a new marina. The next questions that need to be addressed are whether this site is appropriate (looking at alternative sites) and whether the hotel and lodges are justified as part of the desired mix of facilities which should be available at a marina and/or are needed as enabling development to make the marina delivery viable

With regard to possible other alternative sites, British Waterways commissioned consultants to investigate possible Marina sites on the River Witham. The investigation was not restricted to finding just a single site as the length of the Witham and the speed of boats (not normally in excess of 5 mph) provides the desire to have more than one off-line mooring on the river. However, it was realised that, in terms of sustainability and given that it would be a destination in its own right, a location in Lincoln should be assessed first (such locations providing the opportunity to redevelop previously developed land and providing opportunities to walk or cycle into the centre or access public transport). There are two potential sites close to the centre of Lincoln: The former Power Station, Spa Road and the Bifranghi factory site, Spa Road.

Taking each in turn:

The former power station has been a regeneration priority for the City of Lincoln for over two decades and has been looked at by various funding organisation such as English Partnerships (EP) and the East Midlands Development Agency (EMDA). A detailed site investigation was undertaken in the early 1990s which outlined all the issues that would need to be dealt with as part of any redevelopment proposal. This included serious land contamination from the previous uses including tar pits, major underground structures which are partly operational with active easements and the presence of active power transmission equipment that would have to be removed. These constraints have not been proven capable of resolution to date. Removing the power transmission issues alone required investment in excess of £10 million (1990s prices). The level of investment required is beyond the scope of viable development proposals considered to date including a high density housing development proposal that secured planning permission. This in isolation would render any Marina undeliverable. In addition the site was considered too small by the new Marinas Unit. Officers accept that this site is not suitable.

The Bifranghi factory site is identified for development in the City of Lincoln Local Plan within Policy 102. It requires that development can only be delivered when improved road access is made available unless it is

developed as a rail related siding/facility. At the moment the site is land locked with access only available from the adjoining heavy industrial operations. There are also archaeological constraints associated with this site. In addition to these constraints the site and its immediate industrial surroundings would not be conducive to tourism and leisure related activities. Officers accept that this site is not suitable for a Marina.

Further eastwards and south of the River Witham is Washingborough which is located in North Kesteven. In terms of sustainability, the adopted North Kesteven Local Plan (2007) draws up two hierarchies of settlements - one for the Lincoln Policy Area and one for the remainder of the District.

Washingborough is identified as second-tier "Service Village" in the Lincoln and is considered as second choice for development behind the suburbs of North and South Hykeham. There are several potential sites. However, all face constraints. The flood plain extends to existing housing which leaves little or no scope for any ancillary and supporting infrastructure to be located within Flood Zone 1, which would undermine the viability of any proposals. In addition to these constraints, the area is acknowledged to be of national importance archaeologically containing a well preserved section of the Car Dyke, a Roman canal. The Car Dyke is a designated Scheduled Monument and it is considered unlikely that a marina development could be delivered without harm to this nationally important heritage asset. Officers accept that this site would not be considered suitable for a marina.

This leaves an area to the north of the Witham, in West Lindsey District, but close to Lincoln. This includes the application site. The West Lindsey Local Plan First Review 2006 (saved Policies) STRAT 3 sets out four hierarchies of settlements so that any new development can be appropriately located. The decision of where to place the settlements within the hierarchy is based on the size of the settlements, their facilities and services and public transport provision and accessibility to major towns in the District and to Lincoln. The hierarchy is based upon a combination of these factors. At the top of the hierarchy are the Towns of Gainsborough, Market Rasen and Caistor. The "second tier" are "Primary Rural Settlements" which are described as "key service centres" meeting most of residents day to day needs and of those villages in its hinterland. Cherry Willingham is designated as a Primary Rural Settlement and, whilst the site is outside of its settlement limit, it adjoins that limit and is the nearest site to such a settlement that includes river frontage and land beyond areas at high probability of flooding. Furthermore, the Viking Way runs to the south of the site and provides a connection to Lincoln. The Waterways Partnership also commented that the current site provides an excellent site for a marina and fits with their Development Framework. The site is large enough and can provide the requisite security that modern boaters require. Finally, although the report commissioned by British Waterways did raise an issue regarding the impact on archaeology, this matter has been addressed through the proposed layout as will be discussed later in this report.

With regard to the level of development proposed, the advice from the British Waterways Marina Unit is that marinas should provide a 'destination' and

offer other facilities. The facilities need to cater for a number of groups to fulfil the requirements of a fully functional marina. These include, tourist visitors who own their own boat or who have hired a boat elsewhere who may need access to a shop with groceries, toilets and shower facilities, water and electricity top up, pump out, marine diesel/petrol, access to somewhere for dog walking, a meal out and a “destination” of interest. Tourist visitors who want to hire a boat or boat owners who want to keep their boat at the marina may, in addition to these facilities, require boatyard, chandlery and winter boat storage and boat lift services. They may also desire access to a destination for dining or staying overnight when their boat is being repaired or serviced. There are also tourists who may not want to stay on a boat but may want to have access to day boats, or have brought their own canoes or dinghies or fishing tackle with them and desire accommodation close to the water, such as a hotel or holiday lodges. Finally there are day trippers and local residents seeking access to the marina for recreation and a restaurant and toilet facilities will be important in addition to access to the marina, waterfront and Viking Way,

Some of the facilities for people arriving by boat can, and are provided within Cherry Willingham itself, such as grocery stores. Therefore, it is important that there are footpath and cycleway linkages between the site and the village centre so that people can access these facilities (not only to maximise sustainability but also to respond to the fact that many people arriving by boat will not have access to a car. These same linkages will allow villagers to access the site without reliance on their cars. An examination of facilities within Cherry Willingham also reveals that not all the desirable facilities which should be found in a marina are available and therefore should be provided on site. This includes the hotel and holiday accommodation.

Such elements of the proposal are also considered to be required as enabling development to ensure that the development is financially viable; the studies by British Waterways indicate that a marina development cannot operate viably without complimentary facilities to make it a “destination.” Furthermore, such development is required due to the substantial investment required at the outset in terms of the engineering and construction costs for the marina basin itself. In this regard, it is acknowledged that the main objectives are to secure the marina itself and deliver sustainable linkages to and form it. However, the hotel and lodges will also need to be delivered at a relatively early stage to enable the development as a whole to be viable. It is suggested that the phasing can be controlled by condition, to permit early delivery of the hotel and lodges but not allow a developer to walk away from the site and not deliver the marina and footpath links.

Finally, it is considered that some of the uses, such as the chandlery, need to be limited to a certain size. Otherwise, as a town centre use, they could be contrary to the sequential approach advocated by PPS4 (locating town centre uses in town centres) if their size grew beyond that indicated on the proposed plans. This can be achieved by condition.

Highway safety and modal split – These are considerations outlined in PPS1, PPG13 and policy STRAT1 of the Local Plan First Review.

There are no objections in principle to the proposals from LCC Highways on the grounds of highway safety. The submission includes details showing the required visibility splays, width and radii of curves at the junction of the vehicular access with Fiskerton Lane East to ensure that all highway users can enter and exit the site safely.

However, traffic calming is required due to the nature of the existing highway near to the proposed access and the comments of residents and the parish councils about accidents in the past and the current unacceptable highway conditions are noted in this regard. A section 106 agreement will be required in order to deliver the financial contribution of £5,000 for the traffic calming scheme and to agree the precise details of the footpath link connecting Fiskerton Road East to the Viking Way as well as the pedestrian crossing facilities across Fiskerton Road East. The latter is required to ensure delivery of the sustainable linkages already outlined in this report.

Sustainability is a material consideration and the maximising of non-car trips is desirable. The footpath linkages to the village are important here as is the ability for visitors to have clear and accessible information as to how to access all facilities including the Viking Way, marina, public open space, hotel and the village itself. In this context it is considered that such information and the ability to maintain as low a car usage as possible through a Travel Plan must be secured through the Section 106 agreement. It is suggested that such a Travel Plan need not set targets for modal split, nor penalties if the percentage of non-car journeys is not met. However, it should include mechanisms as to how information can be conveyed and updated to future users of the development to encourage them not to use the car. Modal split and penalty clauses are not considered appropriate as it is accepted that many visitors, including those hiring boats or coming to their own boat or staying at the hotel or lodges will come by car given the relative lack of public transport in the area and the need to carry items with them. In this regard, it is not considered that the level of development proposed could justify the creation of a new, or diversion of an existing bus service.

A construction management plan is required to ensure that construction traffic is routed away from the main body of the village and that there is provision of facilities such as wheel washing to prevent mud from accumulating on the highway. This can be secured by condition.

