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| PL.08 13/14               |
| <b>Planning Committee</b> |
| <b>16 October 2013</b>    |

**Subject: Planning applications for determination**

Report by:

Director of Regeneration and Planning

Contact Officer:

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Area Team Manager  
01427 676629

Purpose / Summary:

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

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

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

**Risk Assessment :** None arising from this report.

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**

### **1 – 130093 - Dunholme**

Planning application for demolition of existing vacant public house and erection of convenience food store, together with associated car parking. Lord Nelson Inn, 1 Market Rasen Road, Dunholme

**RECOMMENDED DECISION:** Grant with conditions

### **2 – 129094 – Sturton by Stow**

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

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

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

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

### **3 – 130301 - Nettleham**

Planning application for erection of new business unit at Brunel House, Deepdale Enterprise Park, Nettleham.

**RECOMMENDED DECISION:** Grant consent subject to conditions.

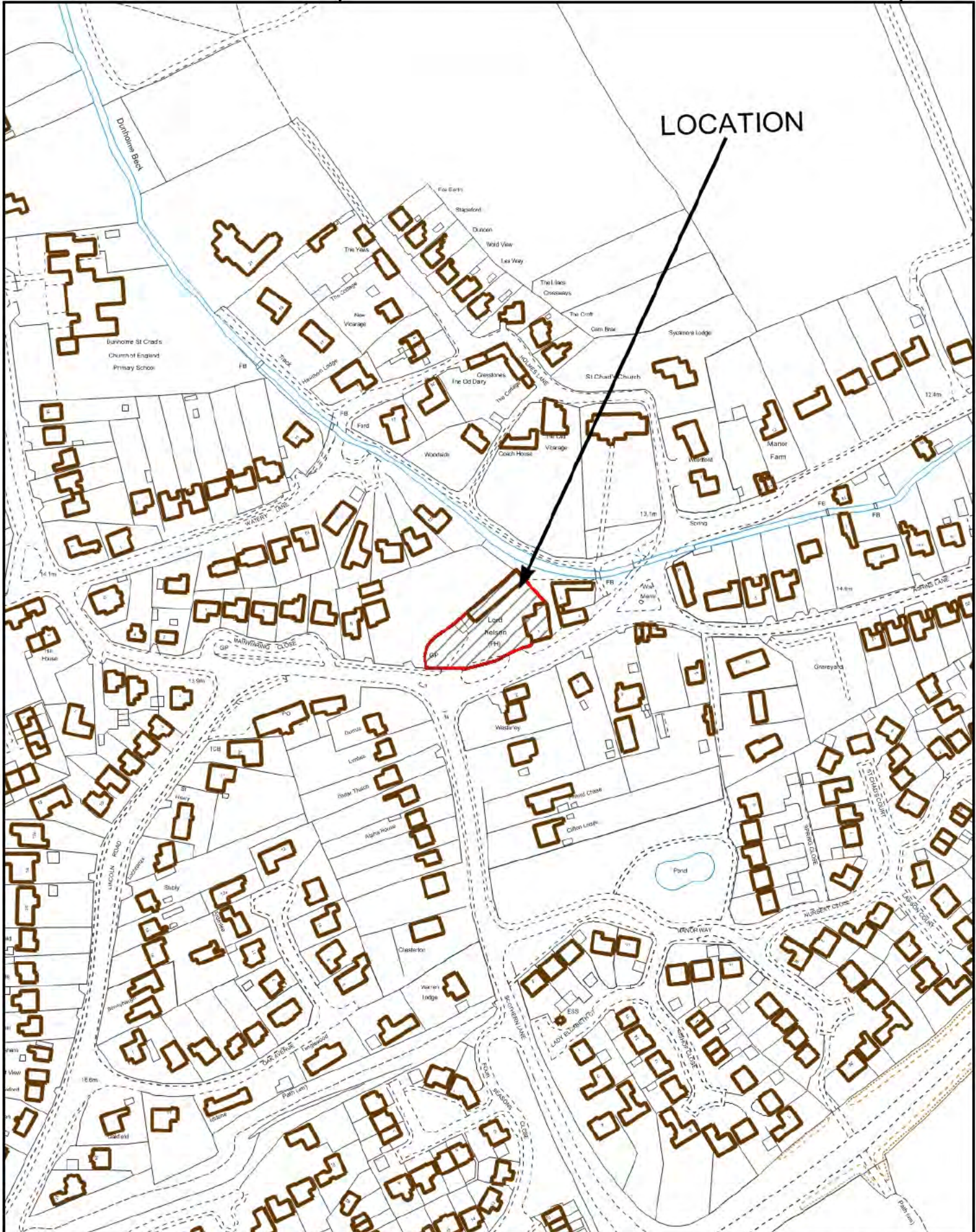
### **4 – 130363 - Ingham**

Planning application for the erection of 17no. dwellings consisting of 7 no. affordable and 10no. open market properties with access onto Lincoln Road- resubmission of 129648 on Land at Lincoln Road Ingham Lincoln

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.

The mechanisms for ensuring the affordable homes are affordable



## **Officers Report**

### **Planning Application No: 130093**

**PROPOSAL:** Planning application for demolition of existing vacant public house and erection of convenience food store, together with associated car parking.

**LOCATION:** Lord Nelson Inn 1 Market Rasen Road Dunholme Lincoln, Lincolnshire LN2 3QR

**WARD:** Dunholme

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

**APPLICANT NAME:** Lincolnshire Co-Operative Society

**TARGET DECISION DATE:** 19/08/2013

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Zoe Raygen

**RECOMMENDED DECISION:** Grant with conditions

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**Description:** The application site forms the Lord Nelson Inn and its curtilage on Market Rasen Road in Dunholme. The premises forms a two storey detached building on the east of the site at the edge of the pavement, brick built with a slate roof. The building itself is painted white. The remainder of the site is vacant, previously containing outbuildings which have since been demolished after falling into disrepair.

To the east of the site are residential properties. To the north is a stream and footpath beyond which are further residential properties and two listed buildings one of which is a church. Between the application site and these properties is a dense belt of trees which provides cover to the Listed Buildings.

To the north west are residential properties and their curtilages. Opposite the site are residential properties. There is a war memorial in Market Rasen Road to the east of the site.

The proposal is to demolish the existing building and erect a new building to provide a convenience food store and the layout and provision of associated car parking.

The application was deferred at your previous meeting to allow a site visit to take place. This took place on 3<sup>rd</sup> October 2013

#### **Relevant history:**

W24/0580/95 - Planning application to extend public house to provide kitchen and restaurant Grant Conditionally 1995

128638 - Application for determination to demolish outbuildings – prior approval not required 2012

**Representations:**

**Chairman/Ward member(s):** None received

**Parish/Town Council/Meeting: Dunholme Parish Council:**

The main concern for the parish councillors is the look of the proposed store.

It is not at all in keeping with the other more traditional white buildings and church within the surrounding areas. They feel that the Lord Nelson building should be kept where possible or if a new building has to be built it should be more sympathetic to the area and the look of the centre of the village.

The other things that they feel need to be considered are the effect on other local businesses, especially should the local shop be forced to close due to the new food store as it currently houses the post office for the village.

Should this be forced to shut then people will still have to travel to Welton to their co op to use a post office, which is one of the reasons the co op state they are wanting to build in Dunholme - so that traffic congestion and parking is eased at the Welton store.

It is also felt that with the area being such a large space some of it should be secured for a community facility such as a Parish Council office.

**Local residents:** 64 Letters of objection received and 580 signature petition received from:

Springfield Market Rasen Road, The Old Dairy Holmes Lane, Fieldhouse Lincoln Road (x2), Sycamore Lodge Holmes Lane (x3), Anderson, 9 Paynell, Dunholme Post Office, 12 Lincoln Road, 13 The Granthams, 34 Honeyholes Lane, 16 Market Rasen Road, Greystones Holmes Lane, 8 Ashing Lane, 13 Merleswen, 6 Beech Close, 102 Lincoln Road, 7 Watery lane, The Old Vicarge, 2 Honeyholes Lane, 21 Kennington Close, 32 Lincoln Road, 21 Kennington Close, Lea-way Holmes Lane, 23 Lincoln Road, Costcutter Supermarkets Group, 22 Westfield Road, 71 Eastfield Road, 12 Manor Way, 10 Willow Road Branston, Tiptree Stainton-by-Langworth, 29 Honeyholes Lane, Alpha House Scothern Lane, 10 The Granthams, Greystones Holmes Lane, 4 The Granthams, 52 Lincoln Road, 32 Honeyholes Lane, 5 Kneeland, 5 Bishop Close, 17 Ryland Road, 7 Field Close, 7 Holmes Lane, 2 Lincoln Road, 13 Market Rasen Road, 5 Hughson Walk, 7 Market Rasen Road, 6 Allwood Road, 12 Wentworth Drive, 5 Paynell, 11 Market Rasen Road, 9 Market Rasen Road, 28 Lincoln Road, The Coach House Holmes Lane, Dunoon Holmes Lane, Vanquish House Dunholme Road, 8 Oak View, 1 Four Seasons Close, Sycamore Lodge Holme Lane, 29 Stewart Close Welton, 30 Merleswen Road, :

- Style of building out of character with existing surrounding buildings
- Increase in traffic would increase traffic risk to children

- Policy RTC 6 states retail proposals will be granted providing they are small in scale and serve a local need only. There is no local need
- Would lead to loss of Spar and Post Office
- Increased traffic would disturb peace and quiet
- Impact on parking when the church is in use
- Buildings should be brought back into use as part of a centre for entertainment as well as refreshment for all age groups
- Enough people in the village to sustain a profitable well run pub
- Detrimental impact on business of post office
- Should incorporate the existing buildings façade and retain the white rendering
- Increased traffic and noise from delivery lorries and customers cars
- Built of local Langworth brick
- Current building has great value as a heritage asset
- New building too modern
- A well run pub and restaurant is badly needed in Dunholme
- Building should have been listed
- Ruin the walking view along the Beckside
- Entrance/exit to the proposed site does not give an entirely clear view of oncoming traffic from the left when exiting the site as there is a bend in the road
- The proposed opening hours until 2300 may lead to more people visiting the site and provide for a wider need rather than a purely local need required by Policy RTC6
- There is an opportunity to enhance the centre of the village by bringing the Nelson back into use
- Grave concerns about the welfare of the existing retail offerings serving the community
- The proposed periphery wall: though well designed, is of a high of 900mm which would obscure the drivers view of any small children, pushchairs or dogs crossing the entrance to enter the shop. However if the proposed building was positioned on the N.W rear boundary, pedestrians would then have the opportunity of entering the site from the South west corner without having to cross the vehicular entrance/ exit.
- Expect Co-op to use acoustic enclosures
- Has any assessment been made of the impact of the store on traffic levels through Dunholme
- Don't need another store
- Impact on listed buildings and heritage of area
- The shell of the Nelson can be retained and a full refurbishment can be viable
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10 Letters of support from 9 Kennington Close, 25 Ryland Road, 8 St Chads Court, 58 Lincoln Road, 12 Manor Way, Chesterton Scothern Lane, 1 Nursery Close, 9 Watery lane, 6 Mainwaring Close (x2)

