



PL.06 14/15
<b>Planning Committee</b>
<b>Date 17 September 2014</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

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

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**



## Officer's Report

### Planning Application No: 131498

**PROPOSAL:** Hybrid application for up to 170 dwellings-phases 3a, 3b and 3c-of which full planning is sought for 44 dwellings-phase 3a-and outline permission is sought with all matters reserved except for access for up to 126 dwellings-phase 3b and 3c-together with a secondary temporary access for construction traffic off Horncastle Road Bardney

**LOCATION:** Land off Hancock Drive Manor Farm Bardney LN3 5SR

**WARD:** Bardney

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

**APPLICANT NAME:** Chestnut Homes Ltd.

**TARGET DECISION DATE:** 30/09/2014

**DEVELOPMENT TYPE:** Large Major - Dwellings

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to conditions be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 pertaining to:-

- a. The delivery of 25% of the housing proposed as affordable housing within the site.
- b. A contribution of £50,000 towards the provision of health infrastructure for Bardney.
- c. A contribution of £100,000 towards the provision of education infrastructure for Bardney.
- d. A contribution of £30,000 for public transport serving Bardney.
- e. The delivery of a residential travel plan.
- f. The delivery of on-site public open space unless adopted by Anglian Water.

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

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#### **Description:**

**Site** – The site extends to approximately 6.1 hectares and is currently used for arable agricultural use. The land slopes towards the River Witham. To the northwest is the existing linear development along Station Road, to the northeast is the Church of St. Lawrence (grade I listed) and The Manor (grade II listed). To the southeast are the existing phases 1 and 2 of the Manor Farm development (developed by the applicant). These two phases total 150 dwellings. To the southwest are a field and then the ABF factory on the banks of the River Witham.

A bridleway which forms part of the Viking Way (long distance footpath) and the “summer” route of the Lincoln to Boston Water Rail Way cycle route adjoins the south-western boundary whilst a public footpath known as Doctors’ Lane adjoins the north-western boundary.

**Proposal** – The application is in two parts.

1. Full planning permission is sought for a mix of 44 dwellings within the southern part of the site. Vehicular access is proposed to be from Horncastle Road and then via the existing phase 1 and 2 roads (Thomas Kitching Way, Knowles Way and Hancock Drive). One plot within phase 2 is proposed to be left undeveloped to enable the access through to the application site.
2. Outline permission is sought for up to a further 126 dwellings with access via the abovementioned development.

An area of land would be left undeveloped as public open space between 2-10, Hancock Drive and 5, Church Lane and 47a & 49, Station Road.

A temporary construction access is proposed to connect Horncastle Road and the site directly.

The plans and particulars under consideration are those received on 17<sup>th</sup> June 2014.

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

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

**Relevant history:**

The development proposed was the subject of a formal pre-application enquiry and a public consultation event held by the applicant.

**Representations:**

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

**Bardney Parish Council:** object to the design and layout of this development for the following reasons:-

- (a) Access – A permanent second access road should be included. Once development concludes the site will contain approx. 500+ homes with a potential of 500-1000 vehicles using one access route to the site which is unacceptable. The present access road is not only being used by residents of the locale, but also workmen, delivery drivers, and other village residents who use this road to visit the only doctor's surgery. Vehicles are commonly parked on the road creating a bottleneck which hinders access to emergency vehicles.
- (b) Infrastructure - the current resources available are already stretched to their limit with existing properties. Serious investment in improvements to drainage systems needs implementing before any further development commences.
- (c) Strain on village amenities – our existing school have advised they would require an additional classroom to cope with any additional pupils. The doctor's surgery is not equipped to cope with the existing parishioners let alone any additional ones from this further development. Serious investment in expanding current facilities is needed if this is to go ahead.
- (d) A separate play area or additional investment in our existing play area would be required to relieve the strain on that facility.

**Local residents:** Objections received from 4, 5 and 8 Knowles Way; 4, 14, 44 and 46, Hancock Drive; 12, Thomas Kitching Way and Hideaway Cottage, 47a, Station Road (all Bardney):-

- a. When we decided to buy in Bardney we checked the West Lindsey Local Plan to get an idea of any future developments. The plan states that there will be a development of 96 dwellings on Horncastle Road, having reached this figure we felt there would be no immediate development until after the plan expires in 2016. If the West Lindsey Local Plan is being updated prior to 2016 would it not be advisable to wait for the new West Lindsey Local Plan to be published. This would allow the residents of West Lindsey to be able to study and comment. I believe the Council has a duty to their tax payers to ensure a cohesive policy is in place prior to allowing the building of new housing developments.
- b. We were originally given to believe that the St. Lawrence Church field was not to be the subject of future development. The development proposed would be detrimental to the open views enjoyed by the existing residents of Hancock Drive.
- c. The West Lindsey Local Plan is an environmental plan, one of the aims and objectives is to reduce the need to travel. Chestnut Homes' Transport Assessment states there is a good bus service taking approximately 20 to 25 minutes. In fact the service is poor and only runs 5 times a day, with no service at all on Sunday, the average journey time is in fact 34 Minutes. In our household we have a person who is currently looking for work and only holds a provisional driving license. Making use of public transport necessitates looking for a job

with working hours Monday to Saturday between 0835 and 1735 and being unable to work evenings or Sundays. The only option for working in Lincoln and commuting from Bardney is a private car or motorbike. This is in contradiction of the West Lindsey Local Plan B10.

- d. Noise and pollution from the proposed construction route – It is going to take a while to build the access road and then have all the HGVs coming by for potentially seven years or more with dust and noise and other pollution directly behind back gardens that currently enjoy a field aspect.
- e. Increased traffic and noise from cars and service vehicles accessing the proposed development through phases 1 and 2 (already occupied).
- f. Another major concern is flooding; during the last 2 winters the south west corner of the field which is to be used for the development was water logged. The current drainage ditches were unable to cope with the rain of 2013/14 and the field was flooded with standing water in that corner for over 2 months. The Environment Agency Flood Map confirms the site is not in a flood risk area, however it is only a few metres away from an area assessed to be at risk of flooding. Presumably this is why Chestnut Homes are planning an open drainage ditch and water storage area. On the planning application they have ticked “No” to the question: Is the site within an area at risk of flooding? As this area has flooded in the last 8 months I believe this tick to be a blatant lie. I certainly would not buy a house so close to an area at risk. I would also like to think councils will have learnt from past experiences of allowing developments to be built in such areas.
- g. Part of Chestnut Homes planning application is that there will be a view of the church from the bridleway/cycle path which runs along the south west edge of the development. At present there is a 2 metre hedge and the view of the church tower is limited due to the height of the hedge.
- h. Concerned about the access route into the new development via Thomas Kitching Way, Knowles Way and Hancock Drive. West Lindsey Local Plan 3.13 states: New roads should be able to cater for the amount of traffic that is expected to use them safely and without generating traffic hazards. The layout of the road at the junction of Thomas Kitching Way and Knowles Way is a hazard. The junction is blind from every direction and the turning from Thomas Kitching Way onto Knowles Way is over 90 degrees; this turn forces vehicles to drift onto the other side of the road. I have had to avoid cars on several occasions. With the potential traffic increase of over 300% a traffic collision is inevitable. Chestnut Homes completely missed the point of people who complained about this access route and suggested speed bumps. The issue isn't the speed of vehicles; it is the shape of the road. If the development gets planning permission, surely it would be appropriate to concentrate on safety rather than company profits and construct a permanent access route where the planned temporary access is to be built. It seems Chestnut homes are aware there is a problem with access which is why a temporary road is to be built during construction.