The plans have been amended so that the orientation of buildings (in terms of the entrances into them) and interconnecting pathways across the site, reflect projected desire lines.

In the context of the desire to maximise the sustainability of the site, it is noted that the parking provision accords with the standards outlined in PPG13 (the standards within the Local Plan were not saved and the Regional Plan refers to PPG13).

Comments have been received questioning the assumptions in the Transport Assessment (TA) particularly the traffic count which the objector states were carried out prior to Lady Meers Road junction being opened onto Fiskerton Road East. The TA confirms that the traffic counts were undertaken on 31st March 2010 and 8th May 2010, however it is considered that any additional movements from the estate would only have a negligible impact on the wider highways network.

Finally in response to representations received, these letters mention the objective of securing a pedestrian and cycleway bridge across the River Witham connecting Cherry Willingham and the application site with the Water Rail long distance cycleway along the old railway line and Washingborough. Such an aim is commendable and supported in principle but, given the costs of constructing such a bridge (in excess of £1m), the scale of the development proposed and that the bridge is not actually required to make the development acceptable, it is considered that a requirement for its provision (or a contribution towards its provision) would not meet the tests outlined in the Community Infrastructure Regulations (2011). However, it is noted that the applicant is proposing in the section 106 agreement to safeguard an area for the bridge to land should it ever be built. This unilateral undertaking is permitted by the Community Infrastructure Regulations (2011) but no weight should be afforded to it as a material consideration when determining the application.

Visual Impact – The site is on the border of the Lincoln Fringe and Fenland character areas as defined in the West Lindsey Landscape Character Assessment, although its character is more akin to the latter. The Supplementary Planning Guidance recognises the importance of silhouettes of agricultural buildings and the need for tree planting. Policy CORE10 of the Local Plan Review cites the need for open space and trees within development sites whilst policy NBE20 of the same plan states that developments should not be permitted which detract from the rural character of the settlement edge.

In this context, it is noted that the site is predominantly gradually sloping countryside on the village fringe at its northern end sloping down to flat land adjacent to the River Witham. The open and relatively flat character means that views are available of it from nearby locations. Some views also restricted by hedgerows that line portions of the field boundaries in the surrounding landscape.

Views from the north are principally screened by the settlement of Cherry Willingham itself. Views from Fiskerton Road East are limited by a dense hedgerow along the northern boundary although this road is at an elevated level and views are available through a gateway in the north western corner of the site. Views across the fields from the east are much more open and unrestricted. Individual trees and small sections of hedgerow or shrub planting break up direct views of the site. Due to the relatively flat nature of the landscape it is difficult to distinguish the existing site from the surrounding field system. From the west views of the site are clear in the short distance.

Again, due to distances from the footpath to the site, views are restricted. There are a greater number of groups and individual trees along field boundaries and the river channel to the west which obscure views. From the south views of the site will primarily be from the elevated Viking Way footpath rather than from the Navigation itself, which will largely be screened by the existing flood defence embankment.

Given the nature of the landscape here, integration rather than outright screening is considered the better approach to take, given that the level of planting required to achieve significant screening is likely to rather stand out in itself. The original designs for the hotel and restaurant proposed in the north western corner of the site have been changed and moved further into the site. The buildings proposed are now more agrarian in character, and are intended to reflect a grouping of agricultural buildings in a nineteenth century model farm consisting of 2 storey threshing barns flanked by single storey cattle shelters and cart sheds that have been the subject of modern intervention providing a circulation link and additional functional accommodation. Interest is created through the variation in roof height and massing. Ridge Heights are 4.6 m, 5.1m, 7.6m and 9.2 m respectively. A simple materials palette is proposed. The main facing material is red brick with a grey fibrous cement slate as the roofing material. The modern interventions are predominantly glazing framed by and enclosed between sections of untreated oak. One such link connects to a new building that is to be faced in buff brick with a red clay pantile roof providing additional hotel accommodation. Parking is provided to the front and side of the building which correlates with the uses of the building. The entrance to the hotel is from the front whilst the restaurant entrance is on the side further within the site. The boundary with Fiskerton road will be supplemented by additional hedgerow planting and there will be additional groups of trees to the front of the hotel behind which one of the parking areas is to be located. It is considered that the design of the buildings and the judicious use of landscaping including screen planting will allow the rural setting to absorb the impact of this new built form within its wider landscape.

The holiday lodges, which are single storey wooden structures, by nature of their scale and simple appearance are more readily assimilated into the wider landscape. They are to be located to the east of the hotel beyond the main access into the site within an area enclosed by screen planting and within proposed groups of trees to create an informal woodland setting through which would run a series of informal paths linking the lodges with the wider site. They are not considered to have an unacceptable impact on the character or appearance of the wider area.

The creation of a large expanse of water with the Marina Basin will be most prominent to users of the Viking Way which will be in an elevated position above the Marina. A large expanse of water containing moorings and boats is not considered to represent an unattractive appearance. However, areas of hard standing are concentrated on the western edge of the marina basin which is a function of its intended use as a dry dock and boat maintenance area and which also houses the main marina buildings. The design strategy behind the buildings is to create a selection of simple volumes which refer to traditional waterfront buildings such as water mills and wharf side

warehouses. The three principal volumes are the workshop on the west side adjacent the boat storage yard and car park; the boaters accommodation including a wc /shower block and laundry on the east side facing the moorings and a central section for a chandlery, office and café which faces both the entrance to the building on the south and also the wharf frontage open space looking over the marina basin and visitor berths. The buildings are considered to represent a successful contemporary take on a traditional building form. The area of hard standing can be broken up by use of landscaping and this can be controlled by condition.

The buildings will have a localised impact although wider more restricted views will be available from further afield. It should be noted that the site is not included within any national landscape or local landscape designation. Accordingly, the visual impact of the proposals is considered to be acceptable.

Details of lighting have not been submitted as part of the application although a lighting strategy has been submitted which sets out the principles for providing light to the site. The intention is to utilise low level lighting to minimise light spill and light pollution and to give consideration to the impacts of lighting on local wildlife particularly bats which often use waterway corridors for migratory purposes. A detailed lighting scheme will be conditioned.

Residential Amenity - Potential impacts on residential amenity could arise from the construction phase of the development proposals given the proximity of a number of dwellings to the application site, including on the intended access route along Fiskerton Road East. This can be controlled by imposition of a condition requiring a Construction Management Plan. In the same interest, it is considered that the hours and days of construction should be limited especially given that heavy plant is likely to be required for the engineering operations. In this regard there is not much potential for sound attenuation between the site of the marina excavations or the closer still hotel buildings and lodges.

Concerns have been raised about the potential for increased noise and disturbance from users of the restaurant, hotel and lodges. The use of holiday lodges is not normally considered to give rise to unacceptable levels of noise and disturbance. In this particular case the lodges are located to the east of the hotel beyond the main access into the site within an area enclosed by screen planting and the nearest lodge would be over 50 metres away from Fiskerton Road East which forms the northern boundary of the site.

The hotel and restaurant have been set further back within the site to reduce possible noise and disturbance and have been designed so that the entrance to the restaurant and most of the car parking is provided to the side of the hotel moving it away from the frontage with Fiskerton Road East.

Comments have been made about the increase in traffic along this stretch of the road as a result of the development. However this will be experienced against the background of existing road traffic noise and it will also move

further away from existing housing as it enters the site. This is not considered a reason to withhold consent.

Obtrusive and unsympathetic lighting has the potential to harm amenity in a number of ways however in accordance with the comments on the previous section a detailed lighting scheme will be secured by condition.

In summary, the development proposed would not have unacceptable impacts on residential amenity and would accord with the principles of policy STRAT1 and national guidance contained within PPG24.

Flooding and drainage - There are three different issues that need to be considered relating to flood risk and drainage; the sequential preference for sites to be developed not at high risk of fluvial flooding (Annex D of PPS25 applies), the need for sustainable drainage techniques to be employed (PPS25 applies) and the need for foul water to be disposed of via the public sewer if practicable (circular 3/99 applies).

The site is within flood zones 1 2 and 3 as defined by the Environment Agency's Flood Risk Maps. The development has been designed in accordance with a sequential approach in that the "more vulnerable" development of the hotel is located in Flood Zone1. The lodges which are also "more vulnerable" are located primarily within Flood Zone 1 with some located within Flood Zone 2. It is considered that those in flood zone 2 are acceptable as the area of search for sequentially preferable sites should be limited to the site itself and not the district as a whole. This is because locating them elsewhere would mean that they could no longer be the required enabling development. Furthermore, locating them all within flood zone 1 would increase the density within this area which would be detrimental to the character of the area.