- Fully support the provision of a new co op store . The existing Spar shop is dirty and in need of capital investment
- More investment in the area



- Pub never been a local family attraction
- Thrilled at prospect of tidy new store
- The current building, now disused, will only fall into disrepair and become a magnet for vandals
- It may reduce the amount of traffic travelling down Ryland Road towards Welton past Dunholme St Chads primary school, and around the area of the junction of Lincoln Road and Ryland road.
- It may ease the traffic congestion around the Co-op retail store in Welton
- Local residents may be more inclined to walk or cycle to the store rather than drive to the store in Welton
- The current building has no real historical significance
- Brick colour, area of commercial display and planting should be a condition

Save Dunholme Amenities Action Group: Object to proposal:

- Community should have been consulted prior to submitting the planning application
- Loss of amenities – no attempt to retain existing facilities – contrary to policy CRT 3
- Contrary to policy CRT 4 – no alternative public house in Dunholme. Pub suffered from lack of investment , village could sustain a public house or other community venture
- Would lead to loss of Spar shop and post office
- Employment opportunities created but also lost
- Loss of heritage and visual amenity
- Essential building is maintained and any new buildings are of a sympathetic design
- Contrary to Policy RTC 6 – no need for any more convenience stores
- Rear of the building faces onto the village beck and has high fence and toilet block
- Ignores potential of adding a real asset to the village where more appropriate design could achieve with the use of glazing and external seating area.
- Potential for other solutions around the pub is the hub concept

**LCC Highways:** No objections subject to the addition of conditions regarding the implementation of the proposed access

**Environment Agency:** Application should be accompanied by a basic Flood Risk Assessment. We would therefore expect you to obtain an FRA from the applicant and assure the safety of the development before determining the application and ensure it complies with standing advice.

**Archaeology:** Results of an evaluation have identified that the archaeological potential of this site can be dealt with by condition requiring a written scheme of investigation.

**Building Control:** None received

**English Heritage:** The proposed scheme will cause substantial harm to the setting and significance of the church of St Chad through the demolition of the Lord Nelson Inn which is an important part of its setting. The demolition of the inn would remove one of the surviving historical focal points of the centre of the village and the setting of the Church. We advise that the proposed development is reconsidered to retain the Lord Nelson and provide retail facilities either through the conversion of the existing building or development on the rest of the site. Any new development should sustain or enhance the significance of the Church of St Chad or make a positive contribution to local character and distinctiveness.

St Chads Church: objects to modern featureless design, it should blend in more easily with the historic heart of the Village, the building itself should be preserved.

**Second round of consultation:**

Save Dunholme Amenities Action Group: Objects –

Design of the building has been addressed but none of the other points raised by the group have been satisfactorily addressed

14 letters of objection from: 32 Lincoln Road, 9 Market Rasen Road, 6 Beech Close, 16 Market Rasen Road, St Chads Church, Fieldhouse Lincoln road, Wilmar Barlings Lane Langworth, Willow Farm Cottage, Greystones Holmes Lane (x2), 4 Anderson, 2 Lincoln Road, 28 Lincoln Road, The Granthams, William Farr Cof E Comprehensive School, 33 Devonshire Road, Scampton, Costcutter Supermarkets Group Ltd, 70 Carholme Road Lincoln, 39 Lincoln Road Dunholme

- amended drawing is a vast improvement on the previous one. Object to late night trading as will cause noise nuisance.
- Most of original comments remain – loss of building, impact on setting of listed building and footpath to the beck, improvement to design but just a pastiche
- No other pub in walking distance, village well served by retail outlets, inappropriate in centre of village, loss of post office
- Reiterate previous concerns regarding the demolition and replacement of the building, loss of public house and potential loss of post office
- Traffic will increase significantly, route will be used as a rat run which the by pass was built to avoid. People will find it easier to come to less congested Dunholme than Welton

Dunholme Parish Council – No objections but concerned about potential loss of post office

St Chads Church – primary objection to development remains unchanged.

English Heritage – continue to object to the development through the loss of the building. They acknowledge that the design has changed but do not consider that the impact on the setting of the surrounding historic buildings can be replicated. While there is some scope for the limited demolition of the buildings to the rear the main building to the front should be retained.

Edward Leigh MP – Objects to development through loss of historic building and loss of important community facility. Also concerned about potential impact on other services and loss of post office.

Seven letters of support: The Coach House Holmes Lane, 16 Ryland Road Welton, 32 Manor Lane Dunholme, 8 Scothern Lane Dunholme, 14 Northfield Avenue Sudbrooke, 53 Northfield Road Welton, 6 Mainwaring Close, Dunholme

- 70 demonstrators only represent 2.85% population of the village
- Pub is not viable
- Petition only represents 20.3% of village (500 signatures)
- Co ops new design is much improved and liked by villagers
- Embrace company willing to invest in village with more jobs and excellent retail outlet
- Development would tidy up the site
- Already have village hall and old school available for the village
- Should be proactive in turning an existing currently vacant building into something that has a sustainable economic use
- Great accessibility from the A46
- Concerned that if development doesn't go ahead the site will become an eyesore and be vandalised.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework

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

#### West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

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

CRT 4 – Protection of community post offices, convenience stores and public houses

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

RTC 6 – Neighbourhood retailing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm>

## Other Policy

### The Core Strategy

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)  
<http://www.central-lincs.org.uk/>

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

### Main issues

- Loss of the public house
- Demolition of the building
- Principle of a retail use
- Design of the new building
- Impact on highway safety
- Impact on residential amenity
- Impact on flooding

### Assessment:

#### *Loss of the public house*

The proposal involves the demolition of the public house and this needs to be assessed with reference to saved policy CRT 4 – Protection of community post offices, convenience stores and public houses. This policy states that planning permission will not be granted for new development which would lead to the loss of a public house unless:

- a suitable and convenient alternative is available nearby or in a neighbouring settlement
- it can be satisfactorily demonstrated that the public house is no longer economically viable and that reasonable efforts have been made to market the property as a public house
- the proposed use would have significant alternative benefits for the local community

The building has previously been used as a public house but is now vacant. The property was placed on the market in October 2011. The tenant prior to the pub being placed on the market had indicated a desire to terminate after 1.5 years of a 5 year agreement. The property was purchased by the Lincolnshire Co operative society in November 2012. There were three

tenants during the period the property was on the market, although at times the pub was closed and boarded up.

The new owners of the land and building subsequently submitted this planning application for a convenience food store to be erected following the demolition of the existing building on site.

In terms of assessment against policy CRT 4 it can be demonstrated that there is a thriving public house in the neighbouring settlement of Welton approximately 1500 metres away. The policy makes no assessment of what could be considered to be a suitable and convenient alternative. Clearly in this instance the nearby public house would need to be accessed in the car.

As the application has been submitted by the new land owners rather than the company that ran the public house there have been no figures submitted to demonstrate the viability or otherwise of the public house. However the property had been on the open market for 13 months and while it is difficult to draw conclusions from the limited information the fact that an alternative public house operator could not be found has to hold some weight in the decision making process.

The proposed use as a convenience store would also provide benefits to the local community in terms of the facility provided and the economic benefit of new jobs to the local economy. While comments have been made regarding the impact of the proposal on existing stores and the post office in the village the planning system can not address the issue of competition but instead it is considered that market forces will prevail.

Considerable objection has been received from the local community including the Save Dunholme Amenities Action Group regarding the loss of what they consider to be an important local facility. The Group have a vision for the site which would incorporate the public house and provide a retail facility and feel that they as a community would be able to take the public house forward as a community run pub which would also include other facilities.

Discussions with the applicant to secure some community facility on the site, including the relocation of the post office, as well as the convenience store, have not been successful given the operational requirements, the size of the site and new regulations regarding the provision of post offices.

The application to be determined is therefore the one that is in front of you and given the length of time that the property was on the market and from this it would appear that there would be a lack of demand to operate a public house in this location it seems difficult to insist that the facility remain.

#### *Loss of the building*

Objection has also been received to the loss of the building itself. The building is not listed or in a conservation area and therefore could be demolished without the need for any planning permission. An application for prior approval

would be required to be submitted but the only two issues to be considered on this application would be how the building was to be demolished and what state the land would be left in following the demolition. The principal of demolition could not be addressed.

The building though does have some merit in that it is located in the historic area of the village and contributes positively to the street scene. The consultation response from English Heritage reiterates this view and also considers that this building together with the village green and surrounding historic buildings forms a key part of the setting of the nearby Church of St Chad a listed building grade I. They consider that this building is a heritage asset and its loss of the building would be harmful to that setting and significance and therefore object to the development. The loss of the building needs to be assessed against policy in the National Planning Policy Framework and in particular paragraphs 131:

In determining planning applications, local planning authorities should take account of:

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

The fact that the building is not a designated heritage asset and could be demolished without permission is significant, however the contribution that the building makes to the street scene of the area, and the setting of the grade I listed building needs to be acknowledged and borne in mind when considering the design of new development on the land, and carries some weight in the assessment process.

#### *Principle of a retail use*

Policy RTC 6 regarding neighbourhood retailing states that planning permission will be granted for new retail stores in towns and villages where:

- They are small scale and serve a local need only
- There are no unacceptable implications for nearby residential amenities by way of traffic, noise or odours
- Car parking spaces are provided where appropriate
- They are of a design and character which is reflective of local tradition and sympathetic to the local streetscape

The proposed convenience store has a proposed gross floor space of 422 square metres, this is considered to be of a sufficient size to meet a local need only. 21 car parking spaces have also been provided which is one further than already provided on site.

Comments have been made regarding the potential for the shop to meet a wider than local need only through the opening hours being until 11pm thereby attracting people who do not have such a local facility or passing trade from the A46. In reality though the facility will not be signposted from the A46 and while there may be a small amount of trade later at night, the nearest settlement of Welton does have its own Co-op facility.

The new building will also allow the opportunity to create 2 full time and 12 part time jobs. The National Planning Policy Framework supports the sustainable growth and expansion of all types of businesses in rural areas through the redevelopment of exiting buildings and through the provision of well designed new buildings.

Criteria 2 and 4 will be considered below.

#### *Design of the new building*

The original design of the building proposed was a modern one, very similar to other new co op stores that had been erected in other villages. A number of objections were received to the design of the building and officers considered that the new building did not reflect the historic nature of the setting of the existing building and the design was not acceptable in the context of the site and the surrounding area.

Following discussions between the Case Officer and Conservation Officer and the applicant and their agent revised plans were submitted which propose a building that reflects the historic context. The building is located to the front of the site but has a larger foot print than the existing building. The front part of the building reflects the scale, gable width and plan form of the existing building on the site. It responds to the established built context and enables the building to sit harmoniously in the street scene, maintaining the group value of the historic buildings in the area and mitigating the visual impact of the setting of the listed building. The rear part of the building is subordinate to the main front part with gables facing the beck to the rear.