- i. The community has limited access to doctors/schools and transport; not good enough to support all these extra residences. The area is supposed to be a village but it seems the builders are desperate to turn this into another town losing the village appeal and as such any wildlife
- j. With reference to the pedestrian access to the public right of way known as Doctor's Lane, the land containing the right of way belongs to the owners of the properties in Station Road. Running alongside Doctor's Lane is a drainage ditch which operates in wet weather. To gain access to Doctor's Lane from the new development would entail crossing this drainage ditch. The drainage ditch is not part of the public right of way and is therefore private property. Permission would therefore be necessary to use or cross this land or to destroy any part of the hedgerow.
- k. We request that the proposed open space in the remainder of the field is left in the form of a meadow; short cut grass would inevitably lead to this space being an impromptu football pitch.

### **Doctors Campbell, Dalton, Challenor and Baker (Bardney Surgery)**

We do have some concerns that the increased population resulting from the development would put additional strain on the local amenities including our branch surgery. We already operate at our maximum capacity at Bardney with our team of GPs and an increased number of dwellings could adversely affect the services that we provide. GP recruitment nationwide and particularly in Lincolnshire is difficult at the moment and we cannot guarantee that we would have the staff numbers to support the increase in local population or to provide them with the quality of service we already offer our other patients.

**English Heritage:** Do not wish to comment in detail but advise that the application should be determined in accordance with national and local policy guidance specifically in relation to setting of listed buildings.

**Environment Agency:** Following the multi-agency drainage group (MAG) meeting and recognising the SuDs principles that have been incorporated into the design, we consider the proposed development acceptable subject to a condition requiring the specific details to be agreed and implemented.

**LCC Education:** This development would result in a direct impact on local Schools. In this case the primary school at Bardney is projected, notwithstanding the proposed development, to be full to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF(2012) and fully complies with CIL Regulations.. It is necessary, directly related, fairly and reasonably related in scale and kind to the development.



The level of contribution sought in this case equates to £383,398. This is on the basis of Census data and recent research by Lincolnshire Research Observatory

**LCC Highways:** No objection to proposed permanent access arrangements. Require a travel plan, off-site footpath improvements, responsibilities of drainage to be agreed, widening of construction access (now proposed) and a contribution of £131,000 towards the bus services between Lincoln and Horncastle via Bardney. .

**LCC Historic Environment (Archaeology):** No archaeological input required. No objections:

**LCC Public Rights of Way:**

- a. It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
- b. The construction should not pose any dangers or inconvenience to the public using the right of way.
- c. If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division
- d. The full length of Footpath 132 (Doctor's Lane) should be surfaced with stone to a width and sectional specification to be agreed.
- e. That part of Bridleway 166 (Viking Way) from its junction with the aforementioned footpath to its junction with Station Road should be metalled.
- f. The applicant's hedgerows adjoining both Footpath 132 and Bridleway 166 should be conveyed to the adjoining plots to avoid responsibility for these remaining with the applicant in perpetuity.

**Lincolnshire Police**

Lincolnshire Police has no formal objections to the planning application in principle but would recommend initial advisory recommendations and comments which if implemented would address the potential issues highlighted:-

- The indicative layout plans suggest that parking will predominate within a range of rear parking courtyards which are not to be recommended; the preference being for in curtilage or secure garage located parking.
- Whilst through routes can be an integral part of any successful development, the security and safety of the development should not be compromised by excessive, ill thought out and unnecessary footpaths or through routes. Networks of unsupervised separate footpaths facilitate crime and anti-social behaviour and should be avoided. Footpaths wherever possible should be straight and wide devoid of potential hiding places and well lit (directly or by way of ambient lighting from nearby overlooking buildings)

- Landscaping should not impede the opportunity for natural surveillance and must avoid the creation of areas of concealment. Any landscaping should be kept to a maximum growth height of 1 metre.
- The boundaries between public and private space should be clearly defined. In most housing developments it would be desirable to have frontages that have clear surveillance and are open to view. This means that walls, fences and hedges should be of low growth height with suitably selected shrubs or of brick (wall) construction of no more than 1 m height. All planting should be set back from pathways.

**Lincolnshire Wildlife Trust** – We strongly support the open space provision that has been incorporated within the indicative site layout. In particular we support the creation of a meadow area to the northeast, swales and a pond. We would wish to ensure that the maximum biodiversity benefits are achieved for this site.

**Natural England:** No objection.

**Witham 3<sup>rd</sup> Internal Drainage Board:** No objection.

### **Relevant Planning Policies:**

#### **Statutory duty**

Section 66 of the Listed Buildings Act 1990:-

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

#### **The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The site is outside of the settlement limit for Bardney in the Plan. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

STRAT19 Infrastructure requirements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS4 – Cycle and pedestrian routes in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

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

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision

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

CORE 9 Retention of important open spaces and frontages

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core9>

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>
- Delivering a Sustainable Future for Central Lincolnshire  
<http://microsites.lincolnshire.gov.uk/centrallincolnshiretobedeleted/evidence-base/delivering-a-sustainable-future-for-central-lincolnshire/107235.article>

## **Assessment:**

### **Procedural matters**

This is a hybrid planning application that includes both full and outline elements. Members may recall that a hybrid application was submitted for the new agricultural college at the Lincolnshire Showground. The application must be considered as a whole rather than as two separate elements.

Members may note that an indicative layout plan has been submitted for the outline elements which appear to include in the region of an additional 96 dwellings (above the 44 proposed as part of the full element). However, the application form explicitly states that the application is for up to 170 dwellings as does the supporting documentation such as the transport assessment. In this regard the indicative plan submitted for the outline element is considered for illustrative purposes only and this assessment is based upon up to 170 dwellings.

### **Principle**

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site lies outside of the settlement limit for Bardney and is therefore classified as being with the open countryside. Policy STRAT12 therefore applies and is written in the prohibitive form, stating that development including housing should not be permitted in such locations unless there is justification for it being in that location or it can be supported by other plan policies. In the absence of a justification, such as agricultural need, this policy context appears to suggest that housing should be refused

However, the restriction of housing to sites within the settlement limits is not considered to be consistent with the presumption in favour of sustainable development, the objective of growth and the need to maintain a deliverable 5 year housing supply contained within the NPPF; it is incorrect to state that development cannot be sustainable outside of the defined settlement limit. Furthermore, a 5 year deliverable supply and growth cannot be achieved solely within sites within defined settlement limits. Members are referred to the Ryland Road, Dunholme appeal for the most recent commentary on this matter.

Paragraph 14 of the NPPF also states that, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted. In this context the spatial policy content of policies STRAT3 and STRAT12 must be considered out of date.

Paragraph 49 of the NPPF specifically states one instance where a development plan is out of date; when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In this instance a deliverable supply of land of only 3.5 years can be evidenced. This provision is derived from need that includes net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision. It is based upon a Central Lincolnshire area. This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. The Ryland Road, Dunholme appeal (WLDC ref 130168), the reporting of which was included on the Committee agenda in July, is a very recent example of this approach; the appeal was dismissed due to specific village coalescence grounds rather than being outside of the settlement limits for Dunholme and Welton.

In this context, policy STRAT9 must also be considered out of date and there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is deliverable, sustainable and is acceptable when considered against other material planning considerations.