The Marina itself is classed as a "Water Compatible" and is located within Flood Zone 3 whilst the "less vulnerable" workshop and café are located in Flood Zone 2. These are all compatible in terms of acceptable risk and the type of development proposed.

The application has been accompanied by a Flood Risk Assessment which incorporates detailed mitigation measures and which shows the development will not lead to an increased risk of flooding either on or beyond the site boundaries. The EA raises no objection to the proposals subject to the imposition of suggested conditions which will be attached as part of any consent. Accordingly there are no flood risk grounds to withhold the granting of consent.

Breach modelling was also carried out to ascertain whether the proposed new flood banks would increase the risk of flooding to existing development (This was shown not to be the case as the nearest housing on Fiskerton Road East was some distance away on higher ground).

The development of the site will increase the proportion of impermeable areas leading to an increase in surface water run off from the site. Infiltration and the

implementation of an appropriate drainage system will be required to deal with this. However, the percentage of the site that will remain permeable is significant and includes the central area between the hotel and the marina. The inclusion of these areas and the areas of water within the site lead one to conclude that a sustainable surface water drainage scheme can be implemented without reliance on draining water into the mains sewers. This issue can be controlled by a condition to ensure that the surface water is managed in a sustainable manner, not merely restricting the run-off rate off the site but also maximising permeability on the site and/or the recycling of water rather than just storing it on site.

Foul drainage will be connected to the existing public sewer in accordance with circular 3/99.

Aircraft Safeguarding - The MOD raises no objection to the proposals subject to agreeing a Bird Management Plan which will be conditioned.

Ecology - A detailed ecological report, including a protected species survey, was carried out and submitted as part of the Environment Statement (ES). None of the existing habitats are of significant nature conservation interest. The majority of the flora is composed of plants which are common and widespread species of farmland, grassland, scrub and wetlands, and only four species are of nature conservation interest were detected. The site has no significant populations of protected species or other fauna interests, and it has a bird breeding community which is typical for the habitats and which includes small numbers of UK and Lincolnshire Priority species. The development would result in a small number of impacts on habitats and on components of the breeding bird community. However, it is considered that the mitigation measures proposed including new habitat creation and enhancements such as planting of native hedgerows and trees, the creation of water bodies for wildlife and wildflower meadow creation would potentially represent a gain for wildlife in general and result in gains in terms of bio diversity. National guidance contained within PPS9 states that such biodiversity enhancement is a material consideration. It will also enhance the effectiveness of this site as part of a wildlife corridor along the Witham *policies NBE13 and CRT20 of the Local Plan Review apply).

One additional condition is required, however, to address the conclusions of the habitat survey; there needs to be an additional survey for water voles (a protected species)

Archaeology – Comprehensive archaeological investigation including trial trenches across the site was carried out in 2009 and these were reported to LCC (Archaeology). As can be seen from the comments above archaeological interests can be secured by the use of planning conditions which will be imposed as part of any consent.

Loss of Agricultural Land - The presence of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a) is a consideration that

should be taken into account alongside other sustainability considerations when determining planning applications (Para 28, PPS 7).

To add further context to this, it should be noted that the proposal falls just below the size threshold (that is considered significant) in terms of loss of agricultural land that triggers a statutory consultation with DEFRA.

In this particular case the land in question falls predominantly within grade 3a (approximately 90%) and is classed as “good”. On balance the benefits of the proposal are considered to outweigh the loss of agricultural land in this instance. Accordingly officers are of the opinion that does not represent a reason to withhold consent.

Conclusion

The application has been considered in the context of development plan as well as all other material considerations. These other considerations are afforded significant weight in the consideration of this application and as a result the development is considered to be acceptable subject to conditions and the signing of a section 106 agreement. There is no desire if not need to locate a marina with the mix of uses proposed in this area. The development proposed, would, subject to conditions and the signing of the section 106 agreement be sustainable, well designed, it would preserve visual and residential amenity and not adversely affect highway safety. Biodiversity would be enhanced.

Recommendation: That the decision to grant permission subject to the conditions detailed in this report be delegated to the Planning & Development Services Manager subject to the completion and signing of the section 106 agreement.

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 for surface water disposal for the whole development reflecting the principles of sustainable drainage and including an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority (LPA).

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 Planning Policy Statement (PPS) 25 (2010).

3. No development shall be commence until a scheme for the provision of foul water drainage has been submitted to and approved in writing by the Local Planning Authority (LPA).

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 PPS 25 and with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14

4. No development shall take place until, a scheme of soft landscaping including details of proposed contours, of the size, species , position and density of all planting including written specifications of cultivation and other operations associated with plant and grass establishment; has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory landscaping scheme is provided that helps to integrate the development within this open countryside setting and in the interests of biodiversity and nature conservation in accordance with Planning Policy Statement (PPS) 9 and with policies STRAT1 and CORE 10 of the West Lindsey Local Plan First Review 2006 Policies

5. No development shall take place until a scheme of hard landscaping works including means of enclosure; proposed finished levels , car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures (. furniture, refuse or other storage units) has been submitted to and approved in writing by the Local Planning Authority (LPA)

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place in respect of the Hotel and Restaurant shown on the approved plans until details of all external and roofing materials and window frames to be used have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. No development shall take place in respect of the Holiday Lodges shown on the approved plans until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place in respect of the Marina Buildings shown on the approved plans until details of all external and roofing materials, and windows and door openings, including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. No development shall commence until a phasing programme for the whole of the development hereby approved has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is delivered in a structured and planned way that allows delivery of the key elements of the proposal, that were accorded significant weight in the decision to approve the development, in a timely manner without compromising the financial viability of the proposals and in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. 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 satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

11. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 10 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

12. No development shall take place until a scheme for the lighting of all roads, parking areas, footpaths, buildings and open spaces (if applicable) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to protect the character of the canal corridor and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

13. No development shall take place until details of a scheme showing provision for birds and bats within the approved development have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

14. No development shall take place until a water vole survey including details of mitigation measures if required, has been submitted to and approved in writing by the Local Planning Authority.

Reason: to safeguard wildlife in the interests of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9 and to make adequate provision for species protected by the Wildlife & Conservation Act 1981.

15. No development shall commence on site until further details relating to the footway and uncontrolled pedestrian crossings shown on AECOM Drawing 60147465-P-001B including materials, specification of works and construction

method have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

16. No development shall commence on site until further details relating to the proposed ghost island junction arrangement shown on AECOM Drawing 60147465-P-001B including visibility splays, lane widths, turning length, deceleration length and direct taper length have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

17. No development shall commence on site until further details relating to the footway / cycleway through the site between Fiskerton Road East and public footpath 102 (between North Delph and River Witham) including materials, specification of works and construction method have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

18. No development shall commence on site until details of the design, construction and materials to be used for the bridge crossing the marina entrance onto the River Witham have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the local character and distinctiveness of the Waterways corridor and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

19. No development shall commence on site until details of a Bird Management Plan outlining measures to reduce the risk of bird strike incidents at the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of aviation safety in accordance with Circular 1/03

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- The means of access and routeing for demolition and construction traffic.

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

21. No development shall take place until further details of the moorings shown on the approved plans including design, materials and specification have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and surrounding area and to accord with West Lindsey Local Plan First Review 2006 policy STRAT1.

22. No development shall commence until a schedule of landscape maintenance for a minimum period of five years from the completion of the development has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant loss is 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 and CORE 10.

23. No development shall commence on site until a detailed specification of the proposed archaeological information boards to be provided on the site, including their number, location and appearance has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to be able to interpret the significance and sensitivity of the site, which has been identified as an area of known Bronze Age archaeology, and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010).

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

24. Other than to satisfy the requirements of condition 3 above in relation to foul water drainage, the development shall proceed in complete accordance with the submitted Flood Risk Assessment (FRA), dated October 2010, undertaken by Aecom and the mitigation measures detailed within the FRA. The applicant shall confirm to the Local Planning Authority that this has taken place within one month of completion.

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 Planning Policy Statement (PPS) 25 (2010).

25. The Hotel and Restaurant development shall be carried out using the external facing and roofing materials and window frames as agreed by the Local Planning Authority and referred to in condition 6.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

26. The Holiday Lodge development shall be carried out using the external facing and roofing materials as agreed by the Local Planning Authority and referred to in condition 7.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

27. The Marina Buildings development shall be carried out using the external facing and roofing materials and window frames as agreed by the Local Planning Authority and referred to in condition 8.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

28. The development shall be carried out in complete accordance with the phasing programme agreed by the local planning authority as referred to in condition 9.