The revised plans have been the subject of a further consultation and there have been two further responses. These are generally supportive of the revisions but continue to object on other grounds outlined above.

It is considered that the revised proposals are a considerable improvement over the original plans and if the principle of the loss of the public house and building are accepted then this new building will contribute positively to the character of the area and would not be detrimental to the setting of the listed building particularly given the substantial tree cover between the buildings.

Further comment has not yet been received from English Heritage.

#### *Impact on highway safety*

The proposed convenience store will replace an existing public house and provide an additional car parking space over and above the 20 available for the public house. It is considered therefore that the proposal would not have a significant impact on highway safety.

The highway authority made some comments regarding the original plans, requiring further detail on the access visibility and details of the turning provision for cars and exit radius for service vehicles. These details have now been submitted and the highway authority confirm they have no objections

#### *Impact on residential amenity*

The nearest residential properties that may be affected by this proposal are those at 3 and 5 Market Rasen Road. No 3 fronts Market Rasen Road and presents a blank gable elevation to the application site. No 5 is located to the rear of number 3 and has a side elevation facing the application site. Although this has windows it does not form a principal elevation. There is an access road to the houses between the houses and the public house forming a separation distance of 5.7 metres between the properties. The new building shares a similar foot print to the existing building to the front. While the new building does extend further within the plot this is staggered and set in 5 metres from the boundary and reducing in height to 2.7 metres to the eaves. The area between the building and the boundary would be planted to provide some relief to the brick wall.

It is considered therefore that the proposed building would not have an unduly harmful impact on the occupiers of the two properties 3 and 5 Market Rasen Road.

The operation as a convenience store would be proposed to 11pm. This is similar to the operating hours of a public house and therefore it would be unreasonable to object on these grounds. It may be prudent though to secure a condition regarding the hours that service vehicles may visit the property given the proximity to residential properties.

In addition a condition could be added to ensure that noise levels are no more than 5Dba above the existing background noise levels to ensure that any refrigeration plant installed does not cause harm to the amenity of the residents

#### *Impact on flooding*

Although part of the site is within Flood zone 3 the proposed use is classed as being less vulnerable. The Environment Agency has therefore commented that as long as the development meets the standing advice then they have no objections.

The applicants have submitted a Flood Risk Assessment in support of their application that demonstrates that floor levels can be slightly increased to above that of the 1 in 100 year flood event plus climate change to avoid the



potential for flooding. The FRA also includes adequate flood risk management measures.

### **Conclusion and reason for decision**

This decision is very finely balanced. The NPPF argues both for the sustainable economic growth of rural economies but also seeks to promote the retention and development of community facilities such as public houses. In terms of the heritage asset and the impact on the historic area it is considered that the good positive design of the new building ensures that harm will not be caused to the streetscene and the setting of the listed building through the loss of the building itself. It also needs to be borne in mind that the building could be demolished at any stage without needing consent.

The weight that is given to the retention of the public house against the economic growth secured through the new use needs careful consideration. However it is considered that on balance, given the fact that the public house is not operational and a new user for such a use could not be found over the extensive marketing period and is no longer in the ownership of the brewery then the economic growth associated with the new retail facility outweighs the loss of the public house.

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission and STRAT 1 – Development requiring planning permission, CRT 4 – Protection of community post offices, convenience stores and public houses and RTC 6 – Neighbourhood retailing of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that on balance the proposal is acceptable subject to certain conditions. With the conditions in place, it is considered that the proposal will allow sustainable economic growth within the rural economy and the design of the building will maintain the historic character of the streetscene, residential amenity can be preserved, highway safety would not be endangered and potential for flooding would be mitigated against.

### **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 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:** To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

3. 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 the National Planning Policy Framework (2012).

4. 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 3 of this permission at least 14 days before the said commencement. No variation shall take place.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

5. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3 of this permission.

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

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

6. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1241-10a, 1241-12c, 1241-13a and

1241-14a 02 August 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

7. The development shall be constructed in accordance with the requirements in the Flood Risk Assessment dated August 2013 submitted with the application

**Reason:** To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006

8. Following the archaeological site work referred to in condition 3 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 the National Planning Policy Framework (2012).

9. The report referred to in condition 8 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. Service vehicles shall only access the property between the hours of 6.30 am and 8pm at any time

Reason: To protect the amenity of surrounding residential properties and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan (First Review 2006)

11. Noise levels from the operation of the retail unit shall be no greater than 5 DbA above the levels of background noise recorded in the noise report by Acoustic Associates dated March 2013.

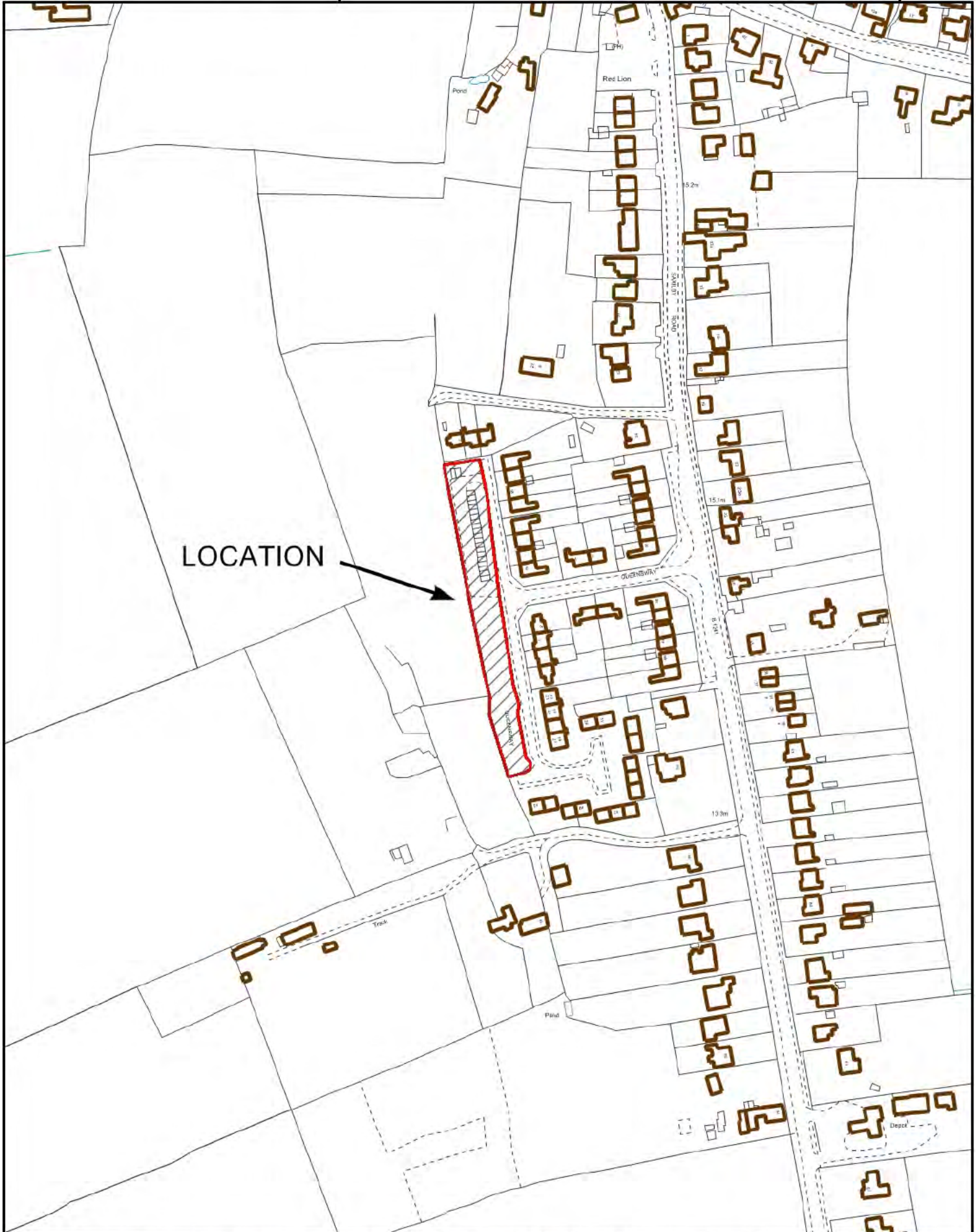
Reason: To protect the amenity of surrounding residential properties and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan (First Review 2006)

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

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

#### **Legal Implications:**

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



## **Officer's Report**

### **Planning Application No: 129094**

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

**LOCATION:** Queensway Sturton By Stow Lincoln

**WARD:** Stow

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

**APPLICANT NAME:** Acis Group

**TARGET DECISION DATE:** 27/11/2012

**DEVELOPMENT TYPE:** Small Major - Dwellings

**CASE OFFICER:** Simon Sharp

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

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

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

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#### **Description:**

- **Site** – The majority of this land (around 60%) is occupied by public open space used for informal recreation whilst the remainder, at the northern end is occupied by a block of garages used by existing local residents. There are 21 garages in total, all of prefabricated construction. The public open space is considered to constitute greenfield land whereas the garaging is previously developed land. Queensway was originally built as local authority housing in the mid 1960s. This housing occupies land to the east, south and north of the site, the dwellings to the south being bungalows. Some of this existing housing is owned by the applicant as they acquired it at the time of the stock transfer from this Council. To the west is open countryside.

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

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

Two areas of public open space are proposed.

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

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

**Relevant history:**

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

**Representations:**

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

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

- **Need** - The village has a number of ongoing developments in various price ranges and a number of empty properties. A survey undertaken by the Community Council (Community Lincs) on behalf of the applicant reported to the Parish Council that they had identified a possible need for 4 low cost properties or social housing - the application is for 8.
- **Loss of amenity** - The area upon which the proposal is to be built is currently open space used as an ad hoc play area by the children on the estate. There are no other facilities within reasonable reach without

crossing a very busy A road. If the proposal were granted the children would be forced on to the streets.

- Surface Water Flooding - The village has numerous surface water flooding problems. Parts of this estate are inundated regularly and the prospect of a resolution to the problem is expensive and remote. Whilst a swale will cope with most events, there will be the inevitable occasion when it is overwhelmed as the village has a micro climate created by a number of physical and man-made issues. The result will be that any development will exacerbate an already difficult situation.
- Whilst there is some parking provision, it is generally accepted that most rural dwelling houses run more than one vehicle. The road is narrow and any vehicles parked upon it would create difficulties of access for general vehicles and emergency services .

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

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

- The ditch on the southern boundary of the development was wrongly filled in, it is believed when the Council constructed the existing houses. The ditch now comes to an abrupt halt and the water from the fields to the west now puddles off the field and then floods through the adjoining properties into the village. The proposed development will cause an even bigger issue.
- The road is too narrow and does not allow vehicles to safely pass without resorting to using the pavement. It is also in a poor state of repair. The difficulties encountered by the emergency services and the refuse lorry will only be exacerbated by the development going ahead.
- The removal of the garages will increase the volume of vehicles requiring parking spaces on the currently over used road spaces and this is without the additional vehicles from the planned development.
- Perhaps every resident should be offered a dropped kerb and concrete driveway free of charge to ease congestion?
- The layout will block driveways off.
- Where are our children going to play if you take away the only bit of grass that they use most days?
- Concerns about safety of children and elderly.
- The street is too small to accommodate anymore houses/bungalows/flats.
- The building work will cause prolonged and excessive noise and dirt nuisance.
- The development will result in an infringement to the privacy of existing residents.
- A new build area should be built where existing new builds are already in situ i.e. the other side of the village, north of the A1500.