Paragraph 7 of the NPPF defines the three roles of sustainability as:-

- *an economic role* – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Members may recall from recent reports to this Committee that a series of criteria have been used to assess a proposal for such sustainability. These

criteria haven't been drawn forward from policy CL6 of the now withdrawn Core Strategy. Whilst the Strategy and this policy are afforded no weight here, the criteria provide a useful framework for assessing the proposal against the NPPF and the relevant saved Local Plan policies (the latter afforded significant weight where consistent with the NPPF).

It is important to note from paragraph 37 of the Dunholme appeal decision that "the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental" and "the overall balance must look across all three strands" but that "weakness in one dimension did not automatically render a proposal unsustainable."

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

The site adjoins the existing built up area on two boundaries, with Station Road and Hancock Drive. It is also noted that the considerable complex of industrial buildings at the ABF site is clearly visible beyond the Viking Way and the field that adjoins the south-western boundary. It is therefore only the south-eastern boundary that abuts open countryside.

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

The Sustainable Futures reports that will provide part of the evidence base to the Central Lincolnshire Local Plan provide background information on the roles and sustainability of settlements. Whilst not relying on this information in this assessment, nor affording any weight to the Central Lincolnshire Local Plan itself, nevertheless it is considered that these reports offer a more accurate and recent assessment of the sustainability of a settlement than the Local Plan Review hierarchy. Members are also reminded that the strategic policies relating to the housing strategy in the Local Plan Review should not be afforded weight due to the lack of a deliverable supply of housing.

In this context, it is noted that the Sustainable Futures report states that the roles of settlements can be understood simply by the degree in which their relationship with other settlements is based on 'attraction' or 'support'. An attractor is a settlement which other settlements are drawn to for its service provision, employment and facilities. A supporter is a settlement which has a primarily residential focus and relies on attractors nearby to provide key services. Bardney is defined as a tertiary attractor, reflecting its role as a focal point for local service delivery. There are a variety of shops, a doctors' surgery, pharmacist, employment providers (including ABF), a fire station, primary school, Anglican and Methodist churches (both on Church Lane), a Roman Catholic Church, two public houses, a village hall and a heritage centre.

The following table provides the distances measured from the nearest site boundary to particular services and facilities:-

Destination	Distance of edge of proposed residential development via Doctors' Lane	Distance from edge of proposed residential development via Horncastle Road
School (Henry Lane)	900m	1,100m
Village Hall (Silver Street)	450m	650m
Co-operative Shop (Wragby Road)	550m	760m
Doctors' surgery (Thomas Kitching Way)	530m	330m
Bus stops (Horncastle Road)	370m	370m

As can be seen from the table, the main services and facilities are within reasonable walking distance from the site, with the pedestrian accesses onto Horncastle Road and Church Lane both offering advantages depending on the destination and the time of day/year (the Doctors' Lane route is unsurfaced and not lit). All of the walks do not offer significant topographical challenges; from the Ordnance Survey maps it is noted that the height variation is a maximum of 6m between the lowest point of the site adjoining the south-western boundary and the abovementioned locations in the village. However, it is considered reasonable to require the surfacing of Doctors' Lane between the northern corner of the proposed public open space and the corner of Church Lane. This will particularly assist in occupiers of the housing which is subject to the outline element of the application undertaking sustainable journeys by foot in daylight hours across the public open space, along this footpath length and onto Church Lane. Journeys to two of the three churches as well as the village centre shops and school will be noticeably shorter from this part of the application site using this part of the footpath. It is considered that not all of Doctors' Lane needs to be improved as most desire lines from the proposed housing to Church Lane will use the public open space.

In this context, it is advised that the securing of the improvements to the public footpath between the northern corner of the site and Church Lane and the provision of the public open space with pathways can be secured by a Grampian condition or obligation to ensure the improvements are completed prior to the occupation of any of the houses subject of the outline planning permission. It is not considered reasonable to require the improvements as a result of the occupation of the full application housing as the shortest route to access services and facilities will predominately be via the surfaced and lit Thomas Kitching Way and Horncastle Road. Members may note that, in response to a query raised by a resident, the case officer has seen land title extracts which clearly show that the route is either a public footpath under the

control of the Highways authority or would be within the control of the developer.

Access by foot to the ABF site, the pharmacist and the RC Church from the majority of the applied for dwellings is likely to be via the section of the Viking Way/Water Rail Way that links the site to Station Road during the summer months and daylight hours. This is currently surfaced with hardcore for the first 110m as it serves dwellings to the rear of Station Road. It then becomes a rough track alongside the boundary of the application site (hence its recommended use for cyclists only in summer months). It is reasonable and necessary to improve the link from the site to Station Road to the far end (full application element) of the site. This can also be secured by a Grampian condition or obligation.

With these measures in place the development is considered to be well related to existing facilities and services.

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

Paragraph 32 of the NPPF states that the opportunities for sustainable transport modes should be taken depending on the nature and location of the site, to reduce the need for transport infrastructure.

Unlike Saxilby or Gainsborough, Bardney does not have a railway service (it lost its service in 1970). Nevertheless, there is a bus service, the No. 10 operated by PC Coaches, linking the village to Lincoln and Horncastle. The current timetable can be accessed via the following link:-

<http://www.pccoaches.co.uk/timetables/Hornlincoln>

Members will note that, although not frequent, the services does allow for the ability to commute by public transport to a job in Lincoln that holds normal office hours on Mondays to Saturdays. It also allows for daytime return trips to access services and facilities within Lincoln.

However, Lincolnshire County Council have advised that this is a service dependant on subsidy and, in this context, it is considered that it is necessary and reasonable that this development contributes to the capital infrastructure to support this service as the sustainability of the development is, in part, predicated on the continuation of the service.

This contribution can be secured through a section 106 agreement. The applicant has offered a sum of £30,000 towards the capital infrastructure for this service rather than the £131,000 requested by the County Highways Authority. However, the sum offered by the developer is considered reasonable and commensurate in scale to the development proposed when assessed in the context of viability and the deliverability of the development (a verified viability assessment has been submitted by the developer).

Finally, it is noted that the County Highways Authority have requested that a Travel Plan be secured. Such Plans range from promotion of sustainable transport to measured plans with obligations. A Travel Plan can be secured



through an obligation although with the other measures in place, a simple Plan without measures and obligations is considered appropriate.

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

Both LCC Education and the NHS have advised that there would be an impact on the education and health infrastructure serving the village as a result of the development. The concerns about the impact on health infrastructure are supported by a letter from the doctors that operate the Bardney branch surgery, a branch of the Woodhall Spa surgery. It is clear from the representations that investment, including for capital infrastructure, will be required in response to the development. This need is immediate upon the occupation of the first house but it would be unreasonable to require all of the contribution at once. It is therefore advised that, in the context of Regulation 122 of the Community Infrastructure Regulations 2011, the contributions are phased across the development so that they are commensurate in scale to the development as it evolves. However, a viability appraisal undertaken by the developer and verified by officers has shown that it would only be viable for a proportion of this sum to be contributed by the developer, in this case £50,000 rather than the £72,000 requested.

A similar consideration applies with regards to education. The level of contribution sought in this case equates to £383,398. This is based on 2011 Census data and recent research by Lincolnshire Research Observatory. At present the projections show that, excluding the effect of the development in question, Bardney Primary School will have no permanent surplus places in 2015 or 2016 and some 34 primary places will be required in the locality as a direct consequence of the development. There will also be secondary school places required as a result of the development but the affected secondary schools are shown to have capacity.

Again, the viability appraisal undertaken by the developer and verified by officers has shown that it would only be viable for a proportion of this sum to be contributed by the developer, in this case, £100,000.