Reason: To ensure that the development is delivered in a structured and planned way that allows delivery of the key elements of the proposal, that were accorded significant weight in the decision to

approve the development, in a timely manner without compromising the financial viability of the proposals and in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

29. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 10.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

30. Following the archaeological site work referred to in condition 10 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

31. The report referred to in condition 29 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

32. The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 12 and retained thereafter..

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to protect the character of the canal corridor and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

33. The provisions for birds and bats shall be implemented as approved and referred to in condition 13 before the first use of any of the buildings hereby approved and retained thereafter.

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

34. Any water vole mitigation works required shall be implemented in accordance with the details approved and referred to in condition 14 before the first use of any of the buildings hereby approved.

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

35. The footway and uncontrolled pedestrian crossings shall be implemented in full accordance with the approved details as referred to in condition 15 and retained thereafter.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

36. The proposed ghost island junction arrangement shall be implemented in full accordance with the approved details as referred to in condition 16 and retained thereafter. .

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

37. The footway / cycleway through the site between Fiskerton Road East and public footpath 102 (between North Delph and River Witham) shall be implemented in full accordance with the approved details as referred to in condition 17 and retained thereafter. .

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

38. The proposed bridge shall be implemented in full accordance with the approved details and referred to in condition 18 and retained thereafter. .

Reason: In the interests of protecting the local character and distinctiveness of the Waterways corridor and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

39. The Moorings shall be implemented in full accordance with the details as agreed by the Local Planning Authority and referred to in condition 21 and retained thereafter.

Reason: In the interests of the visual amenity of the site and surrounding area and to accord with West Lindsey Local Plan First Review 2006 policy STRAT1.

40. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with 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:

41. The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 2 has been fully completed and it shall thereafter be retained in perpetuity.

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 Planning Policy Statement (PPS) 25 (2010).

42. The Buildings hereby approved shall not be brought into use until the foul water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 3 has been fully completed and retained thereafter.

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 PPS 25 and with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14

43. The Chandlery / A1 Retail element of the Marina Building shall be limited to the area hatched on the attached plan only.

Reason: For the avoidance of doubt as to what is authorised by this permission and to control the level of permitted A1 retail floorspace in an out of town centre location, in accordance with the requirements of PPS 4.

44. All planting, seeding or turfing comprised in the approved details of soft landscaping (referred to in condition 4) 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 and shall thereafter be retained in perpetuity.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant loss is 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 and CORE 10.

45. The approved hard landscaping details referred to in condition 5 shall be implemented in full prior to the bringing into use of the hereby approved development.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

46. The public restaurant and bar hereby permitted shall not be open to customers outside the following times: 07.00 am to 11.00 pm Mondays to Saturdays (inclusive) and between the hours of 10 am and 10 pm on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1.

47. Prior to the bringing into use of the development the access, parking, turning and servicing areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times in perpetuity for their designated purposes.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

48. The lodges shall be occupied for holiday purposes only and shall not be occupied as a persons sole, or main place of residence

Reason: The site lies within the open countryside where permanent residential development would not normally be permitted in accordance with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

49. The owners or operators shall maintain an up to date register of the names of all the owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The site lies within the open countryside where permanent residential development would not normally be permitted in accordance

with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

50. No mooring hereby permitted shall be occupied by any vessel that is used as a principal private residence.

Reason: The site lies within the open countryside where permanent residential occupation would not normally be permitted and the marina moorings have been designed to facilitate increased tourist use for the benefit of the local economy in accordance with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

51. The area of public amenity space hereby approved as cross hatched on the approved layout plan and which is to be provided as a wildflower meadow area shall be made available within 12 months of the opening of the first buildings being occupied. Once this area has been made available for public use it shall be retained in that form thereafter.

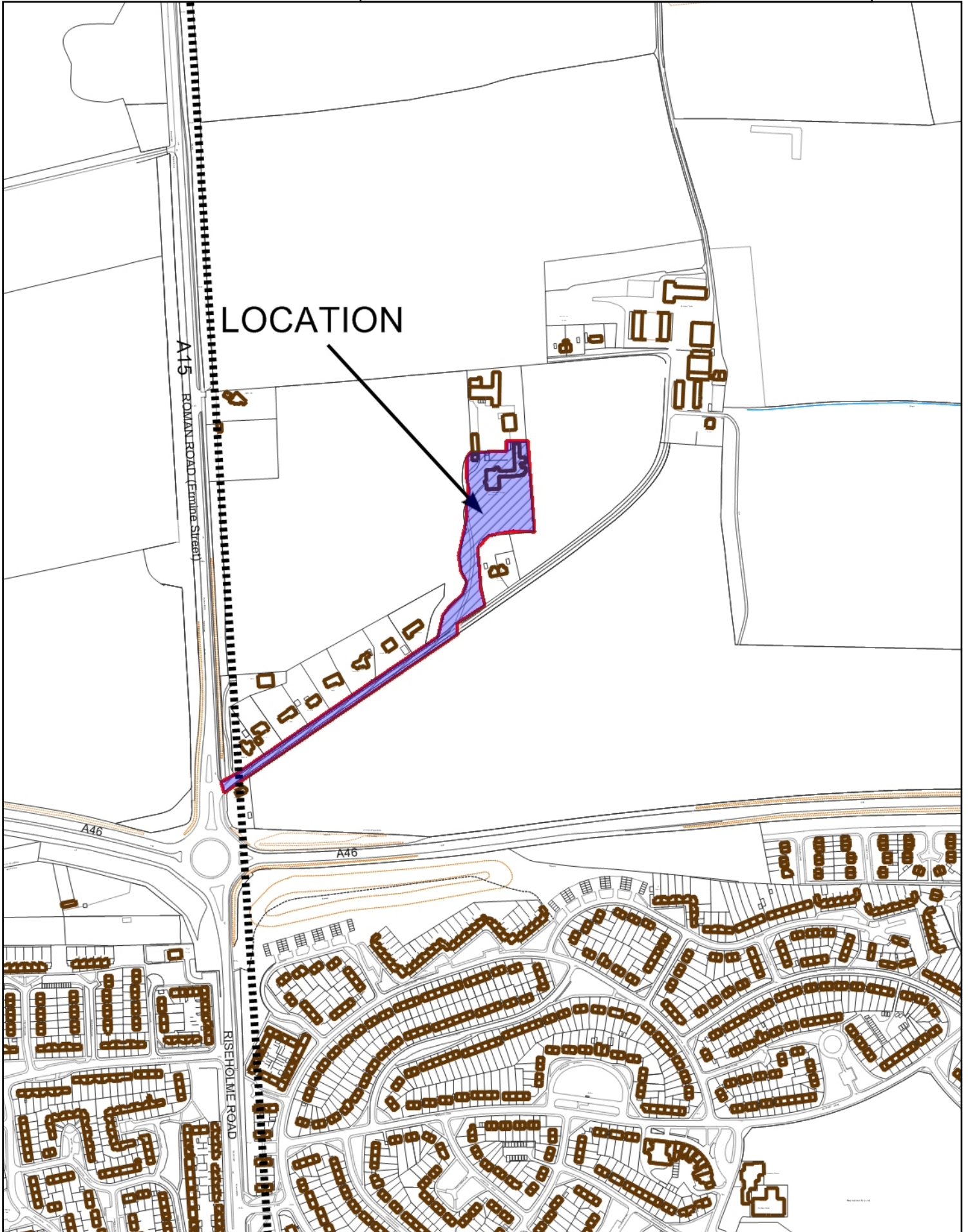
Reason: To ensure an appropriate level of public open space is provided within the development, to ensure the appropriate balance between built and natural environment and to enhance biodiversity in accordance with PPS9 and policies NBE13, CRT20 and CORE10 of the West Lindsey Local Plan First Review 2006.

52. Prior to the bringing into use of the development hereby approved the archaeological information boards referred to by condition 23 shall be erected on the site in accordance with the approved details and maintained thereafter in perpetuity.

Reason: In order to be able to interpret the significance and sensitivity of the site, which has been identified as an area of known Bronze Age archaeology, and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010).

53. Prior to the bringing into use of the development hereby approved the approved bird strike management plan referred to by condition 19 shall be implemented in full.