- If any development is to go ahead, then it should not be the proposal but rather new garages to replace the existing buildings.

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

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

26, Queensway

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

#### **Anglian Water:**

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

#### **Lincolnshire Police**

- The proposed perimeter fencing detail of the site and each plot if not shown should be of an 1800 mm robust fence
- Sub divisional boundaries should be secure and run the entire length of the garden at a minimum height of 1800 mm
- Any gates to be erected should have anti-lift hinges and will need to be erected as close to the front elevation of the properties as possible. A sliding bolt and padlock should be fitted to all such gates.

- Any gates to be erected should have anti-lift hinges and will need to be erected as close to the front elevation of the properties as possible. A sliding bolt and padlock should be fitted to all such gates.
- Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development.
- All street lighting for both adopted roads and footpaths must comply with BS 5489-1:2003. It is important that landscaping, tree planting and lighting schemes shall not be in conflict with each other.

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

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

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

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

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

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

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

- Meet a variety of housing needs through the delivery of housing growth across Central Lincolnshire
- Promote Central Lincolnshire as potential for growth
- Deliver Urban and Rural affordable housing
- Deliver housing options for older people
- Deliver housing options to meet specific needs

- Promote innovation, high quality design and materials , in new developments
- Increase energy efficiency standards and sustainable use of resources

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

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

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

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

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

The recommended tenure of all properties was affordable rent.

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

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

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

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

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

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

### **Relevant Planning Policies:**

#### **The Development Plan**

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

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

SUS 7 Building materials and components

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES7 Rural Exceptions housing

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## National

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

## Local

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

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

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

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

## **Assessment:**

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

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

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

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

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

The survey was paid for by the applicant but the process was open, neutral and transparent. It was made clear that the survey was and is not exclusive to the applicant and could be used for other developers/landowners if they brought land forward. In this regard it is noted that other land has been submitted in Sturton by Stow for consideration as exception sites for affordable housing. This includes land on the north side of the village, off Stow Road, near to where houses have been developed in the last 20 years and where they are currently being developed. Such land is where one of the representations received for this application states that new housing should be built. However, the other sites identified as being appropriate have not been pursued and the need remains. It is a current need and without delivery of this site it will be unmet for the foreseeable future.

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

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

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

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

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

the case officer's site visits, part of the space was being used by children for games.

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

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

### **Design and layout**

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

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

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

### **Flooding and drainage**

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



relating to waste water disposal, but the main policy considerations are now included within the National Planning Policy Framework and its accompanying Technical Guidance.

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

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

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

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

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

Finally foul water is proposed to be discharged into the existing mains sewer. This is the preferred option (policy NBE14 of Local Plan Review refers) and

Anglian Water has confirmed that there is available capacity in the affected sewerage system.

### **Residential amenity**

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

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

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

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

These closest existing dwellings could be affected during the construction phase, as could dwellings to the north and south and those that line the link part of Queensway between the site and Saxilby Road. Specifically noise and disturbance could arise from construction itself and/or from the movement of contractor's vehicles, plant and machinery to and from the site. Given that Queensway is a no-through road in a solely residential area, an area characterised by relatively low ambient noise level where most of the dwellings are within 9 metres of the highway and where some dwellings are within 13 metres of the site, then it can be reasonably required that

construction is carried out in complete accordance with a management plan. Such concerns have been raised by residents and a condition can be imposed to ensure that amenity is preserved, specifically prescribing working hours to only in daytime on weekdays.

### **Highway safety**

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

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

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

### **Other matters**

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

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT7 – Windfall and infill housing developments in Subsidiary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5

Provision of play space/recreational facilities in new residential development, RES7 Rural Exceptions housing, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development. Indeed, each saved Local Plan policy has been assessed for consistency with the National Planning Policy Framework with its weight apportioned according to the level of consistency. The Draft Central Lincolnshire Joint Core Strategy (2013) was also considered and weight afforded to it as it has been approved by the Central Lincolnshire Joint Strategic Planning Committee and is considered to reflect and have general conformity with the provisions of the National Planning Policy Framework albeit not having been the subject of submission to the Secretary of State for an Examination in Public

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

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

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

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

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

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

#### **Time commencement condition**

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

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

#### **Pre-commencement conditions**

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

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

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

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

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

4. No development shall take place until a detailed specification for the vehicular access to the dwellings within the limits of the existing adopted highway have been submitted to and approved in writing by the local

planning authority. The said accesses shall be completed prior to the first occupation of any of the dwellings hereby approved and thereafter retained.

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

### Other conditions

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

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

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

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

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

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

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

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

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

9. None of the dwellings hereby approved shall be first occupied until a landscaping scheme to include tree planting and remedial works to the

hedge on the western boundary has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance. The landscaping shall be planted and thereafter maintained in accordance with the approved scheme.

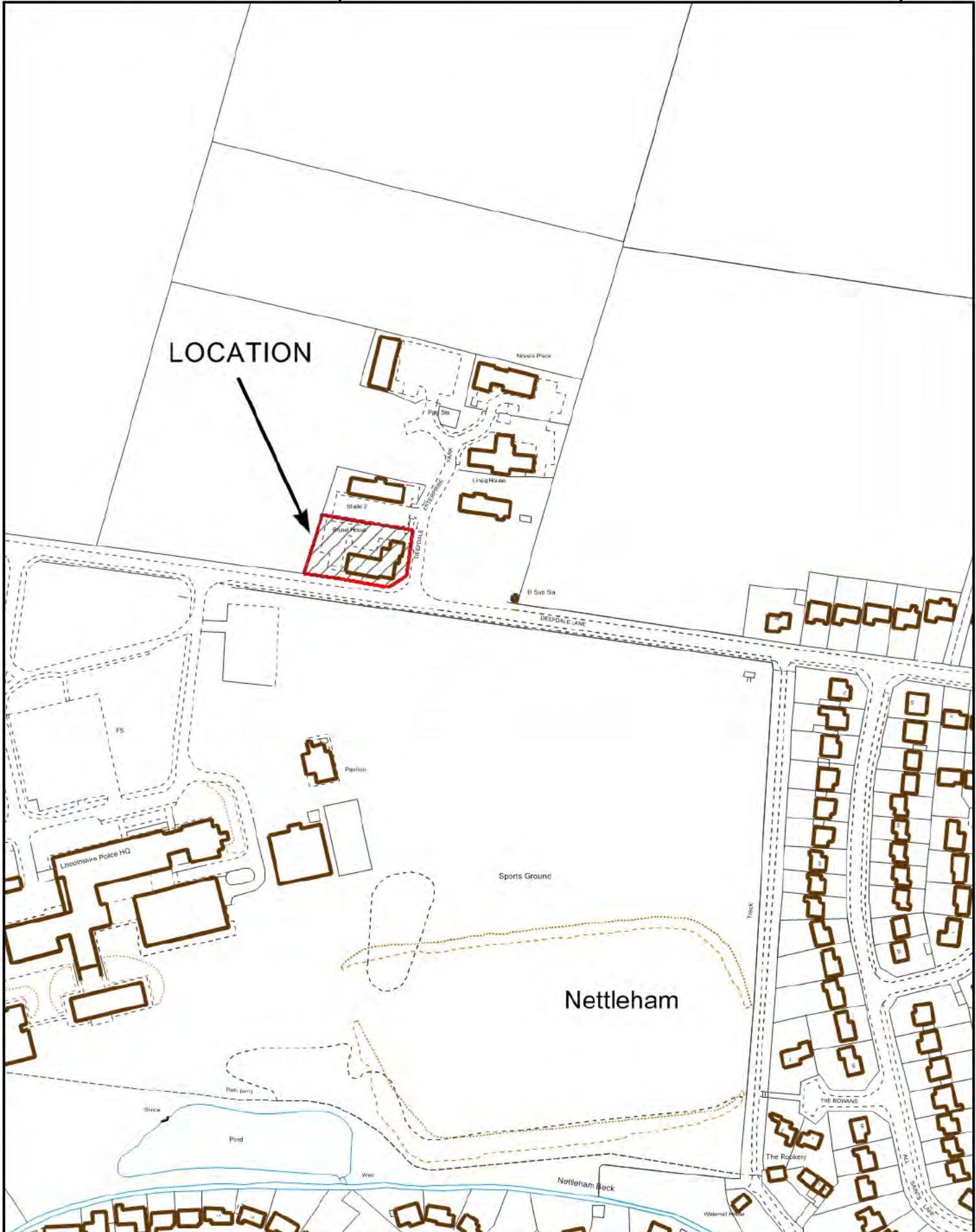
**Reason:** To ensure that, together with the public open space, an appropriate level and type of soft landscaping is provided within the development given the site's edge of settlement location and to accord with policies STRAT1, RES1, CORE10 and NBE20 of the West Lindsey Local Plan First Review 2006.

### **Human Rights Implications:**

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

### **Legal Implications:**

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





## **Committee Report**

### **Planning Application No: 130301**

**PROPOSAL:** Planning application for erection of new business unit

**LOCATION:** Brunel House Deepdale Enterprise Park Nettleham Lincoln, Lincolnshire LN2 2LL

**WARD:** Nettleham

**WARD MEMBER(S):** Cllrs Malcolm Leaning and Giles McNeill

**APPLICANT NAME:** Peter Cole Consultants

**TARGET DECISION DATE:** 16/10/2013

**DEVELOPMENT TYPE:** Minor - Offices

**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant consent subject to conditions.

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#### **Description:**

Brunel House occupies the front west plot at the Deepdale Enterprise Park, on the north western edge of the village, an employment allocation in the Local Plan. There are some plots remaining but the rest of the site has a collection of buildings in various commercial uses. Brunel House is L shaped and built of red brick and tile, in the style of a converted barn, as many of the other buildings on the park are. There is existing parking on the site.

It is proposed to construct a small business unit in the south west corner of the site. This would measure 8m wide by 9m deep (at its deepest point) by 6.4m to the ridge (3m to the eaves). It would have vertical timber clad walls, with dark grey aluminium framed windows. The roof would be Marley grey smooth tiles, to match the existing roof of Brunel House.

There would be seven full time employees and one part time. Five extra car parking spaces and two motorcycle spaces would be created in the car park by removing existing hard and soft landscaping and redrawing the lines.

This application has been called into Planning Committee by Councillor McNeill. It also has to be determined by Planning Committee as an employee of the applicant is the partner of a member of West Lindsey staff.