This is a balanced judgement but members are reminded of the Dunholme appeal and the inspector's comments that weakness in one area of sustainability does not make a deliverable development such as this, unsustainable. Viability and deliverability must be material considerations.

No other infrastructure providers have raised adverse comments, including Anglian Water. The rollout of Broadband for Bardney is expected by 2016

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

All of the land to which the application relates is in private agricultural use. However, the area north of 2 to 12 Hancock Drive is designated as an important open space to be retained. This is for visual reasons to specifically preserve the setting of the listed Church of St. Lawrence and the Manor,

rather than to protect its use. Policy CORE9 of the Local Plan Review is relevant and is considered consistent with the NPPF. There is also the duty under s66 of the Listed Buildings Act 1990 for the local planning authority to have special regard to the desirability of preserving the setting of a listed building.

The Church of St. Lawrence is grade I listed and its significance is not only derived from its late medieval architecture (restored in the nineteenth century), but from its setting. It sits within the centre of the village near to the highest point and is surrounded by mature trees, the listed Manor, other low density development and the open field of the application site. This results in the Church, particularly its west tower, enjoying a setting that has changed little over time and reinforces the historical importance of the building at the centre of this rural village community, the rurality characterised by the setting within the trees with the Manor adjacent to it and the field in the foreground when viewed from the west. Further afield, the historical setting is much diluted; the ABF factory and silos are much larger and taller than the Church and dominate the skyline adjacent to the River Witham. It is this factory and the linear development of various ages and styles, as well as phases 1 and 2 of the applicant's development, which dominate the views from the River Witham bank and Station Road. The view from the Viking Way captures some of the historical setting although the observer is always aware of the phase 2 housing to the south and the ABF factory behind them.

Nevertheless, it is a duty to ensure that the setting is preserved and, in this regard, it is necessary to ensure that the area designated as important open space to be retained is left undeveloped and this is secured as part of an agreement with the applicant. They propose seeding the land with meadow grass and wild flowers which will actually enhance the immediate setting of the Church and the Manor when viewed from the southwest. It will also enable more people to enjoy this setting given that the land is private at the moment. In this context, with the safeguarding of the land as public open space, the setting of the listed building will be preserved and the amount of open space significantly increased for the benefit of existing and future users in the interests of social interaction and sustainability.

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

It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being "more vulnerable" to such flooding. This includes dwellings. In this instance the sites falls within zones 1,  
In this regard the proposal passes the sequential test and no other mitigation will be required.

*Generally consistent with economic, environmental and social sustainability*

Policy RES6 of the Local Plan Review requires that a housing development should include in the region of 25% of the quantum as affordable houses. This

policy is considered, subject to viability, to be consistent with the provisions of the NPPF. The glossary of the NPPF defines such houses as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. It explicitly excludes low-cost open market housing.

25% of the housing is proposed to be affordable in accordance with policy RES6 and can be secured through a section 106 agreement. The Council's Strategic Housing Officer has advised that the housing types proposed for the phase of the development covered by the full application include housing for those identified in need whilst the indicative layout for the outline application indicates a range of housing which would respond to and be able to deliver the required affordable housing in the future.

Policy RES2 of the Local Plan Review also advises that there is a range of housing types, sizes, styles and densities including low cost and smaller homes. Where proposals fail to provide an appropriate mix of housing then permission will be refused. This policy is considered to be consistent with the social sustainability principles of the NPPF.

The full element of the scheme includes a range of terraced, semi-detached and detached houses and bungalows and is considered to be acceptable. Whilst the indicative layout for the outline element only shows in the region of 96-100 dwellings, there is clearly potential for a range of dwellings to be achieved on the site at an appropriate density (see below).

### **Design, character, appearance and visual impact.**

These are considerations detailed in policies STRAT1, parts i and ii of RES1 and CORE10 of the Local Plan Review and reflect and are consistent with the NPPF with regards to design

Paragraph 17 of the NPPF provides 12 guiding principles. It states that the process of assessment of a development is not simply about scrutiny, but instead it is a creative exercise in finding ways to enhance and improve the places in which people live their lives recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.

Paragraph 56 of the same Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes. It is, however, proper to seek to promote or reinforce local distinctiveness and paragraph: 004 (Reference ID: 26-004-20140306) of the NPPG states that local planning authorities are required to take design into consideration and should refuse permission for development of poor design.

The proposed development will be very similar in terms of housing mix, density, plot ratio (footprint to plot size), use of materials and detailing as the existing phases 1 and 2. All the dwellings within the full element of the application feature gabled, tiled roofs and facing brick with multi-paned windows with, albeit oblique, references to tradition rather than modernity. The density of development, assuming 170 dwellings are built, would be 28 dwellings to the hectare (dph) compared to the overall density of 30 dph for phases 1 and 2.

It is acknowledged that the development will also adjoin and relate to other areas of the village. The setting of the Church of St. Lawrence and the Manor has already been assessed but the site also adjoins Station Road for much of its length. This road connects the centre of the village to the river, the ABF factory and the site of the railway station. Many of the dwellings date from the era of the railway building with some large Victorian villas. There are also a range of more recent houses and bungalows and a few cottages that date from prior to the nineteenth century as well as some backland development, including along the Viking Way next to the site. This provides for an eclectic mix of housing styles, heights and densities although the overall density is around 15 dph. The case officer notes that there will be very few opportunities for the Station Road housing and the new development to be seen within the same panorama. The exception is from the Viking Way where the backs of the Station Road houses will be visible with the backs of the new development. Currently the edge of the Station Road housing benefits from mature screening along the Doctors' Lane pathway which assists in the transition between the built and natural environment. The retention of the hedge and trees along the Viking Way boundary of the development is therefore considered necessary to provide a similar soft boundary to what will become the new village edge. A new hedge will need to be planted on the boundary adjoining the Internal Drainage board watercourse as the current hedge alignment impedes access to this watercourse for maintenance. This needs to be secured through an appropriately worded landscaping condition.

Within the development there is a clear legibility of routes through the full element and the indicative layout provides no reason to suggest that this would not be replicated throughout; an additional 30 dwellings could be accommodated within the indicative layout to allow for up to 170 units in total by, for example, changing a semi-detached dwelling into ground and first floor apartments. In this regard members may note that it is clearly possible to replicate the external appearance and form of a semi-detached house with two flats.

There is also a clear hierarchy of public, semi-private and private spaces; the full element of the application is accompanied by boundary plans which show how garden areas will be divided from other gardens and highways. The implementation of these boundary treatments can be secured by a condition. The plans also demonstrate how the main swale of the sustainable urban drainage system can be utilised not only as a conduit for surface water, but also for wildlife between the countryside and the main public open space and for people connecting the Viking Way to the open space and beyond to the village centre. It is acknowledged that only part of this route is secured by the full application but, nevertheless, the outline planning application clearly demonstrates how this would work. It is suggested that it would be reasonable and necessary for the reserved matters for the layout of the outline element to be based upon the parameters shown on the indicative layout plan. This can be secured by a condition.

## **Biodiversity**

Policy NBE12 of the Local Plan Review is relevant here due to the proximity of designated sites such as the Bardney Limewoods. The policy is consistent with the NPPF, paragraph 118 of which states that local planning authorities should aim to conserve and enhance biodiversity.