Reason: In the interests of aviation safety in accordance with Circular 1/03



Officer's Report

Planning Application No: 127589 and 127615

PROPOSAL: Planning application and Listed Building Consent for conversion of nursing home to 7no. maisonettes

LOCATION: Riseholme Grange Nursing Home St George's Lane
Riseholme Lincoln, Lincolnshire LN2 2LQ

WARD: Nettleham

WARD MEMBER(S): Cllrs M G Leaning and R Sellars

APPLICANT NAME: Mr and Mrs L Durasamy

TARGET DECISION DATE: 30/09/2011

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: That the decision to grant permission and listed building consent subject to the conditions detailed in this report and (for the planning permission) the securing of an affordable housing provision through legal agreement (if viable), be delegated to the Planning & Development Services Manager subject to that Manager being in receipt of written evidence demonstrating that the proposal is required as enabling development and that no other funding is available at this time to negate the need for such development

Introduction

The following report relates to a development proposal and works to the grade II listed Riseholme Grange, St, George's Lane, Riseholme. Members may recall, as detailed in this report, that the building has been the subject of many applications in recent years for conversion. This current application has been submitted on the grounds that the proposed development is required to enable the preservation of the building. There is strict policy advice on "enabling development" which includes detailed analysis of the costs to undertake works to preserve the building. Officers are asking Members to consider the planning application against the provisions of the development plan and all other material considerations and, if it is determined that all other matters are acceptable, the final decision be delegated to the Planning and Development Services Manager to enable them to determine whether the development is justified as enabling development and that no other funding streams are available to preserve the building which would negate the need for such development.

Description

Riseholme Grange is a substantial Grade II listed building with a range of outbuildings linked to the original house by a two storey extension. The tree lined driveway is shared with LincsLab, a County Council facility to the

immediate north of the site. It is at the eastern end of St. George's Lane, a narrow road serving several residential properties. This is accessed directly from the A15 close to the Riseholme roundabout.

It is proposed to convert the building into seven maisonettes of various sizes (units 1 and 2 with 4 bedrooms, unit 3 with 3 bedrooms, unit 4 with 2 bedrooms and units 5, 6 and 7 with 1 bedroom). This will involve splitting the original house in two vertically, with an additional staircase being installed for unit 2 where the lift is currently. The tall windows on the south side of the two storey extension would be reduced in height. Some of the later internal walls of the extension and the range of outbuildings would be altered to facilitate the new layout.

Parking would be in the courtyard to the north of the main house and the grounds would remain communal. The driveway would be realigned: this already has planning permission.

Relevant history

Originally built as a house, it was then used as a social club in the 1970's and as a nursing home before closing about ten years ago. Since then, the planning history has been as follows:

- M02/P/0440 Planning Application to change use of nursing home to one dwelling - Refused 19th December 2002
- M03/P/0085 Planning Application to convert to two dwellings - Refused 12th May 2003
- M05/P/0704 Planning application and Listed Building Consent (M05/P/0705) for the partial demolition of and alterations to vacant nursing home and construction of new 2-storey extension and security fencing and vehicle parking area (pl app only) to form medium secure adult psychiatric care home - both refused 17/10/06
- 120391 Planning Application for change of use of nursing home to offices and provision of additional car parking. Refused 10th October 2007
- 121405 Planning Application and Listed Building Consent (121406) for conversion of Nursing Home to four dwellings - Both refused 5th March 2008
- 122275 Planning Application and Listed Building Consent (122276) for alterations to nursing home and re-alignment of drive to form 3 dwellings - Both granted consent 2nd September 2009
- 125418 Planning Application to realign driveway - Granted consent 30th March 2010
- 126210 Planning application and Listed Building Consent (126211) for conversion of nursing home to bed and breakfast

- accommodation, 4 self catering holiday apartments and owner's accommodation - Both granted 21st December 2010
- 126661 Application for Non Material Amendment to planning application 122275 – Planning Permission Required 21st February 2011
- 126667 Listed Building Consent for conversion of nursing home to 3 dwellings – amendment to application 122276 – Granted 28th February 2011

Representations:

Chairman/Ward member(s): None received

Parish Council: None received

Local residents: Comments received from 3 local residents raising following concerns.

- Several schemes put forward yet nothing started / questions regarding applicants' motivation/ seriousness about getting started / why not tried previously consented B&B use.
- Lack of marketing for sale with previous uses.
- Building neglected for many years.
- Has work started without permission as drive not yet diverted?
- Errors between plans and application form (now rectified)
- Accommodation size would lead to properties being rented either short or long term – not wanted on residential lane seeking settled community as would change demographic mix.
- No need for seven dwellings to secure future of building – most appropriate use for listing and locality is for three dwellings.
- Not justified need for residential properties in current oversupply situation.
- Did pre-application discussions take place as previous application appeared to be decided before residents knew about it?
- Traffic issues – including response to transport assessment
 - No satisfactory access to the site.
 - Access to and from A15 poor with fast moving traffic esp. from north and could lead to backlog of vehicles waiting to turn into lane. Already creates daily safety problems.
 - Narrow verges combined with blind exits from properties onto lane – recent incident of young cyclist almost colliding with car.
 - Increased chance of accidents/ worsening of safety with increased traffic numbers (estimate of 30 cars).
 - 13 foot wide lane is public footpath but no pavement and unlit.
 - Council cannot control traffic speeds or flow as private lane.
 - No public transport as too dangerous to stop on A15.
 - Previous applications turned down due to extra traffic and lack of adequate transport assessment.
 - Will clauses be attached to sale of properties requiring contribution to the upkeep of St. George's Lane which is a private lane? LCC unlikely to adopt road.

- Journey numbers misrepresented in transport assessment – would be at least double proposed. Does not consider that most residents make more than two journeys a day and households have more than one car.
- Transport Assessment suggests could be used as nursing home again. Applicant has disclosed this is unviable so unlikely to be revived.
- Traffic along land changed substantially since nursing home closed a decade ago. Lincs Lab expanding together with farm and residential traffic.
- Request for site visit so Committee familiar with area.
- Applicant moving in to building to make scheme viable “should be ignored”.
- Application would create too densely populated property which could deteriorate rapidly.
- Not satisfactory in terms of policy RES9 which requires other uses to be explored before residential development. B&B granted for building.
- Outdated drainage via septic tank will lead to smells. No plans to update this.

Lincs Laboratory: Supportive of change if access to Lab not compromised. Changes proposed to drive also require changes to legal agreement and this has not been agreed as access may be compromised by one tree.

LCC Highways: Following receipt of traffic statement, requests condition that domestic access and turning space as shown on plan be made available before dwellings first occupied and retained for use thereafter.

LCC Footpaths: No comments to make.

Ramblers Association: No observations

LCC Archaeology: No further archaeological input required.

WLDC Conservation:

- Vacant for number of years but still in condition to restore fully without conservation deficit.
- Use of house as single dwelling not practical due to large extensions.
- Use of historic front unit as single family house compromised by active industrial unit to the rear which shares the access.
- Proposal offers minimal alterations and some enhancements to preserve the heritage asset. All internal features to be retained.
- Key features and proportions of rooms retained.
- Installation of second staircase in proposed position underlines compromise between finding a new use and losing some of the significance of building as single dwelling.
- New staircase needs to be simpler in design than original staircase to preserve hierarchy and clearly chart development from single residence to two units (in original house).
- Conditions recommended –

- All partition walling to scribe round existing cornice and skirting board,
- Joinery details to be agreed for new doors, windows, architraves and skirting boards,
- Design of new ceiling roses and coving to be agreed
- Schedule of repair to sash windows to be agreed
- Repairs to fireplace in room 8 to be agreed
- Design and materials of new staircase to be agreed
- Roof tiles on new monopitch roof to be agreed.

English Heritage: Do not wish to offer comments on this occasion.

Lincolnshire Historic Building Committee: No objections to principle—building unoccupied for sometime and needs a new use but LPA need to condition consents to ensure detailed specifications for dealing with historic fabric.

WLDC Housing : Seek to secure 25% of the proposed development as affordable housing. This would equate to 1.75 units. Currently there is no other affordable housing in Riseholme and therefore it would not be practical in Housing Management terms for the affordable housing to be delivered onsite. We would therefore request an off site contribution amounting to £93,234.75 subject to viability. This figure is based on the Lincoln Policy Area Tariff of the West Lindsey Supplementary Planning Guidance for Off Site Contributions for Affordable Housing (2010 update)

Lincoln Area Tariff - £53,277.00
 25% of 7 units = 1.75 units
 £53,277.00 x 1.75 = £93,234.75

Relevant Planning Policies: Planning Application Only

The Development Plan

- East Midlands Regional Plan 2009 (RSS8)

Policy 1 Regional Core Objectives

Policy 13a – Regional housing provision

Policy 14 Regional Priorities for Affordable Housing

Policy 15 Regional Priorities for Affordable Housing in Rural Areas

Policy 27 Regional Priorities for the Historic Environment

Policy Lincoln Policy Area SRS1 Spatial Priorities for the Lincoln Policy Area

Policy Lincoln Policy Area SRS3 Protection of Lincoln's Urban Fringe

Policy Lincoln Policy Area SRS4 Housing Provision

All available at:-

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- West Lindsey Local Plan First Review 2006 (saved policies - 2009).
The following policies are considered applicable:-

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

SUS 7 Building materials and components

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

RES 1 Housing Layout and Design

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

RES6 Affordable housing provision

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

NBE 14 Waste Water Disposal

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

Other policy documents

- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 3 Housing (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPG 13 Transport (2001, updated 2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>

Main issues

- Principle
- Impact on historic fabric
- Highway safety / traffic impact
- Affordable housing
- Drainage
- Let versus ownership

Assessment:

Principle - Riseholme is a dispersed settlement. St George's Lane is characterised by a ribbon of housing between the A15 and the entrance to this property, beyond which the lane continues to a large range of farm buildings. These are separated from the site by open land and the buildings on the site stand in their own grounds, away from the other housing development nearby. The property is in the countryside as distinct from being part of the settlement.