#### **Relevant history:**

M04/P/1460 Outline Application for rural enterprise park. Granted consent 17.3.05

118513 Planning application for new office building with associated car parking provision, foul and surface water drainage and landscaping. Granted consent 4.8.06

122757 Planning application to convert existing roof space to form additional first floor offices. Granted consent 1.12.08

**Representations:** IDOX checked 1.10.13 – none received to date

Chairman/Ward member(s):

Cllr Giles McNeill asked for application to be determined at Planning Committee “I understand that Nettleham Parish Council have made a representation regarding the overdevelopment of the site, issues of parking that currently exist and would, in their view, be made worse should permission be granted, which already affects delivery vehicular access. All these items would appear contrary to STRAT 15. On that basis, whilst drawing no conclusion myself as to the merit or otherwise of the application, I would welcome the decision being made by the Planning Committee.”

Cllr Malcolm Leaning: Would like to see the case officer’s report once completed by email.

Parish Council: We note that the proposal adds a significant increase in working space over the original Enterprise Park plans for 350sqm and feel this represents overdevelopment of this specific site, and is detrimental to the original concept and agreed design. There are still 2 remaining undeveloped sites on the enterprise park so shoehorning another building an existing site like this seems to be unjustifiable. We have also observed that the parking on site is inadequate for the current staffing level for the call centre business on site. Seven cars regularly park on the estate road during the working day causing some difficulty for delivery trucks and vans. On this basis the Parish Council objects to the development..

Local residents: None received

LCC Highways: Requests conditions requiring car park details as shown on plan to be available at all times premises are occupied and requiring the submission of a travel plan post occupation.

Environment Agency: None received

Archaeology: No objections

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (March 2012)

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

#### West Lindsey Local Plan First Review 2006

STRAT1 Development Requiring Planning Permission

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

STRAT15 Employment Allocations

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

SUS1 Development Proposals and Transport Choice

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

SUS7 Building Materials and Components

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

NBE20 Development on the Edge of Settlements

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

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

#### Draft Central Lincolnshire Core Strategy 2013

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

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8<sup>th</sup> July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014. The policies still therefore have limited weight as are still subject to challenge.

#### **Main issues**

- Principle
- Design
- Highways and parking

#### **Assessment:**

##### *Principle*

The NPPF supports sustainable growth including the expansion of all types of business and enterprise in rural areas including well designed new buildings (paragraph 28) Here, the new building will be seen in the context of the existing structures in the enterprise park, which will integrate it into the built environment (paragraph 61).

It is on part of the allocated employment site N(E)1, for which saved policy STRAT15 is relevant. It requires development on such a site to provide an acceptable standard of access to the road network, servicing and manoeuvring space, together with appropriate parking and cycling facilities, incorporate landscaping to separate any incompatible uses and to blend development into the countryside, ensure the design, scale and siting of buildings do not detract from the environment or character and appearance of the surroundings and make provision for infrastructure and services directly related to it and necessary to the granting of planning permission.

The site is already linked to infrastructure such as foul drainage, water and electricity and there are existing soakaways on site. The parking is to be rearranged to gain an extra five spaces on site and the proposed arrangements will be conditioned to be available at all times. The scale is small and the design reflects others in the park. There is a hedge to the front which provides some screening and the development is only glimpsed from the A46. The addition of this small building is not thought to have an

unacceptable impact on the environment or surroundings as it will be viewed in context with other structures on the site. Therefore, the development is in accordance with the requirements of saved policy STRAT15.

The Local Planning Authority cannot require the applicant to develop one of the vacant plots to site this small building in. The original outline consent for the site stipulated sizes of buildings for each plot. However, this application is a full planning application, and unlike a reserved matters application, is looked at afresh on its merits.

In this case, the economic benefits outweigh other factors and the design is not considered out of place.

### *Design*

As mentioned above, the scale is small and the material palette reflects other buildings in the park and is subordinate to the main building. Its size will mean it will sit behind the hedge, with the roof visible above. It is a simple design which will not conflict with either the buildings already on the wider site or the edge of settlement location, and is therefore in accordance with saved policy NBE20, which required development to respect and maintain the existing character and appearance of the boundary of the settlement footprint.

### *Highways and parking*

The Highways Authority has raised no objection to the proposal, subject to two conditions. The revised parking layout gives five extra car parking spaces and two for motorcycles. One of the conditions requested by the Highways Authority is for a Travel Plan. This will help control how employees travel to work. There are bus stops just outside the site on Deepdale Lane.

If parking is causing an issue, then it is a matter for the Highways Authority to control and the Highways Authority do not object to the proposal. It is considered that the additional parking spaces generated are sufficient, in conjunction with the Travel Plan, to minimise the impact of the additional employees on site.

### *Other matters*

None

### **Conclusion**

The proposal has been considered against the Development Plan, namely STRAT1 Development Requiring Planning Permission, STRAT15 Employment Allocations, SUS1 Development Proposals and Transport Choice, SUS7 Building Materials and Components and NBE20 Development on the Edge of Settlements of the West Lindsey Local Plan First Review June 2006 (saved policies 2009) together with other material considerations. This includes the advice given in the National Planning Policy Framework and that this site is allocated for employment use.

In light of this assessment, given the size, scale and design of the building and its context on a developed part of the site, together with the proposed

changes to the car parking arrangements, the proposal is considered acceptable as it will further the economic growth of the District.

**Recommendation**

That planning permission is granted subject to the following conditions.

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

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

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

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

None

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: J1219/01 Site Location Plan, J1219/02 Site Block Plan and Ground Floor Plan, J1219/03 Proposed New Unit Elevations, all revision PO1, dated July 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

3. The arrangements shown on the approved plan J1219/02 revision PO1 dated July 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

**Reason:** To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with saved policy STRAT1 and the advice given in the National Planning Policy Framework.

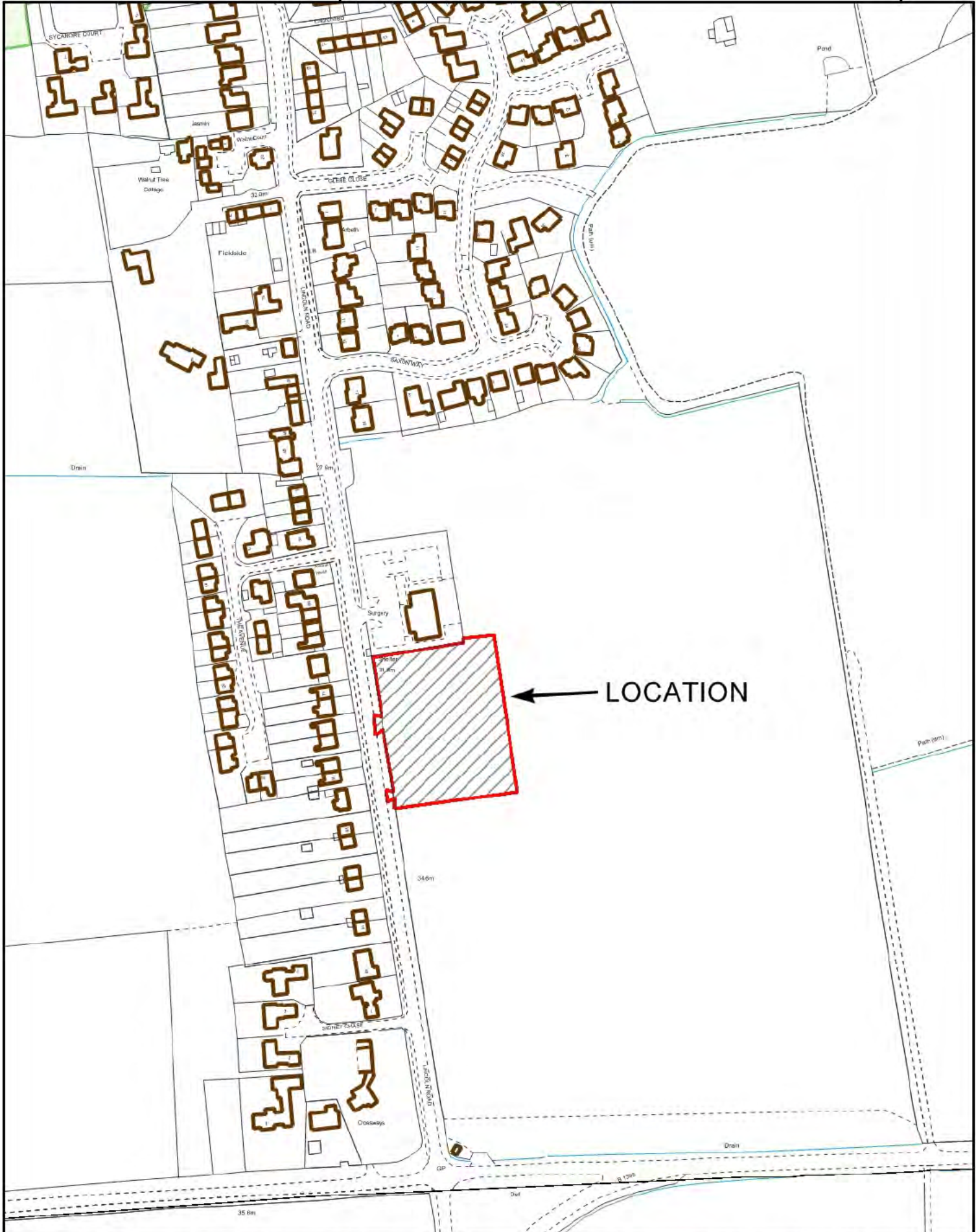
4. Within 6 months of the development being occupied, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. Thereafter annually a staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel

Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.

**Reason:** In order to ensure that access to the site is sustainable and reduces dependency on the car in accordance with saved policy STRAT1 and the advice given in the National Planning Policy Framework.

**Notes to the Applicant**

None



## **Officer's Report**

### **Planning Application No: 130363**

**PROPOSAL:** Planning application for the erection of 17no. dwellings consisting of 7 no. affordable and 10no. open market properties with access onto Lincoln Road-resubmission of 129648

**LOCATION:** Land at Lincoln Road Ingham Lincoln

**WARD:** Scampton

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

**APPLICANT NAME:** Mr F Wilson

**TARGET DECISION DATE:** 18/11/2013

**DEVELOPMENT TYPE:** Small Major - Dwellings

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.
3. The mechanisms for ensuring the affordable homes are affordable.

### **Introduction**

Members may recall that a similar proposal was reported to the Planning Committee in May 2013 (see relevant history). The current proposal differs from that refused as explained in the following section. There have also been changes to the policy context.

The need for affordable housing remains and this report explains why the site is considered appropriate and that no other appropriate sites have come forward to fulfil the need.

### **Description**

**Site** -The application site currently forms part of a field located immediately south of the Ingham medical centre on Lincoln Road. The site has a hedgerow forming its boundary to the road and to the doctor's surgery with the remaining boundaries being open to the surrounding open countryside.



The site is designated as an Area of Great Landscape Value, this area extending from South Carlton in the south along the escarpment of the Lincoln Cliff to the County boundary in the north at Grayingham. The designation includes the developed area of Ingham east of Lincoln Road including the Saxon Way estate.