The submitted habitat survey reveals a negligible impact on the designated sites due to the intervening existing built up environment. However, the survey did note that the mature hedgerow and mature scattered broadleaved trees at the site were considered suitable to support nesting birds. In addition, the arable land may support ground nesting species depending on the management regime implemented. At the time of the survey, however, the arable land was not considered ideal to support ground nesting species. The trees on site were assessed as having negligible biodiversity value. However, the hedgerows provide ideal foraging and commuting corridors for bats that occur in the local area. The data search revealed over six different species of bat to be present within the local area. The site did not feature any evidence to indicate that badgers or brown hare were using or inhabiting it. However, the on site habitats and surrounding landscape provide opportunities for these species. There is, therefore, the potential for badgers and brown hare to venture onto the site during the proposed construction works. An informative is therefore suggested reminding the developer that these species are protected by law and also limiting clearance and site preparation work to outside of the summer months.

The enhancement of the biodiversity is predicated on the retention of the hedgerows, the provision of the main area of public opens space and the linking wildlife corridors. It is therefore considered reasonable and necessary to ensure the inclusion of these features within both the full (landscaping) and outline elements (the relevant reserved matters being layout and landscaping). This can be secured by conditions.

Both Natural England and the Lincolnshire Wildlife Trust raise no objection.

### **Flooding and drainage**

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review.

With regards to fluvial flooding, members are referred to the first sub-section of this assessment which clarifies that the dwellings would be within zone 1 as defined by the Environment Agency, such areas are those at least probability of flooding and sequentially are the preferred location for more vulnerable uses such as dwellings.

Following discussion with the Environment Agency, Anglian Water and Lincolnshire County Council at a Multi-Agency Group (MAG) meeting, the applicant submitted particulars and plans which show that surface water will be disposed of via a sustainable urban drainage scheme, specifically a

system of swales and open attenuation. This is commended and accords with the principles of the NPPF and NPPG.

It is noted that the public open space in the southern corner of the full element of the development is intended to also be used as an open storm water attenuation area in the event of significant rainfall. The County Council are likely to become the approval body and adopt the open space if the SAB (Single Approval Body) approval introduced in the Flood and Water Management Act 1990 becomes effective (the introduction of this has been postponed again). They have queried the responsibilities in their representation; in advance of SAB coming into force the drainage system, including the public open space, will need to have separate elements for private and highways waters; under SAB they can be one. There is also the possibility that neither Anglian Water nor the County Council will adopt the public open space as part of the drainage system and a third party such as a management company will need to hold the responsibility for the management and maintenance. This does leave a degree of uncertainty but all scenarios are appropriate and it is considered that the management and responsibilities can be secured through the section 106 agreement.

There are also some finer points of details to be finalised. The remaining details can be agreed by condition and members should note that the Environment Agency raise no objection subject to the imposition of such a condition.

### **Highway safety, parking and access**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review that is considered consistent with the provisions of the NPPF. The County Highways Authority have raised no objection to the use of the existing access onto Horncastle Road and Thomas Kitching Way, Knowles Way and Hancock Drive; whilst acknowledging comments from residents, it is considered that the widths, footpath provision, radii of bends and visibility afforded at bends and junctions are appropriate for the existing and proposed traffic generation. Specifically, the wide verge, speed limit and straight alignment of Horncastle Road mean that good visibility is afforded and the roads within the existing development are designed to respond to the swept paths of delivery and service HGV vehicles and keep speeds low.

The number of on-plot spaces for the dwellings accords with County Council guidance (notes West Lindsey's policy CORE1 and parking standards are not saved)

The County Council guidance is available via the following link:-

[http://www.lincolnshire.gov.uk/upload/public/attachments/1194/7\\_development\\_guide\\_parking\\_standards.pdf](http://www.lincolnshire.gov.uk/upload/public/attachments/1194/7_development_guide_parking_standards.pdf)

Conditions will be necessary to require the implementation of the access and on-site highway works to an adoptable standard in the interests of highways safety.

## **Residential amenity**

This is a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review, these policies being afforded significant weight with regard to this issue as they are consistent with the provisions of the NPPF.

There are two areas of this consideration which are considered separately below: noise and disturbance; and overlooking and overshadowing.

*Noise and disturbance* - It is understood that that it was originally intended for construction vehicles to utilise the existing highways through phases 1 and 2 to access the site. However, as a response to the applicant's pre-application public consultation, the application includes a dedicated, temporary construction access directly from Horncastle Road, through a field to the southeast of phases 1 and 2 and into the site. This provision appropriately responds to issues of noise and disturbance to residents along Thomas Kitching Way, Knowles Way and Hancock Drive from construction traffic, but does raise new issues in relation to residents bordering the field. The case officer notes that, with estimated completions of around 25 to 35 dwellings per year, the construction route could be active for up to 7 years. The gardens and rear rooms of the dwellings backing onto this proposed route currently enjoy high degrees of amenity afforded by the fact that there currently is open countryside to the rear of their gardens. Ambient noise levels are estimated to be around 35-40 dBA. The access would also be as close as 20m to some of the rear gardens. In this context, as a minimum, some form of mitigation is necessary. Currently a noise attenuation earth bund of 1.5m in height is proposed between the access and gardens. This is not considered sufficient given that construction vehicles, plant and machinery are, by their very nature, large and many vehicles, although fitted with silencers and emissions equipment, will still have stack exhausts emitting noise and fumes above 1.5m from ground level. In this context it is considered reasonable and necessary to limit the times of use, to require the provision of a higher bund and to limit the overall timespan for the use of the access.

The other dwellings that could be affected by noise and disturbance are those on Hancock drive backing onto the site itself. It is considered reasonable to require construction to be limited to weekdays and Saturday mornings.

*Overlooking and overshadowing* – There are three dwellings on Hancock Drive that directly abut the “full application” element of the development. The existing dwellings are on slightly higher ground (1m higher) than the application site and they all currently have open boundaries to the site, presumably to afford views across the field towards the River Witham and maximise the afternoon sunlight. These open aspects will be lost with the development of the application site. Of the two existing houses affected, the nearest new building would be a gable roofed single storey garage block, approximately 8m away from the rear elevation of 24, Hancock Drive. The

nearest dwelling to this house would be plot 1, a two storey house with its end gable facing the existing dwelling. The distance of 14m, the orientation and the lower ground level will ensure no significant loss of amenity in terms of overlooking or overshadowing. Similar considerations apply with regards to the other existing two storey dwelling which is, a marginally closer, 12m from the proposed side gable of plot 4 (another two storey dwelling). To the south of these two existing dwellings on Hancock Drive is a bungalow within the southern corner of phase 2. This dwelling is 7m from the nearest proposed garaging and 17m from the nearest house. Again, the distances, orientation and ground levels are such that it is not considered that residential amenity will be significantly affected. Nevertheless, it is considered necessary to control the finished floor levels of the proposed dwellings and this can be secured by condition.

Within the layout of the full application element there are considered to be adequate distances between dwellings to secure an acceptable level of residential amenity; distances between facing front and rear elevations of houses is typically 15m whilst the distances between primary and blank or secondary elevations is typically 10m.

With regards to the impact of the outline element, members are reminded that layout is reserved for subsequent approval but 12 to 22, Hancock Drive and houses on the southern side of Station Road as well as The Manor and 5, Church Lane could all be potentially affected. The impact on the last two mentioned dwellings in terms of overlooking and overshadowing is considered small given that people are unlikely to linger within the meadow planted public open space that is deemed to be necessary nearest their dwellings to preserve the setting of the Manor and the Church of St. Lawrence. Of the other existing dwellings, the indicative plans do show new dwellings adjoining or near to their boundaries, but this plan shows that the quantum of development proposed can be developed with minimum separation distances of 20m being achieved between existing and new dwellings.