There is a presumption against new development in the countryside unless there are exceptional circumstances to justify it (policy STRAT12 refers). Indeed, the countryside is sequentially the least preferred location for additional housing as cited in policy STRAT3 of the Local Plan Review. There is also a current oversupply of housing when measured against the provision detailed in policy 13a of the Regional Plan and therefore the need to maintain a five year deliverable housing supply as required by PPS3 cannot be used as a justification for supporting the application. The same consideration applies to an assessment against the Draft National Planning Policy Framework's requirement for a 5 year plus 20% supply, given that the supply currently equates to a 7.5 year provision as calculated by the West Lindsey Annual Housing Supply Assessment (AHSA) 2011.

However, a material consideration is the requirement to find a use which will help to preserve and maintain the historic asset. The Grange has been vacant for approximately one decade and, whilst being structurally sound and by no means derelict, it is nevertheless considered to be in need of some works and used again to ensure its preservation.

The criteria for assessing whether this needs to be achieved through enabling development, as proposed here, is detailed in national policy statement PPS5, policy HE11. It states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan taking into account the following factors:-

- ***Whether it will materially harm the significance of the heritage asset or its setting*** - The impact on the historic fabric is considered acceptable; many of the institutional fittings will be removed, revealing original fabric. The proportions of the rooms will still be seen and key features will be retained. The compromise of installing a second staircase is justified; the modern lift will be removed and the building will be useable ensuring its future maintenance. Provided the detailing of this replacement staircase is simpler than the original, the history of

the house will still be readable. The detailing can be the subject of a condition. Externally, the setting of the building will be enhanced through the realignment of the access to the LincsLab. However, it is important that the grounds still read as one area of garden and this will need to be managed through maintenance and management of the space. This can be secured by condition.

- ***It will avoid detrimental fragmentation of management of the heritage asset*** - A conversion into flats has the potential for a homogenous management regime for the maintenance of the fabric of the building and up keep of communal areas. Such management is common with developments of multiple flats and has a much greater potential for avoiding fragmentation of management than if the building was separated into different uses.
- ***It will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation and the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests*** - Usually the best use for a historic building is the one for which it was originally intended. However, the use of the property as a single house is not practical due to large extensions. The use of the historic front unit as a single family house is compromised by the active industrial unit to the rear (LincsLab) which shares the access.

The shared drive, with an industrial use directly north of the site and the lack of viability are contributing factors as to why previous proposals have not been implemented. The granted scheme for three houses would involve three substantial properties with a higher market value, but this value and the overall viability of the development would be affected by the shared driveway arrangements and juxtaposition to LincsLab. Similar considerations apply to the other extant permission for holiday accommodation, although Members are asked to delegate the ultimate responsibility for assessing the viability of all three enabling developments, including the current proposal, to officers.

Policy RES9 of the Local Plan Review also considers the conversion of buildings in the countryside to residential use and requires that alternative uses are explored first. In practice this normally involves the marketing of the site for approximately 12 months for other suitable uses for the location (subject to the necessary permissions). Retail uses of a size to be viable in this location (classes A1 to A5 of the amended Use Classes Order 1987) would not be appropriate as they would constitute a town centre use as defined in national policy by PPS4. This policy states that out of town locations are the sequentially least preferable for town centre uses, beyond those serving a local need. A similar consideration would apply to an office use (class B1). General industrial uses (class B2) would not be appropriate given the predominantly residential character of St. George's Lane, despite the

existence of LincsLab. A institutional use may be appropriate, but given that this is the existing use and it has been vacant for a number of years, this is unlikely to be a reuse of the building in the future. Furthermore, given the residential character and listed status of the building, none of these other uses are considered to be as appropriate as dwellings.

- ***It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid*** – Representations received have queried the reasoning behind this latest application. The present owner has owned the site for many years and once operated it as the care home. This appears to suggest it was not a speculative purchase as it was originally purchased to run a business. In the last ten years the building will not have provided any income due to its lack of use. These personal circumstances are acknowledged, but not afforded any weight in these considerations. Rather, it is the reuse of the building to secure its future use that is important here; to leave the building vacant for any more significant period of time will result in irreversible decay.
- ***There is a source of funding that might support the heritage asset without the need for enabling development*** – Such funding can be in the form of grants that are directly related to the works that are required to preserve the building or can be funds provided for developments, the implementation of which secures the use of the building. In this instance there are no grants currently available (from national or local authority sources) which directly relate to the funding of preservation works to this building. Other funding streams are being explored, for example to fund the holiday use previously granted. Officers will update Members verbally as to any funding streams that have been identified in the period between the preparation of this report and consideration at Committee. However, ultimately Members are asked to delegate to officers the decision as to whether there is any funding available which would negate the need for enabling development.

In summary, it is considered that the conversion proposed is acceptable in principle and more appropriate than other non-residential uses if it can be demonstrated that the nature of the development proposed is required as enabling development to preserve this architecturally and historically important listed building and no funding streams are available that would negate the need for the development.

Highway safety / traffic impact - A traffic statement has been submitted comparing the traffic movement of the last use as a nursing home with the proposed use of seven dwellings. It shows that the nursing home would have around 100 vehicle movements per day. It assumes 3.5 persons per unit for the current proposal giving a total of 25 persons on site with an average of two visitors and two other callers/deliveries per unit per day. This gives an

average of 50 vehicle movements per day. It also states that the nursing home use is constant both day and night all year round. Domestic use would see quieter periods compared with the nursing home use.

The nursing home use could be resurrected without planning permission, although it is accepted that it would take some work to bring the building back up to current care home standards. However, the domestic use of the building would mean fewer vehicle movements.

It is noted that the access into St. George's Lane is very close to a major roundabout with the A15 and the Lincoln by-pass (A46). When approached from Lincoln, St George's Lane is accessed from a right hand filter lane soon after leaving the roundabout. It is further noted that St George's Lane is a public footpath and that it is narrow, unlit, has no pavement and is not subject to a speed limit. These are all outside the applicants' control. Local residents have objected to these proposals on the grounds of highway safety in terms of the physical layout of the junction, the nature of the lane and the potential for accidents to happen with the increased vehicle numbers. A previous proposal for offices was turned down partly on highway grounds but mostly on the inadequacy of the information supplied at that time. Given that the fall back position is reverting to use as a nursing home with twice the traffic movement than proposed, it would be unreasonable to refuse the application on highway grounds as the proposal would not increase traffic numbers beyond that expected for the nursing home use.

Any legal agreement to ensure the future residents contribute to the maintenance of St. George's Lane is a matter between the applicants, the future residents and the current residents of St. George's Lane and is not something that can be considered as part of this proposal.

The setting of the public footpath will not be harmed by this proposal.

Affordable housing - Policy RES6 requires the Council to seek to negotiate in the region of 25% contribution on sites in settlements of less than 3000 population where two or more dwellings are proposed. On-site affordable housing is not viable in this unsustainable location and it is unlikely that a provider would take units on here. As part of the costings mentioned above, the agent will need to prove whether providing an off site contribution for affordable housing is viable with the cost of restoring the listed building.

Flooding and Drainage – The site is within flood zone 1 as defined by the Environment Agency's Flood Zone Maps and therefore is in the sequentially most preferable area to minimise the probability of fluvial flooding.

Surface water drainage is via existing soakaways and with no increase proposed in the area covered by buildings, this status quo is considered acceptable. However, the realigned driveway will cover an area currently laid out as permeable lawn. This driveway will also need to be made of permeable material to ensure no increase in the level of surface water runoff to other areas.

The existing foul water drainage is via septic tank. It is reasonable to assume that the quantity of drainage needed for seven homes will be less than was required for a large nursing home. Therefore, the foul drainage is considered adequate for this scale of development.