The proposal is to erect 17 houses accessed from a new access created to Lincoln Road. The houses proposed are as follows:

- 1 two storey house for shared ownership (plot 1)
- 2 two storey houses for social rent (plots 2 and 3)
- 2 apartments for social rent (plots 4 and 5)
- 2 bungalows for social rent (plots 6 and 7)
- 2 semi detached houses for market housing (plots 8 and 9)
- 8 detached houses for market housing (plots 10-17)

The proposal varies from the original submission insofar as additional landscaping is now proposed. It is proposed that this not only offers additional screening of the development when viewed from the countryside to the east and south, but also increases the overall percentage of undeveloped natural environment within the site.

### **Relevant history**

The previous application 129648 was refused in May 2013 for the following reasons:-

1. The proposed development is sited in the open countryside and therefore its location would be isolated from the village of Ingham in an unsustainable location contrary to the requirements of Policy STRAT 12 and Development in the Open Countryside and RES 7 – Rural Exceptions Housing of the West Lindsey Local Plan (First Review 2006), and the National Planning Policy Framework.
2. The proposed development is sited in an Area of Great Landscape Value (AGLV). The elevated land levels together with the harsh built edge of the residential development would have a detrimental impact on the skyline, visual amenity and views into the AGLV and would constitute over development contrary to policy NBE10 Protection of Landscape Character in Development Proposals of the West Lindsey Local Plan (First Review 2006) and the National Planning Policy Framework.
3. The proposed development does not provide an adequate level of amenity open space and children's play space contrary to policies RES 1 Housing Layout and Design and RES 5 Provision of Play Space/Recreational Facilities in New Residential Developments of the West Lindsey Local Plan (First Review 2006) and the National Planning Policy Framework.

## **Representations**

**Ward Cllr/Chair** – No comments received.

**Ingham PC** – Wish to reiterate their original comments relating to the previous application:-

1. Parking on Lincoln Road - The major concern for the Parish Council and the well attended public meeting was that the houses with doors directly accessing Lincoln Road would encourage parking just outside those properties. This is a common feature within the village just as it is elsewhere. The indiscriminate parking on this primary access road and bus route causes difficulties at present and is of particular concern to those exiting the Doctor's Surgery and The Avenue. The Parish Council therefore consider that the existing layout plan is not sympathetic to Ingham residents.
2. Construction phase - The parking of contractors' vehicles and equipment required during the lengthy construction phase are likely to cause severe problems on Lincoln Road. The Parish Council would like restrictions placed on the developers to contain such parking within the site area.
3. Affordable/social housing - It was generally understood that the meaning of affordable referred to the part buy/ part rent philosophy which assists people gain access to the housing ladder. The Parish Council are disappointed therefore that only one property fulfils that aim.
4. Other concerns - At the public meeting concerns were raised regarding sewage and top water disposal as well as school capacity. The Parish Council trust that suitable assurances have been obtained from the relevant authorities.

They also wish to make the following additional comments relating to the current application and specifically the submitted Design & Access Statement:-

- a) Item 2 .0 refers to extensive pre -application negotiations with Ingham Parish Council. This process involved a presentation to the Council and a presentation at a public meeting followed by a question and answer session. They were initiated by WLDC planning dept. and should not infer Parish council support.
- b) The refusal of planning permission by WLDC included reference to AREA OF GREAT LANDSCAPE VALUE, this was a fact which had not been revealed to the Parish Council by WLDC or the applicant during the consultation process.
- c) The plan on page 5 shows existing residential development within AGLV, prior to this development that parcel of land was a derelict

- industrial site on contaminated land and not agricultural land like the remainder of the field.
- d) The same plan shows a potential infill site to the north of the surgery and presumably the land to the east and south of the proposed development would also become potential infill.
  - e) In the applicant's response to point 3 on page 8 the development is compared to other courtyard developments. In fact all those sites are small and comprise only a handful of properties. This Lincoln road site is a significant development to Ingham and amounts to an increase in village properties of some 4%.
  - f) Regarding village recreational land it should be noted that the Parish Council currently maintain the area on the Saxon Way development using a fund set up by the developers.
  - g) In the 3<sup>rd</sup> para it describes the survey of sites and yet this site to the south of the surgery was not included . The final para states that the Parish Council has generally accepted this later option however it was a WLDC choice not a Parish Council choice.
  - h) In respect of item 5.0 layout, on page 12, it describes the houses close to edge of pavement as intimate, however more importantly it will provide the encouragement for parking on Lincoln Road which could become a major hazard for the village.

Officer note:- The Assessment section of this report considers all relevant material considerations. Nevertheless, in response to the Parish Council comments it is helpful to clarify that the application site was one of the areas assessed by West Lindsey officers following the Council's call for land for affordable housing. The area included the land to the north, east and south of the surgery within the same field. The areas were not ranked and officers provided no preferences but did assess the area as being appropriate. It is the only area that has been pursued for development following the initial assessments. It is considered that the Assessment section of this report makes the Parish Council's position clear.

### **Residents/businesses**

The Ingham Practice Patient Group/doctor's surgery

- a) Loss of privacy in the Consulting Rooms, which are on the southern side of the Practice building. The ground and first floor windows of the proposed plots 1 – 10 will look directly into the consulting rooms.
- b) The development site is approximately 1.2m higher than the ground level at Ingham Practice, and will overlook the practice premises. The boundary hedging in the winter forms no protection against overlooking and contributes to lack of privacy.
- c) The practice has concerns regarding the run-off of surface water from the site onto the practice premises.
- d) Changes already being implemented within the NHS and further plans recently announced will progressively transfer responsibility for many services from hospitals to GP practices. The proposed building development would prevent any further expansion of the existing

premises, which are already fully occupied, thereby severely restricting the Practice's ability to satisfy the enhanced service criteria.

- e) The Practice is currently experiencing limitations on its car parking facilities and should the development be allowed to be built in the position shown on the submitted drawings this would effectively land lock the surgery.

The Patient's Group does not object to the development in principal but in order to allay our concerns we suggest it be moved 30 m to the south to create a buffer zone which, following negotiation with the farmer/owner, could be purchased by the Practice to allow for further expansion.

**Upper Witham Internal Drainage Board** – The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. It is noted that the water company has agreed a discharge rate of 2l/s in the existing system. The Board requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse. The system should be designed for a 1 in 100 year vent (plus allowance for climate change) and not the 1 in 30 year event as submitted. The existing drainage routes should be protected.

**Environment Agency** – Does not wish to make any comments on this application.

**LCC Highways** – No objection subject to conditions relating to the provision of a footpath on the Lincoln Road frontage, the provision of an uncontrolled pedestrian crossing across Lincoln Road before development commences, the provision of the road within the site to an adoptable standard before occupation of the dwellings its serves, the agreement of a surface water drainage scheme for the highway and the agreement of the specification of the junction with Lincoln Road.

**LCC Education** – The development would result in direct impact on local schools. Both the primary and secondary schools serving Ingham are projected, notwithstanding the proposed development, to be full in the future. A contribution of £67,812 is therefore requested to mitigate against the impact of the development at a local level.

**LCC Archaeology** - The proposed site is on the outskirts of Ingham village. The Ingham area has historic assets ranging from the Prehistoric period to the present day.

An archaeological geophysical survey has been undertaken on this site which identified limited archaeological potential on this site. Recommend that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2012)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable

heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

## **Relevant planning policy**

### **The Development Plan**

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district although the weight afforded to it is dependant on whether the specific policies have general conformity with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the site is outside of the settlement limit for Ingham 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>

SUS4 – Cycle and pedestrian routes in development proposals

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

NBE20 Development on the edge of settlements

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

## Other policy

- National Planning Policy Framework (2012)

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

Including Part 6 Delivering a wide choice of quality homes, Part 7 – Requiring good design and the overall presumption in favour of development that is economically, socially and environmentally sustainable.

- Draft Central Lincolnshire Joint Core Strategy (2013)

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

Ingham is defined as a Tertiary Attractor in the Portrait of Place evidence that helped inform the draft Core Strategy. In this context the following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire

CL4 - Level and distribution of growth

CL5 – Managing the release of land for housing and employment

CL6 – Site selection in Central Lincolnshire

CL12 – Overall target for affordable housing– Affordable housing on rural exception sites

CL22 – Strategy for the rural areas of Central Lincolnshire

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

## **Assessment**

### **Principle**

The West Lindsey Local Plan First Review was drafted in 2003 and adopted in 2006. It remains part of the development plan and contains a suite of strategic (STRAT) and residential (RES) policies that was designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's growth objectives. These strategic policies together with policy RES6 of the Local Plan Review were originally designed to deliver the majority of open market and affordable homes through allocated sites identified in the same Plan. Other sites would be permitted within settlement limits in the towns and larger, so called Primary Rural Settlements, but there were and still are policies designed to permit housing outside of settlement limits. These include where there is a local need for specific housing, where a countryside use such as farming has identified a functional need and in other exceptional circumstances where material considerations could justify development in locations deemed to be unsustainable. Policy RES7 was included to acknowledge that there would be a need to deliver "exceptions sites" for affordable housing in small and subsidiary rural settlements (as defined by policy STRAT3) to respond to an identified need for such housing in these settlements. Towns and Primary Rural Settlements such as Ingham were explicitly excluded from the provisions of policy RES7 as the allocations included within policy STRAT2 were designed to deliver not only the open market housing to meet the Council's housing strategy but also affordable housing to meet local need. This is because policy RES6 required the Council to seek delivery of around 25% of the total number of dwellings within each allocated site to be affordable homes.

The failure of this framework to deliver affordable homes to respond to specific need in many, although by no means all settlements in West Lindsey is due to a number of factors. These include:-

- Slow delivery rates or no delivery, largely because of subdued market conditions and/or the desire of house builders to control supply and/or the inability of smaller housebuilders to deliver the larger allocated sites within the Plan period.
- The rigid application of the 25% quantum in some cases which delivered affordable housing but not necessarily affordable housing that responded to the specific local need identified and/or in the right settlement.
- The lack of delivery or under delivery of the affordable housing due to weight being afforded to other considerations such as an objective to complete a site to deliver the needed open-market housing to realise the growth ambitions of the Council and national government policy.
- A demonstration that the delivery of the affordable housing resulted in the overall site development not being viable. Such a viability appraisal includes an assessment of the costs of delivery of a site and estimated revenues to deliver a quantum of affordable housing within a scheme. Members should be aware that officers explore all avenues available to deliver the affordable housing including external funding and later phased delivery of the affordable housing but sometimes, even after examination of these other possible solutions, it is not viable to deliver

affordable housing. This can be largely down to the subdued revenues experienced in West Lindsey but can also be affected by abnormal infrastructure costs. The cost of buying the land, say at the peak of the market and then the developer wishing to deliver the housing during a dip in the market (to maintain cash flow) is a particular factor although “over paying” for the site acquisition at the peak of the market should not alone be a determining factor in justifying the lack of delivery of affordable homes.