## **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, STRAT19 – Infrastructure requirements, SUS4 – Cycle and pedestrian routes in development proposals, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, 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 2012 which has been afforded significant weight especially the presumption in favour of sustainable development and its accompanying



National Planning Practice Guidance 2014. Special regard has also been had to the desirability of preserving the setting of listed buildings.

The development plan policies have been assessed for their consistency with the National Planning Policy Framework with the weight afforded to policies STRAT3, STRAT9 and STRAT12 being significantly tempered due to the inconsistency with the national framework.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review, it is considered that the development will constitute an environmentally, socially and economically sustainable development that can contribute to the growth objectives of West Lindsey, Central Lincolnshire and the national government and contribute to a 5 year deliverable land supply for Central Lincolnshire

### **Time commencement condition**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within one year from the date of the last reserved matter referred to in condition 2 to be approved.

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

### **Pre- commencement conditions (outline element only)**

2. Application for approval of the reserved matters for the area of the development marked edged in green on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

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

3. No development for the area marked edged in green on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected and the landscaping of this phase of the development (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The landscaping and layout reserved matters shall adhere to the parameters shown on the scale 1:1000 “Indicative Site Layout Plan” received on the 17<sup>th</sup> June 2014 and shall include the retention of the boundary trees and hedges, public open spaces a wildlife/drainage corridors.

Reason: This element of the development is in outline only and the local planning authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and to accord with the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

4. The details of the layout of the area marked edged in green on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall restrict the development of the dwellings to the area enclosed by the polygon A-B-C-D marked on the same said plan with the area enclosed by polygon C-D-E-F as also marked on the same said plan reserved solely for public open space.

Reason: To preserve the setting of the grade I listed Church of St. Lawrence, the grade II listed Manor, to accord with the duty contained within section 66 of the Listed Buildings Act 1990, to respond to the designation of the land nearest the Manor and Church as an important open space within the West Lindsey Local Plan First Review (policy CORE 9 applies), to provide an appropriate level of public open space in accordance with policy RES5 of the West Lindsey Local Plan First Review and to accord with the provisions of the National Planning Policy Framework 2012.

**Conditions which apply or require matters to be agreed before the development commenced (full and outline elements):**

5. No development of the areas marked edged in green and edged in blue on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event.

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

6. Notwithstanding the details shown on drawing MFB3 / 06 Rev C, no development shall be commenced until details of a revised earth bund of not less than 2.5m in height measured from its base, to be aligned between the approved temporary construction access and the existing dwellings has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the residential amenity of the residents adjoining the proposed temporary construction access and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First

Review and the provisions of the National Planning Policy Framework 2012.

**Conditions to be observed during development**

7. Unless otherwise required by the conditions and obligations of this approval, the development shall be completed in accordance with the plans and particulars received on 17<sup>th</sup> June 2014.

Reason: This is the development considered to be sustainable and deliverable and accord with the provisions of policies STRAT1, RES1, RES2, RES5 and CORE10 of the West Lindsey Local Plan First Review where consistent with the National Planning Policy Framework 2012 (NPPF) and to accord with the provisions of the NPPF itself.

8. Site clearance work associated with the development hereby approved shall not take place between 1<sup>st</sup> March and 1<sup>st</sup> September in any calendar year unless previously approved in writing by the local planning authority.

Reason: To ensure no adverse impact on biodiversity, specifically to nesting birds and to accord with the provisions of paragraph 118 of the National Planning Policy Framework 2012.

9. All traffic associated with the construction of the development hereby approved shall use the temporary construction access as shown on drawing MFB3 / 06 Rev C as amended by the requirement for a minimum 2.5 in height bund as required by condition 6. The access shall be completed in accordance with the aforementioned drawings revised with the approved bund required by condition 6 before its first use and shall thereafter not be used outside of the following hours:-

Monday to Friday (excluding Bank and Public Holidays): 0700-1800  
Saturdays: 0700-1300

The developer shall notify the Council in writing of the date of the access's first use and its use shall cease within 7 calendar years from this date and the land returned to its current state and use as agricultural farmland.

Reason: In the interests of the residential amenity of the residents adjoining the proposed temporary construction access and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework 2012.

10. No site clearance or construction work associated with the development hereby approved shall take place outside of the following times:-

Monday to Friday (excluding Bank and Public Holidays): 0700-1800  
Saturdays: 0700-1300

Reason: In the interests of the residential amenity of the residents adjoining the site on Hancock Drive and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework 2012.

11. The dwellings shall be completed using the brick and tiles as per the Bricks and Roof Tiles Schedule received on 17<sup>th</sup> June 2014 unless otherwise approved in writing by the local planning authority.

Reason: In the interests of the visual amenity and character of the area and to accord with policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. Variations to the schedule would be acceptable if the materials listed in the Schedule are not available and the alternatives have been approved in writing by the local planning authority.

**Conditions to be observed prior to occupation of any of the development**

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

Reason: To ensure that foul drainage from the development is via the mains sewer in accordance with the sequential approach advocated by the National Planning Practice Guidance (2014).

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

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

14. None of the dwellings hereby approved shall be first occupied until the highway serving that dwelling has first been completed to an adoptable standard in accordance with a specification and phasing plan that shall have been previously submitted to and approved in writing by the local planning authority. The said areas shall thereafter be retained to this standard until formally adopted by the County Highways Authority.

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

15. None of the dwellings hereby approved shall be first occupied until the private parking, manoeuvring and vehicular and pedestrian access to that dwelling have been completed in accordance with the layout detailed on the approved site layout drawing LK/648 MFB/3 003 Rev A00 received 17<sup>th</sup> June 2014 in relation to the dwellings within the area marked edged in blue on the same said drawing and in accordance with the layout reserved matters to be approved with regards to the area marked edged in green on the same said plan and surfaced in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. The said private parking, manoeuvring and vehicular and pedestrian access shall be thereafter retained.

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

16. Prior to the first occupation of any of the dwellings hereby approved within the area marked edged in blue on the approved site layout drawing LK/648 MFB/3 003 Rev A00 received 17<sup>th</sup> June 2014 there shall be submitted to and approved in writing by the local planning authority a landscaping scheme. The said approved landscaping for the area shall be completed prior to the first occupation of any of the dwellings and thereafter retained and maintained in accordance with a maintenance scheme to have previously been submitted to and agreed in writing by the local planning authority which will include replanting and making good when losses occur.

Reason: To ensure that an appropriate level of landscaping within the site, to provide an appropriate balance between the natural and built environment and to provide an area for species identified to exist in the area to thrive in the future in accordance with the principles contained within policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012.

17. No dwelling hereby approved shall be occupied until the public right of way (the Viking Way), has been resurfaced between points W and X marked on the scale 1:1000 "Indicative Site Layout Plan" received on the 17<sup>th</sup> June 2014 to a specification to have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainability, specifically to increase the probability that trips to and from the site to the services and facilities on Station Road are not made by car and to accord with the provisions of the National Planning Policy Framework 2012.

18. No dwelling within the area marked edged in blue on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall be first occupied until the boundary treatments serving that dwelling have been completed in accordance with the layout shown on LK/648 MFB/3 003 Rev A00 received 17<sup>th</sup> June 2014 and the details shown on the relevant boundary treatments plan. The boundary treatments shall thereafter be retained.

Reason: To provide a clear legibility between public, semi-private and private space, in the interests of visual amenity 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.