Let versus ownership - How the property is owned or let out is not a planning matter and cannot form part of the assessment of this proposal. Neither can the eventual marketing of the units or the applicant's intention to live in one of them.

Other matters - There is still an extant planning permission for the re-alignment of the driveway and it does not form part of this application, other than being shown indicatively on the plans. Any dispute over legal agreements between Lincs Lab and the applicant are between these two parties and it is not a matter that the Local Planning Authority can consider as part of this application. However, it is considered expedient to repeat the conditions from previous consents requiring the realigned driveway to be completed before the conversion of the buildings take place and that materials for the driveway and other areas of hardstanding are agreed before works commence.

Pre development advice was sought before submitting these applications and a response was given advising the need to prove the necessity of seven units to enable the development. No decision has been made on either application in advance; only recommendations are put before the Committee for consideration.

Conclusions

The planning application has been considered against the provisions of the development plan in the first instance and specifically policies 1, 14, 15, 27, SRS1, SRS3 and SRS4 of the East Midlands Regional Plan and saved policies STRAT1, STRAT3, STRAT12, RES1, RES6, RES9 and NBE14 of the West Lindsey Local Plan First Review June 2006 and as well as against all other material considerations. These other considerations include national policy contained within PPS's 1, 3, and 5 as well as draft national policy contained within the draft national Planning Policy Framework and the Strategic Housing Land Availability Assessment 2011.

In light of the above assessment it is not considered that the development will materially harm the significance of Riseholme Grange or its setting, it will avoid detrimental fragmentation of management of this heritage asset and it will secure the long term future of Riseholme Grange and its continued use for a purpose sympathetic to its conservation. Submitted evidence will be analysed to ensure the level of development is the minimum necessary to secure the future conservation of the Riseholme Grange and there is not a source of funding that might support the heritage asset without the need for enabling development

Whilst it is acknowledged that St. George's Lane is a narrow, unlit, private road accessed from a very awkward junction, the traffic statement submitted with the application shows that traffic numbers for this proposal would be half that for the nursing home use, which is the fall back position. It would therefore be unreasonable to refuse the application on highway grounds.

Recommendation:

That the decision to grant permission and listed building consent subject to the conditions detailed below and (for the planning permission) the securing of an affordable housing provision through legal agreement (if viable) be delegated to the Planning & Development Services Manager subject to that Manager being in receipt of written evidence demonstrating that the proposal is required as enabling development and that no other funding is available at this time to negate the need for such development.

127589 planning permission conditions:

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

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

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

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

2. No development shall take place until details of a programme for carrying out and completing the works hereby approved have been submitted to and agreed in writing by the local planning authority.

Reason: To ensure the whole of the development is completed in order to secure preservation through re-use of the historic asset, Riseholme Grange in accordance with policy 27 of the East Midlands Regional Plan 2009 and policy HE11 of Planning Policy Statement (PPS) 5 (2010).

3. No development shall take place until details of measures to be put in place to protect the trees within the site that are protected by Tree Preservation Orders have been submitted to and agreed in writing by the local planning authority.

Reason: To protect the trees from accidental damage during construction in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

4. No development shall take place until the agreed tree protection measures as required by condition 3 have been completed.

Reason: To protect the trees from accidental damage during construction in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

5. No development shall take place until details of the following matters have been agreed by the local planning authority:

- a) details, to include the mortar mix, for all repairs to the walls.
- b) details, to include sections to a minimum scale of 1:5, of all new, repairs or replacements of architectural features including doors, windows, skirting boards, ceiling roses, architraves and cornices;
- c) the design and materials of the new staircase;
- d) paint colours for windows and doors; and
- e) repairs to the fireplace in room 8 as annotated on the approved drawing;
- f) roofing slate.

Reason: To preserve the architectural and historic qualities of this Grade II Listed Building and to accord with policy 27 of the East Midlands Regional Plan 2009 and policy HE11 of Planning Policy Statement (PPS) 5 (2010).

6. No development shall be commenced until details of the construction and surfacing for the re-aligned driveway as indicated by the cross-hatching on the approved drawing 48/11/02 received on 5th August 2011, the parking bays and all other new hardened surfaces within the application site, which shall be designed to be permeable, have been agreed by the local planning authority.

Reason: To minimise the risk of flooding from excessive run-off in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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

7. The development shall be completed in accordance with the programme of works as required by condition 2.

Reason: To ensure the whole of the development is completed in order to secure preservation through re-use of the historic asset, Riseholme Grange in accordance with policy 27 of the East Midlands Regional Plan 2009 and policy HE11 of Planning Policy Statement (PPS) 5 (2010).

8. The approved tree protection works as required by condition 2 shall be retained throughout the whole construction period and not removed until the approved development has been completed.

Reason: To protect the trees from accidental damage during construction in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. The re-alignment of the driveway past the buildings to the northern boundary of the site as indicated by the cross-hatching on the approved drawing 48/11/02 received on 5th August 2011 shall be completed before the development to convert the buildings is commenced.

Reason: To ensure safe and adequate access to the premises to the north and to accord with policy STRAT1 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:

10. No lighting shall be installed along the driveway unless details of its position, design and the intensity of illumination, which shall accord with the criteria for zone 2 in the Institute of Lighting Engineers' publication 'Guidance Notes for the Reduction of Light Pollution', have been agreed by the local planning authority following which only the agreed lighting scheme shall be implemented.

Reason: To minimise the impact of any lighting on the setting of the listed building and the night sky in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006..

11. The arrangements shown on the approved drawing 48/11/02 received on 5th August 2011 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

12. Before any of the dwellings hereby approved are first occupied, a maintenance schedule and management plan for all external areas of the site shall be submitted to and approved in writing by the local planning authority. These areas shall subsequently be maintained and managed for perpetuity in accordance with this plan following the first occupation of any of the dwellings hereby approved.

Reason: To ensure the setting of Riseholme Grange is preserved in accordance with policy 27 of the East Midlands Regional Plan 2009 and policy HE11 of Planning Policy Statement (PPS) 5 (2010).

Notes to the Applicant

None

127615 – Listed Building Consent conditions:

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No works shall be undertaken until details of a programme for carrying out and completing the works to effect the change of use of all of the buildings has been agreed by the local planning authority.

Reason: To ensure the whole of the development is completed in order to secure refurbishment and re-use of the historic asset, Riseholme Grange.

3. No works shall take place until a schedule for the repairs to the original sash windows has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of this Grade II listed building in accordance with West Lindsey Local Plan Policy STRAT1

4. No works shall be undertaken to the buildings until details of the following matters have been agreed by the local planning authority:

- a) details, to include the mortar mix, for all repairs to the walls.
- b) details, to include sections to a minimum scale of 1:5, of all new, repairs or replacements of architectural features including doors, windows, skirting boards, ceiling roses, architraves and cornices;
- c) the design and materials of the new staircase;
- d) paint colours for windows and doors; and
- e) repairs to the fireplace in room 8;

Reason: To safeguard the character and appearance of this Grade II Listed Building.

5. No development shall take place until, a sample roof slate have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To safeguard the character and appearance of this Grade II Listed Building.

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

6. All partition walling shall scribe around the existing cornicing and skirting boards which shall be retained insitu.

Reason: To ensure that the original detailing is kept and not damaged in order to retain the character of the listed building in accordance with West Lindsey Local Plan First Review Policy STRAT1

7. The works shall be completed in accordance with approved plans and the details agreed and as referred to in conditions 2 to 6 of this consent.

Reason: To safeguard the character and appearance of this Grade II Listed Building.

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

None



Officer's Report

Planning Application No: 127060

PROPOSAL: Planning application for demolition of existing garage block - comprising 3 no. single domestic garages - and erection of pair of semi-detached dwellings on site of garages

LOCATION: Garage Block Pasture Lane Market Rasen Lincolnshire LN8 3DT

WARD: Market Rasen

WARD MEMBER(S): Cllr Bridger and Cllr Keimach

APPLICANT NAME: Mr T Pickering

TARGET DECISION DATE: 04/05/2011

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission, subject to conditions.

Introduction / Update:

Members will recall this application first came to Development Management Committee 1st June 2011. Members resolved to grant planning permission subject to the signing of the S106 securing the development for affordable housing in perpetuity. The requirement to secure the dwellings as affordable units was considered necessary to outweigh any harm to the current over supply of housing in the District. The affordable housing element of the scheme is no longer being offered by the applicant. Members are therefore requested to reconsider the scheme on the basis that it is for open market housing. The assessment section of the report has been amended to reflect this change. The scheme remains the same in all other aspects.