Some members may recall that, in response to the lack of delivery in such Primary Rural Settlements, housing has been delivered beyond the defined Local Plan Review settlement limit in Saxilby and North Kelsey. The Saxilby site on Church Lane has now been delivered following the allowing of an appeal whilst the North Kelsey site on Brigg Road was granted permission by members at Planning Committee following an amendment to the housing types.

Such sites can be delivered to meet need but the process is rather developer led and therefore does not necessarily respond at a specific time to the needs of that time or in the right place.

To respond to this issue and specifically the lack of delivery in the larger settlements where such development could be sustainable, Council officers led by the Strategic Housing team embarked on a process that is still ongoing to identify need through surveys, calls for land, assessments of that land and facilitated delivery with stakeholders such as housing associations. You will recall that at the Planning Committee on 6<sup>th</sup> March planning permission was granted for the exceptions site at Cherry Willingham which had gone through this process and resulted in a scheme of 32 houses, 24 of which were affordable. A similar process has taken place at Ingham and is detailed below:

| <b>Date</b>            | <b>Action</b>  |
|------------------------|--|
| March 2009             | Survey carried out by Community Lincs  |
| May 2009               | Survey results published   |
| Spring 2011            | Call for land carried out  |
| July - October 2011    | Sites assessed   |
| October 2011           | All landowners informed of assessment and invited to meet with WLDC Development Team |
| November 2011          | Preferred site identified by PC at public meeting – attended by RHE                  |
| November/December 2011 | Initial meetings held with landowners  |
| November 2011          | Mix determined by WLDC officers  |
| November 2011          | RP's informed of proposed scheme and required mix                                    |
| throughout 2012        | Meetings and discussions held with landowner and team re design                      |
| October 2012           | viability appraisal carried out  |
| January 2013           | Public Consultation event held   |
| February 2013          | Application submitted  |



A Parish Housing Needs Survey carried out by Community Lincs in March 2009 identified a need for affordable housing in Ingham. The findings were published in the Ingham Affordable Housing Needs Survey Report May 2009.

The survey identified 9 respondents to be in need of affordable housing. This information was cross referenced with information from the West Lindsey Housing Register and officers were able to determine a specific mix.

Of the 9 households identified through the survey as being in need of affordable housing 4 were identified as being in an immediate need. It was assumed that this need would have been met. This resulted in a need for 5 units of affordable housing. The report suggested that a number of households would return to the village if affordable housing was available. As it is difficult to be specific about their housing need these households were discounted. Information from the West Lindsey Housing Register (October 2011) identified a local need for 2 household requiring bungalows. Based on this evidence of need officers determined the proposed mix to meet a specific local need to be;

3 x 2 bed houses – 1 shared ownership and 2 social or affordable rent  
 2 x 2 bed bungalows (over 55's) social or affordable rent  
 2 units of single person accommodation for social or affordable rent

A call for land was carried out in Ingham which resulted in a total of 9 specific areas of land being assessed. All sites were assessed by officers from both Strategic Housing and Development Management services at the Council. This assessment process is part of the usual process carried out by officers at West Lindsey when looking to identify land suitable for the delivery of affordable housing. The process identifies any major constraints there may be. At no time do officers rank sites in any order of priority. Their aim is to bring forward a site which will deliver housing to meet the identified housing need. A site is only deliverable if a landowner is willing to bring forward his land in an appropriate timeframe with a developer and/or Registered Provider in partnership to meet such evidenced need.

The Parish Council were informed of all sites. It is understood that the Parish Council determined that a site between the doctor's surgery and Saxon Way within the same field as the application site was their favoured site.

All landowners were informed of the outcome of the assessments and invited to meet with officers where they were advised of the housing need for 7 units of affordable housing. They were further advised that, as the sites were outside the settlement limit, that any scheme brought forward must respond to the evidenced housing need and provide the exact mix of affordable properties which had been specified by the Strategic Housing Team as a result of both the survey and the housing register. They were informed that an element of market housing to enable the delivery of the affordable housing would be permitted on this scheme, in the absence of any other funding streams, subject to an open book viability appraisal.

Discussions took place with the applicant and his team throughout 2012 in relation to the design. An open book viability appraisal was carried out based on the mix of market housing and affordable housing which is the mix brought forward by the applicant. A public consultation event held in January showed much support in principle for the delivery of an affordable housing scheme within the village.

The applicant has chosen a preferred developer and Registered Provider who will provide the detail required for the legal agreement to reflect the realistic delivery mechanism based on the viability of the project.

It is for these reasons that it is considered that the principle of the development is acceptable and the first reason of the previous reasons for refusal does not apply. In addition it is now considered that the site would also be supported as an open market scheme given that it is environmentally, socially and economically sustainable in terms of form and function. As a result, it would accord with the principles of sustainability and the presumption in favour of sustainable development contained within the National Planning Policy Framework 2012 and echoed in policy CL6 of the draft Core Strategy that was approved by members on 8<sup>th</sup> July. The site is environmentally sustainable given its location (see next sub-section), socially sustainable given the mix of tenure and housing types proposed and economically all sustainable as evidenced through the financial appraisal which demonstrates that this is a deliverable development with the infrastructure required to support it (the exception being education capital infrastructure).

Finally it must be emphasised that, as discussed in the following sub-sections of this report, the application site is not without constraints. However, it is considered to be appropriate for development and is the only site that has come forward to meet the outstanding need. It is also near to the Parish Council's favoured location which is within the same field, in the same ownership, also within the Area of Great Landscape Value (reason 2 of the previous refusal) and, unlike the application site, is heavily constrained by existing infrastructure. Specifically, an adopted mains foul sewer diagonally dissects this other site, there is an outfall from the Saxon Way surface water sewer system and there are overhead electricity cables including a dual post support. Avoidance and relocation of this infrastructure would add significant costs to an affordable housing led scheme; the removal and rerouting of the electricity cabling being quoted as being in the region of £95,000 to £100,000 (Northern Power Distribution).

Of the other sites that were originally submitted following the call for land, none have been progressed and all had been constrained in some way. For example, the scrapyards site on Stow Road is relatively isolated from the village which would not foster social inclusion and sustainability. It also has the potential to be contaminated given its existing and previous use. Two other sites that were put forward were off Short Lane at the west end of the village. These sites are closer than the application site to the school but would result in traffic travelling through the sensitive narrower streets within

the historic core of the village and being more distant from facilities such as the doctor's surgery and bus service. It is also very likely that significant infrastructure costs, including improvements to Short Lane, would render both sites unviable without considerable open market housing included as enabling development.

The land off Church Hill is further up the escarpment than the application site and nearer the Church. It is also within the Area of Great Landscape Value and considered to be in a significantly more visually sensitive location than the application site.

The final site to be submitted following the call for land but then not pursued was to the west of Lincoln Road behind the existing houses. This site had the potential to be sustainable if footpath and cycleway links were provided to the village hall and school, but such infrastructure adds to the costs and places a question mark over the viability of the scheme. The site also does not benefit from a natural road frontage and very much back land in character.

In summary, despite the site being beyond the settlement limit and on greenfield land, it is considered that the principle of the proposal can be supported as the proposal responds to an identified need and that the number of market houses proposed is necessary to enable the delivery of the affordable units. The overall mix provides opportunities for both first time buyers and those looking to move up the property ladder as well as providing much needed affordable housing for those households who are unable to access the housing market without assistance. No other sites are being brought forward by landowners to meet the outstanding need. The development is also considered to be environmentally, socially and economically sustainable, thereby meeting the core principles of the National Planning Policy Framework echoed in policy CL6 of the draft Core Strategy.

### **Sustainability of the location**

Ensuring that development is sustainable is the key theme of the NPPF and a also a material consideration within policies STRAT1, SUS4 and RES1 of the Local Plan Review and policy CL6 of the draft Core Strategy.

The site is on the edge of the village. A timed walk between the site and the village centre (village shop, school and public houses) took 10 minutes at a pace to reflect varying abilities and the carrying of a shopping bag and accompaniment by children including the pushing of a pushchair. The return journey took slightly longer, this journey being up an incline. There is a segregated pavement with dropped kerbs for road crossings for the entire length of the route although new pavements would have to be provided on the site frontage and within the site.

The current application site also benefits from a bus service (the bus stops very near to the site are served by the No. 103 "Cliffsider" service) connecting the site directly to Lincoln city centre. This service allows for trips to be undertaken to places of work in the city centre for normal working hours on Mondays to Saturdays as well as during the day for shopping, school or medical appointments.

Therefore, despite being beyond the settlement limit the site is considered to be in a sustainable location and, being adjacent to the surgery and very near to the bus stop, it is in a as sustainable location as some existing houses within the defined settlement limit. In this context the parking provision proposed is considered to be acceptable and it is noted that the off-street parking provision within the site was increased prior to the submission of the first planning application following a public meeting at Ingham Village Hall.

### **Flood risk and drainage**

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

With regards to main fluvial flooding, the main thrust of the NPPF, stated in paragraph 101, is to locate development in areas which are at lowest probability of flooding (zone 1), the so called “sequential test.” The site falls within this zone 1 and so the development passes this sequential test.

Turning to surface water drainage, stormwater is to be collected in a positive underground drainage system within the site. An adopted storm water network will need to be constructed due to the number of houses and the adoptive nature of the proposed road. The new network will connect to the existing adopted storm network within Lincoln Road. Permission has been granted by Anglian Water for a connection to manhole ref 8151.

Permeability tests were carried out but the site was found to be unsuitable for a Sustainable urban drainage solution SUDS solution because of the presence of underlying stiff clay which does not allow for the percolation of water.

Anglian Water has raised no objection to the proposals subject to the addition of a condition requiring the implementation of the agreed strategy. However, the Internal Drainage Board (IDB) have noted that the scheme that has been agreed with Anglian Water provides attenuation to a 1 in 30 year event whilst the IDB advise that there should be attenuation for a 1 in 100 year event (plus allowance for climate change). The IDB’s request is reasonable especially given that there have been some flood events on the west side of Lincoln Road. This is considered to be an issue that can be dealt with by a condition. The same condition can also ensure that the volume and discharge rate into the receiving watercourse at the outfall of the sewer is acceptable. The likely result of these requirements is an increased specification of some of the on-site drains which would not materially affect viability.

Finally, with regard to foul water, it is proposed to discharge into the adopted mains sewer which is the preferred method (circular 3/99 applies) and Anglian

Water have confirmed in writing that there is capacity both within the existing system and at the sewage treatment works.

### **Design, landscaping and visual impact.**

These are considerations detailed in policies STRAT1, RES1, RES5, CORE10, NBE10 and NBE20 of the Local Plan Review, the latter specifically relevant due to the edge of settlement location and NBE10 being relevant to the AGLV designation. All of the above Local Plan Review policies are afforded significant weight as they echo the general thrust of the NPPF in relation to good design.