**Conditions to be observed prior to occupation of development granted in outline by this permission**

19. No dwelling within the area marked edged in green on the approved plan LK/648-MFB/3 Rev A00 received on 17<sup>th</sup> June 2014 shall be first occupied until the public right of way known as Doctors' Lane has been resurfaced between the points Y and Z marked on the scale 1:1000 "Indicative Site Layout Plan" received on the 17<sup>th</sup> June 2014 to a specification to have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainability, specifically to increase the probability that trips to and from the outline element of the development to the services and facilities within the village centre are not made by car and to accord with the provisions of the National Planning Policy Framework 2012.

**Informative**

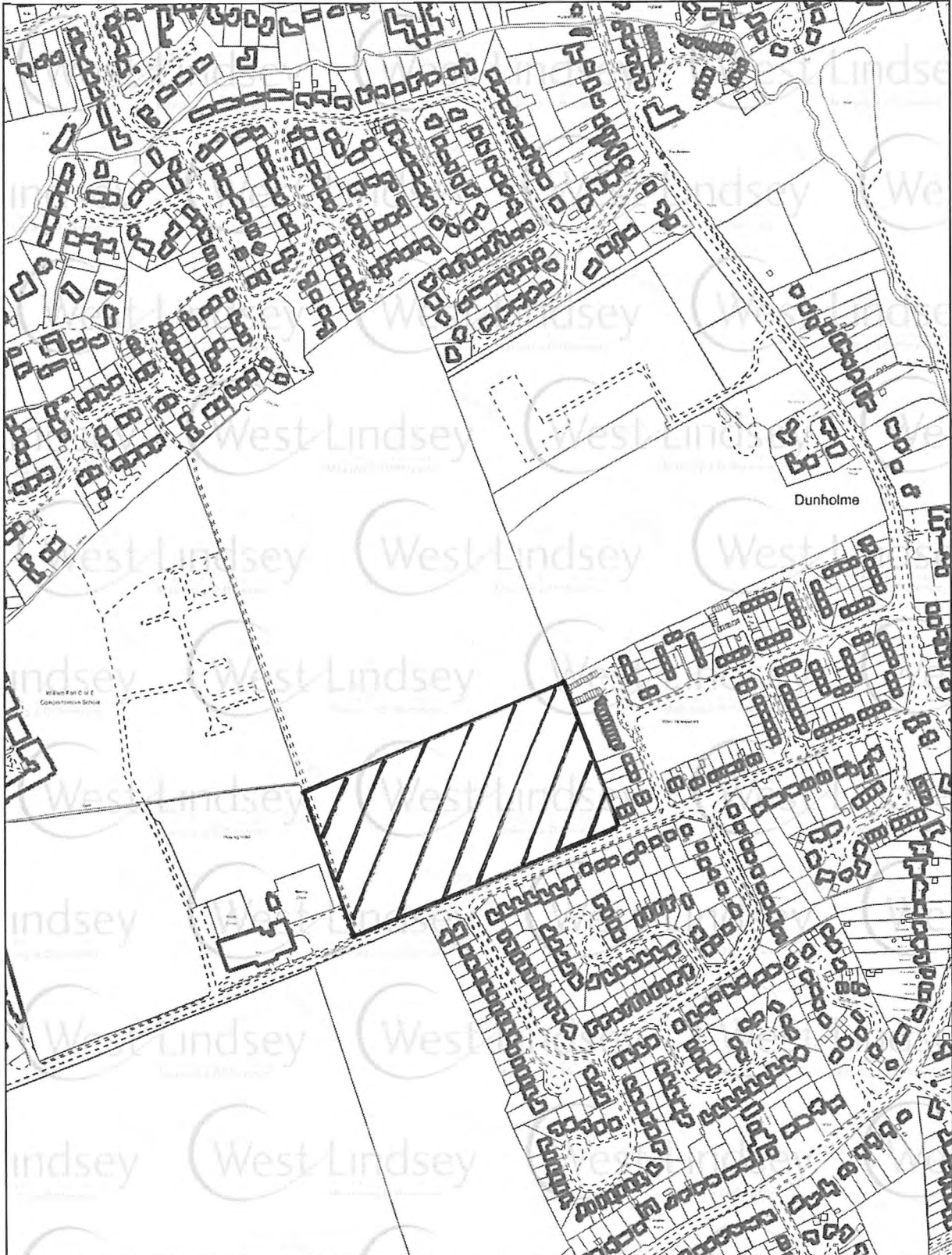
An informative shall be attached relating to protected species.

**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: 131087

**PROPOSAL:** Outline planning application for erection of 49no. dwellings, sports facility and additional car parking area-all matters reserved.

**LOCATION:** Land North of Honeyholes Lane Dunholme Lincoln LN2 3SQ

**WARD:** Dunholme

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

**APPLICANT NAME:** Mr R Day

**TARGET DECISION DATE:** 20/06/2014 (extension of time agreed)

**DEVELOPMENT TYPE:** Large Major - Dwellings

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

- a. A contribution towards capital infrastructure for education necessary to serve the development.
- b. A contribution of £20,000 towards capital infrastructure for health services necessary to serve the development.
- c. A contribution of £20,000 towards off-site highways infrastructure specifically relating to improvements to the Lincoln Road/A46 (Centurion Garage) junction.
- d. 12 of the 49 dwellings to be delivered on-site as affordable housing.

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

### Description

**Site** – The site extends to approximately 3.5 hectares on the north side of Honeyholes Lane on the western side of the village of Dunholme. The land is currently in agricultural, arable use. There is a slight fall from north to south towards Honeyholes Lane.

To the east is existing housing on Tennyson Drive, including maisonettes within the three storeys high, Tennyson House. To the south are existing bungalows and dormer bungalows opposite much of the site frontage with a field to the southwest. To the west is the Village Hall car park, a recreation field and woodland. To the north is the remainder of the field.

**Proposal** – This is an outline application with all matters reserved for subsequent approval. Although in outline, a series of context and analysis



plans were submitted with the application, including a layout plan. Members should note that these are all illustrative plans and for indicative purposes only. The latest iteration of the illustrative site layout plan was received on 28<sup>th</sup> July of this year and was subject to reconsultation.

The application is for:-

1. 49 dwellings
2. Car parking (50 spaces shown on indicative plan).
3. A sports facility (an area of land north of the car parking is shown for this facility).

The application was also accompanied by a suite of supporting documents including a flood risk assessment, transport statement and habitat survey.

A list of contributions detailed in the recommendations section of the report has been agreed with the applicant relating to health, education, transport and affordable housing to be secured through a section 106 agreement.

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

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

### **Relevant history:**

W24/390/81 – Residential development – refused 13<sup>th</sup> May 1981

The attention of members is drawn to the appeal decision earlier this year for Ryland Road (appeal Ref: APP/N2535/A/13/2207053). A copy of the decision can be found via the following link and references will be made to the decision in the assessment section of this report:-

<http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.6709569&NAME=/DECISION.pdf>

### **Representations:**

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

**Dunholme Parish Council** – “Would like to make the following points

1. The village of Dunholme and neighbouring Welton are near if not already at the saturation level on their vital services within the village such as the doctors, dentists and local schools. Can these villages withstand more housing and people to need these services also?
2. The historical green belt between Welton and Dunholme is wanting to be maintained and kept as big as possible to ensure that these two villages do not get merged into one through the boundaries.
3. The proposed footpath along the side of the proposed site is in a bad state of repair and, should this development go ahead, the Parish Council considers that the following factors would need to be sorted by the developer:-
  - a. A section 106 requirement to put the public footpath behind the tree boundary.
  - b. Honeyholes Lane is already heavily used and is a thin road and therefore we would like to see the road widened to allow safe passing for all vehicles.
4. The village hall often has functions on at all times of the day and so we would propose that the row of 6 houses nearest the car park be removed and a larger green area be made to allow more distance between this publicly used building/car park and the development.
5. The number of houses could aggravate the existing flood problem on this site of land.”