Description:

The application site comprises a block of 3 domestic garages located within Market Rasen. To the north of the site is a block of 3 modern houses, to the south of the site is a row of 4 listed cottages.

The application seeks permission to erect a pair of one bedroom dormer bungalows.

Relevant history:

96/P/0474 – Erect a block of three garages and vehicular access, GC.

Representations:

Chairman/Ward member(s): None received

Town Council Meeting: ‘The council have concerns over on road parking in this area and removing these garages would increase the need for on road parking.’

Local residents: Letters received from 39 Willingham Road and 1 Pasture Lane. Concerns/objections summarised below:

- Window at side of our property (No 1) will be completely blocked from light and our view obstructed to look onto a brick wall.
- New dwelling also block light and view from our (No 1) upstairs hallway window.
- To block light and view de-values property.
- Increased street parking/highway safety issues
- Existing garages currently in use.
- No’s 36, 37, 38 and 39 Willingham Road are no longer Grade II listed but remain amongst the oldest buildings in Market Rasen and deserve some sensitive conservation (*PLEASE NOTE No’s 36,37, 38 and 39 Willingham Road are Grade II listed*).
- Existing building built over drains

LCC Highways: No objections request condition.

Environment Agency: None received.

Archaeology: No objections.

Building Control: No objections.

Housing: Support application, see main report.

Conservation: No objections, request conditions.

Relevant Planning Policies:

- **East Midlands Regional Plan**
Policy 1 Regional Core Objectives
http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf
- Policy 3 Distribution of New Development
http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf
- Policy 13a Regional housing provision
http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- **West Lindsey Local Plan First Review 2006**

STRAT 1: Development requiring planning permission

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

STRAT 3: Settlement hierarchy

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

STRAT 5: Windfall and infill housing development in Market Rasen (including Middle Rasen) and Caistor

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

STRAT 9: Phasing of housing development and release of land

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

MT1: Market Towns

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

RES 1: Housing layout and design

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

Other relevant national guidance

Draft National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

PPS 3: Housing

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>

PPS 7: Sustainable development in rural areas

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

Main issues

- Update
- Principle (including housing supply and affordable housing)
- Impact on street scene and setting on nearby listed buildings
- Impact on residential amenities
- Other matters (Including outdoor amenity space and parking)

Assessment:

Update - There have been two changes in policy since the previous report was considered by Members; an updated corporate plan and the publication of the Draft National Planning Policy Framework (DNPPF). The updated corporate plan states that the Council will endeavour to meet the housing needs of the District. The DNPPF promotes the delivery of a wide choice of high quality homes that people want and need.

There have been no changes in circumstances either on the site or in the immediate area.

The application has been reviewed in light of the absence of affordable housing, and it is recommended that the only issue which Member should consider is whether an open market housing scheme is acceptable on this site.

Principle - The Draft National Planning Policy Framework highlights a presumption in favour of sustainable development. PPS3 aims to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Policy STRAT 3 of the Local Plan identifies the town of Market Rasen as a Primary Rural Settlement in a sustainable location well served by a range of services and facilities.

Policy STRAT 5 states that windfall housing development may be permitted within Primary Rural Settlements, subject to a number of criteria including; all proposals must be on previously developed land; and development must have no impact, either individually or cumulatively on the housing strategy of the plan.

The site currently houses a block of three garages and is therefore considered to be previously developed land.

In terms of housing strategy, the Local Planning Authorities' (LPA) Annual Housing Supply Assessment confirms that there is currently a 7 ½ year housing supply in the District, against a requirement for a 5 year supply.

However, Policy MT1 states that within Market Rasen there will be a priority for regeneration and investment activity and planning permission will be granted for development proposals that assist in social regeneration or economic development of the town.

The Housing Team have confirmed that there is a lack of single person households in Market Rasen and this proposal would provide 2 one bedroom dwellings which would go some way to meeting this identified need. Furthermore the proposal will increase the number of people living in the area to the benefit of the vitality, viability and economy of Market Rasen Town Centre.

On balance, it is considered that the benefit of two open market single person households in terms of assisting the social regeneration and economic development of the town would outweigh any impact on the current over supply of housing in the District. The proposal therefore accords with the aims of the DNPPF, PPS3, Policies STRAT 1, STRAT 3, STRAT 5, STRAT 9 and MT1 of the Local Plan and the aims of the West Lindsey Corporate Plan.

Given that, on balance, the proposal accords with National and Local Plan Policies, the absence of a S106 securing the development as affordable

housing in perpetuity is not considered a reasonable ground to withhold planning permission in this instance.

Impact on street scene and setting of nearby listed buildings - The development will improve the character and appearance of this part of Pasture Lane by replacing a block of 3 domestic garages with a pair of traditional cottages. This pair of modest cottages would offer an enhancement and make a positive contribution to the street scene and the setting of the adjacent listed buildings.

To ensure appropriate materials are used a condition will be added to any permission. Furthermore a condition requiring the dwarf boundary wall along the site frontage to be completed shall also be attached in the interests of the visual amenities of the street scene.

Impact on residential amenities - To the north of the site is number 1 Pasture Lane, an end terrace house. It has 1 ground floor and 1 first floor non-habitable room window facing site. The owner has expressed concerns regarding overshadowing. The new dormer dwellings are larger than the current garage block, being 2.4 metres to eaves and 6.5 metres to ridge (existing garages are 2.3 metres to eaves and 4.2 metres to ridge). The new dwellings have been designed in order to reduce their impacts on the neighbouring properties. It is accepted the new dormer dwellings will restrict some light to number 1, however the main aspect of this house and location of habitable rooms face east/west (front and rear). The proposed dwellings are located to the south (side).

Other matters - There is a small amenity area provided to the front of the proposed dwellings. As the proposal is providing 1 bedroom houses they are not suitable for families and there is a park/public open space just 400 metres away from the site. Therefore the small amount of open space at the site is considered acceptable.

Concerns have also been raised with regards to loss of parking. The proposal will result in the loss of three garages. However, Market Rasen is a sustainable settlement that has other transport options available other than the private car. LCC Highways officer has viewed the plans and does not have any objections on highway safety grounds. A condition requiring improvements to the access arrangements to the site off Pasture Lane is not considered necessary as there will be no vehicular access to the site.

Other concerns raised related to de-valuation of properties. This is not a material planning consideration.

Conclusion and reasons for granting:

The application site is located in Market Rasen where limited housing development is acceptable in principle. The benefit of two open market one bedroom dwellings on this brown field site, in terms of assisting the social

regeneration and economic development of the town, would outweigh any impact on the current over supply of housing in the District. The proposal is considered to be acceptable in design terms and would not create a detrimental visual impact on the street scene. The proposal would not have an unacceptable adverse impact on residential amenity. The proposal is therefore considered to comply with the objectives of the DNPPF, PPS 3: Housing and the West Lindsey Corporate Plan and to comply with Policies STRAT 1: Development requiring planning permission, STRAT3: Settlement Hierarchy, STRAT 5: Windfall and infill housing development in Market Rasen and Caistor, STRAT 9: Phasing of housing development and release of land, MT1: Market Towns and RES 1: Housing layout Development of the West Lindsey Local Plan First Review.

Recommendation:

Grant permission subject to the following conditions:

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

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

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

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

2. Notwithstanding the submitted details no development shall take place until details of all external and roofing materials of both the boundary wall and the dwelling to be used (including the materials for dormer cheeks and face) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with policies STRAT1, STRAT5 and RES1 of the West Lindsey Local Plan First Review 2006.

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

3. The development shall not be carried out otherwise than in accordance with the amended application drawing TP/0211/02 A received 26th April 2011.

Reason: To define the terms of the planning permission for the avoidance of doubt.

4. The rainwater goods shall be black, half round and on rise and fall brackets and thereafter retained in perpetuity.

Reason: To ensure that the external appearance of the buildings is acceptable and in accordance with policies STRAT1, STRAT5 and RES1 of the West Lindsey Local Plan First Review 2006.

5. The dwellings shall not be occupied until the boundary walling along the site frontage with Pasture Lane, as shown on the amended application drawing TP/0211/02 A received on 26th April 2011, has been constructed to a height of 1 metre in materials approved under condition 2 of this consent. The wall shall thereafter be retained.

Reason: To define the site frontage in the interests of protecting the character of the street scene and the visual amenities of the area, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review.

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

6. Notwithstanding the provisions of Classes A, B, C and D of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking or re-enacting that Order, the dwellings hereby permitted shall not be altered or extended and no new windows shall be inserted unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and to safeguard the character and appearance of the buildings and it's surrounding in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.