Opposite the site is a row of detached and semidetached houses set back from Lincoln Road. The front boundary treatment to the main road is mainly characterised by hedges. The adjacent doctor's surgery is sited at a lower level than the application site. The single storey red brick building is set back from the main road behind a hedge with car parking to the front and north. As the road into Ingham progresses the housing becomes more diverse in style. The boundary treatment becomes more mixed although emphasis on hedgerow is still maintained particularly on the east side of the road to a Saxon Way.

The site will be clearly visible from the main road when entering and leaving Ingham as it is sited on the edge of the settlement. However, the development is restricted to two storey houses (and incorporates two bungalows) and the amended plans proposed for this resubmission includes a wider hedge/landscaping belt around the curtilage of the site in response to members' concerns about the impact on the Area of Great Landscape Value. The implementation of this belt around the southern and eastern edge of the development will ensure that an appropriately soft and natural environment is presented when viewed from the south (on Lincoln Road) and the east (from the public footpath on the eastern side of the field and from the B1398 further east at the top of the escarpment). Indeed, as this landscaping matures, it is considered that the impact of the development will actually be less than that of Saxon Way when viewed from the east; these existing houses do not benefit from the same landscaping belt on their eastern boundary.

All of these existing houses are within the Area of Great Landscape Value as are many built up areas (both old and more recent) along the escarpment between Lincoln and the County boundary in the north. The Area of Great Landscape Value is therefore not a constraint to development per se.

Members also commented, when considering the previous application, that Saxon Way was built on previously developed (brownfield) land whereas the current application is on greenfield land and they inferred that this was a material difference between the two schemes; the Saxon way development replaced a site that did not contribute to the value of the area,. However, in response, it is contended that the proposal will have a neutral if not positive impact on the Area of Great Landscape Value with the introduction of the landscaping belt. Photographs of the site from the footpath will be included on the Committee PowerPoint.

In terms of materials and form, the houses have been carefully designed to ensure that they reflect an appropriate design for this area. The choice of materials for the houses will also assist with their integration into the existing village; brickwork and pantiles have been specified within the application form with brick walls, hedges and estate railings marking the boundaries .

It is also considered that, as the site will be no further south than the existing housing on Lincoln Road onto which houses front, the development will not constitute an intrusive extension to the countryside.

Turning to the provision of open space within the site, it is noted that this was the third reason for refusal cited in the reasons for refusal of the previous application. Policy RES5 of the Local Plan Review is the relevant policy and should be afforded weight as the provision of such space contributes to the social sustainability of the development which is one of the three key roles of sustainability cited in the NPPF.

Policy RES5 advises that an equivalent of 3% of the site should be provided for recreational space. This equates to 177 sq metres of the 0.59 ha site area. In this context the Parish Council are right in stating that there is no dedicated public open space proposed in the same way as exists with Saxon Way.

However, there is a central courtyard space to be adopted and, on balance, this is considered to provide a commensurate level of space that can provide a focus for residents of the development. Members may recall that the same effect has successfully been achieved at the Beal's Development on North Street in Nettleham with the courtyard paving being used in the same way as a "home zone" to ensure that the space is not monopolised by vehicles and can be "owned" collectively by the residents.

Furthermore, it is noted that the additional landscaping for the revised scheme will provide for the biodiversity that would otherwise be accommodated within formal open space.

### **Highway safety**

This is a consideration detailed in policies STRAT1 and RES1 of the Local Plan Review and representations received relate to the increase in traffic using the road to access the development and the consequent increase in accidents that may occur.

Lincoln Road here is the subject of a 30mph speed limit. This speed limit and the incline limit overall speeds on this part of the road. Therefore, whilst it is accepted that there will be incidents of motorists exceeding the statutory limit, it is appropriate to assess the proposed access arrangements to the standard of a maximum speed of 30mph. The County Highways Authority has confirmed that the access is acceptable and there is provision for acceptable visibility splays to be provided.

The widths of the roads, location and widths of pavements, radii of road curves, gradients and visibility splays within the development are all considered to be acceptable and would allow for adoption by the County Highways Authority. Their implementation to the necessary standard,

including those of the access arrangements, can be the subject of conditions. The Highway Authority have also requested that conditions be added to the permission to secure the addition of non controlled pedestrian crossing across the access road and Lincoln Road. While the applicants have indicated that they would be prepared to implement such a requirement, this does seem to be an overly engineered solution to a site adjacent to the open countryside. It is considered preferable to ensure that the site integrates satisfactorily into the rural area. It is considered appropriate therefore to add a condition requiring further details of the access to achieve an acceptable compromise in this location.

At the time of the officer's site visit it was noted that parking was occurring on the road side opposite the development sited. To address this concern the layout of the development was amended prior to the first application being submitted to provide additional car parking within the site over and above that which would normally be required. As a result there is more than sufficient car parking to ensure that parking should not occur off site. The Parish Council notes the potential for parking on the road side adjacent to plots 1-5. While a wall could be erected to the front of these plots as a physical barrier it is considered that the current layout allowing direct access to the pavement allows for better connectivity and good urban design. Additional parking has been allowed to the rear of these plots to avoid off site parking.

It is concluded therefore that the proposed layout will allow the delivery of a development which will not be harmful to highway safety.

### **Residential/community use amenity**

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

Examination of the proposal and the existing site context reveals that the existing dwellings or community uses that could be potentially affected by issues such as overlooking, overshadowing and noise and disturbance is limited to the adjacent doctor's surgery. The houses on the opposite side of Lincoln Road are sited 29 metres away from the front elevations of the proposed houses fronting Lincoln Road and therefore it is considered that at this distance harm would not be caused to the amenity of the residents of these properties.

A detailed objection has been received from the Ingham Practice Patient Group. They are concerned that as the main consulting of the surgery are on the southern side of the building and the existing boundary treatment affords little mitigation from overlooking in the winter months, then there will be overlooking caused to the consulting rooms from the new properties.

The two new properties that would have their rear elevations facing towards the doctor's surgery have been proposed as bungalows to mitigate against any overlooking that would have been apparent from first floor windows. It is accepted that the existing deciduous hedge between the properties does not

adequately mitigate the potential for overlooking from the ground floor windows and garden. Therefore the applicant has amended the proposals to include a further hedgerow which will be evergreen and should overcome any potential for overlooking. The group is also concerned about the opportunity for overlooking at an oblique angle from the rear elevation of plots 1-4 and the front elevation of plots 8 and 9. However the nearest plot (plot 1) is 17 metres away. This distance, coupled with the oblique angle between the two, should ensure that any impact caused by overlooking would not be unduly harmful. The additional hedge between the two sites should also mitigate against any noise and disturbance caused from the parking court. It is also noted that there is already parking at the front of the surgery and therefore the rooms are already subject to a degree of disturbance.

### **Archaeology**

The County Council Archaeology Officer has requested that, because of the potential for the site to contain significant historic assets, some investigation work regarding archaeology is carried out prior to any consent being given. The applicants have carried out an initial geophysical survey which has shown that the potential for significant archaeology to exist on the site is low. It would be appropriate therefore to add conditions to any permission seeking further investigation prior to development commencing.

### **Other matters**

Representations have been received proposals will mean that there will not be enough room left to facilitate the **expansion of the doctor's surgery** and in particular the car parking. However there is land to the rear and north of the surgery which could become available for the expansion of the surgery. All of the land is in the same ownership and the owner is aware and sympathetic to the requirements of the doctor's surgery. In addition the doctor has the option of expanding the facilities through a first floor extension.

The contribution to **education infrastructure** is considered to relate to the development and be commensurate in scale to it. However, it is just not viable to burden this development with this contribution and, given that it is a likely identified need, it is likely that the residents of the affordable housing would already be resident in the village. The infrastructure requirement would therefore only relate to open market "enabling development."

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new



residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE10 Protection of Landscape character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption of favour of sustainable development as well as the policies of the draft Central Lincolnshire Joint Core Strategy 2013.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions and the completion and signing of the section 106 agreement.

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review and therefore policy STRAT12 applies and that the site constitutes greenfield land (the lowest category for land release defined by policy STRAT9), the site is still considered to an appropriate location for a development which enables affordable housing to be delivered to respond to an outstanding need where no other sites are coming forward to meet that need. The site location on the edge of the village is sustainable in terms of it being adjacent to a regular bus service connecting it to the hospital, Lincoln City Centre and employment providers. It is also within reasonable walking distance of the village primary school. The development is considered to be socially, economically and environmentally sustainable. Material considerations such as visual impact, highway safety, impact on archaeology and the impact on the amenity of adjacent land users can be appropriately mitigated by conditions but the plans and particulars submitted show how the development responds to these issues.

**RECOMMENDATION: That the decision to grant permission subject to the conditions below be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-**

- 1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.**
- 2. The criteria for the first and subsequent occupancy of the affordable homes.**
- 3. The mechanisms for ensuring the affordable homes are affordable.**

**Time commencement condition**

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

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

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

2. No development of the dwellings hereby approved shall take place until details of the external facing materials to be used for them have been submitted to and approved in writing by the local planning authority

**Reason:** The approved plans and forms provide sufficient evidence in principle that the materials to be used will ensure that the visual amenity of the area will be preserved. However, the specification of colours and finishes to be agreed leaves some degree of uncertainty and this condition is required to ensure those specific details to be agreed to accord with The National Planning Policy Framework and saved policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

3. 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 the National Planning Policy Framework (2012).

4. 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 3 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 the National Planning Policy Framework (2012).

5. The development hereby approved shall not be occupied/brought into use until a soft landscaping scheme 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 has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance.

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

6. No development shall take place until details of a hard landscaping scheme including details of the finishes and colour of all surface materials, including those to access driveways, forecourts and parking/turning areas have been submitted to and approved in writing by the Local Planning Authority

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

7. No development shall take place before a scheme has been agreed in writing by the local planning authority for the highway works to the front of the site together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site.

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

8. Notwithstanding the submitted particulars included within the Pre-Development Drainage Assessment Report received on 19<sup>th</sup> August 2013 no development shall take place until details of a scheme for the disposal of surface water from the site (including the results of soakaway tests) have been submitted to and approved in writing by the local planning authority

**Reason:** To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

9. No dwellings shall be commenced before the first 20 metres of estate road from its junction with the public highway, including visibility splays, as shown on the approved drawings has been completed.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Lincoln Road.

10. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be 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 to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

11. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings received on 19<sup>th</sup> August 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 200

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3.

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

13. Following the archaeological site work referred to in condition 3 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 the National Planning Policy Framework (2012).

14. The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

15. The dwellings hereby approved shall be externally faced using materials the details of which shall have been previously approved in writing by the local planning authority as required by condition 2.

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

16. The details of hard landscaping approved in Condition 6 shall be implemented on site prior to the occupation of the building(s) of the completion of the development whichever is the sooner and shall be so retained.

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

17. The works agreed via condition 7 of this permission shall be fully implemented before any of the dwellings are occupied, or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

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

18. Before each dwelling is occupied the roads and footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

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

19. The development shall not be brought into use until the surface water drainage as approved under condition 8 of this permission has been provided. It shall thereafter be retained and maintained.

**Reason:** To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

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

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

**Informatives**

Dedication of land for footway

Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

Estate Road Specification

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.