### **Welton Parish Council (neighbouring PC)**

“Dunholme depends on Welton for health care including doctors and dentist, shopping and other facilities. Dunholme currently has one village store containing a Post Office and a hairdresser. Hence, any new development within the surrounding villages will have a major impact on the infrastructure in Welton.

Currently Welton Family Health Centre has a list of 9500 patients with 5 partner doctors and one locum covering an area of approx 135 square miles, this means that 50% of patients come from the surrounding villages. In a future NHS plan the surgery area is to be extended to cover a wider area. Not only will new developments in the surrounding villages place greater pressure on health facilities, but also any new developments within the surgery boundary will have a substantial effect.

Problems of traffic flow and parking are a continual and ever increasing dilemma in the centre of Welton and further development will only add to this.

With all the potential additional development proposed for Welton and Dunholme there are major concerns regarding the junctions at the A46 and

A15, with no planned improvements by LCC. The junctions with Honeyholes Lane, Lincoln Road and Ryland Road will see a great increase in traffic.

Drainage systems and sewers in both villages are at full capacity with constant problems being encountered, in particular when there is heavy rainfall, flooding on Ryland Road is a common occurrence.

The site is not within easy walking distance to shops and other amenities particularly for those who are elderly or disabled, the distance would be considerable with no bus route on Honeyholes Lane.

William Farr CofE Comprehensive School is at capacity and constantly oversubscribed. Any increase in student numbers must inevitably have a detrimental effect on their future intake from surrounding communities in the catchment area, resulting in a possible increase of travel requirements to schools further afield.

Whilst this is an outline application and permission, if granted, would be with reserved matters, it would be preferable for a decision to be deferred until the Planning Committee and Officers have been given time to examine and evaluate the contents of Welton (target date end of 2014) and Dunholme's Neighbourhood Plans.

The Council respectfully requests that this application be determined by the Planning Committee and is not an officer decision."

**Residents** – Nos. 37, 39, 41, 45, 47, 49, 51, 53, 57 Honeyholes Lane; 20, Paynell; and 17 Ryland Road object for the following collective reasons:-

1. The extra traffic along Honeyholes Lane that will be caused by this proposal; there is already enough traffic usage of this narrow road without more being imposed on us. Also the plans show that, instead of one singular access to the proposed estate, the houses along the lane will have direct drives onto the lane.
2. The village life we enjoy and the rural feel to the area, the field opposite our house if built on will spoil this.
3. The footpath along the side of the proposed development is not nearly enough to cope with the footfall along the paths at school times as children are often walking on the road to pass people coming other way, also they will have to take more care and be in more danger with all the drives exiting on the lane.
4. All residents facing the development will be concerned with the increased risk of flooding as at present we are troubled by excess surface water when heavy rainfall occurs and, as stated in the flood risk report, the water will flow from north to south so this will be directly towards our properties. In the last 4 years, including this year, the fire brigade has had to pump surface water from the fields adjacent to the village hall. This water then collected on the proposed site in the area designated for a pond and posed a serious threat to properties. The applicant glosses over the fact that this land is very heavy and

- impermeable as there is a large content of blue clay in the top soil. Local residents will tell you that in normal conditions of rainfall the field is prone to not draining the surface water. The suggestion that some of the water could be drained in the existing dyke on the western boundary indicates a serious error of judgement because this water already drains into our sewer system as it flows beneath Honeyholes Lane into a collection point on our side of Honeyholes Lane adding to our existing problem.
5. During heavy rain the sewers and drains are overburdened with zero tolerance for any water coming from this proposed development.
  6. Although this development is not bringing the two villages Dunholme & Welton together, if an adjacent development gets planning permission to build on green belt land there will no reason why this developer could not ask for the rest of the field to be developed and we would end up with one massive village.
  7. The doctors' surgery at Welton is already very busy and more residents would put a greater strain on this service.
  8. The primary school at Dunholme is full to capacity and already has a waiting list, where will extra residents go?
  9. Do we need to lose valuable agricultural land for the purpose of housing as we need this kind of land to sustain food for the nation as if this proposal is granted the next stage will be to develop the rest of the land behind.
  10. Why do we need extra leisure facilities as we already have a football pitch, tennis courts, outdoor bowls club, indoor bowls club and children's playground within 50metres of the proposal
  11. The Village Hall has adequate parking so the car park is not a requirement for the development. The access to the car park would be in the narrowest part of the lane with very poor visibility for traffic coming from Merleswen.
  12. Our concerns are for the overcrowding of village and surrounding village facilities such as schools, health centre, drains and roads with this development along with other proposals being submitted will give an extra 200 plus properties within a very small area.
  13. The existing footpaths are not fit to walk on.
  14. Car headlights using the proposed access will shine into properties opposite.

#### 54, Beckhall, Welton

"I have no general concern over this application or the principal of developing this area of land. My real comment though is the inclusion of the carpark and sports pitch. There is a football field adjacent behind the existing village hall which is under utilised. Provision of upgrading the play equipment, the field and these facilities, their long term maintenance would make greater sense than building another one to be maintained."

25, Ryland Road – support

“I think a wider footpath should be installed along this side of Honeyholes Lane it does get a lot of pedestrians around school time. i think the recreational area would be great with a secure fence around it to keep kids safe from the parking area.”

**Petition** – “We object to the proposed development on Honeyholes Lane” - 65 signatures.

**Sir Edward Leigh MP** – Objects for the reasons given by residents.

**Anglian Water** - The foul drainage from this development is in the catchment of Dunholme Sewage Treatment Works that at present has available capacity for these flows. The sewerage system at present has available capacity for these flows.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would wish to see more in depth ground investigations before we would agree a connection to the already limited surface water sewerage network. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

In this context, we request a condition requiring a drainage strategy covering the issue(s) to be agreed.

**Environment Agency** – Subject to receiving confirmation from Anglian Water and Lincolnshire County Council to agreement for adoption in principle of the surface water scheme and securing a discharge point into the Anglian Water system we withdraw our objection and recommend that a condition be applied to a planning permission requiring details of a sustainable surface water scheme to be agreed and implemented to a 1 in 100 year plus climate change standard.

**LCC Archaeology** – Following further investigation we now have no objection.

**LCC Education** - This development would result in a direct impact on local Schools. In these cases the secondary school at Welton, notwithstanding the proposed development, is projected to be full in the future. A contribution is therefore requested to mitigate against the impact of the development at local level. The level of contribution sought in this case equates to £152,923. This is on the basis of Census data and recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR).

**LCC Highways** - The highways authority has no objection in principle to the proposal based on the information that has been provided to date but requires improvement to the frontage footway on Honeyholes Lane to a minimum width of 1.8 metres and improvements to the existing public rights of way in the vicinity of the site.

A Travel Plan will also be required.

A S.106 contribution may be required towards junction improvements onto the A46.

**Lincolnshire Police** – It is fully appreciated that this outline application is only seeking to establish the principle of development and that the finer detail of design will be submitted at a later date but comments are made on the illustrative plan.

NB. The case officer advises members that these matters are not listed here as they can be dealt with at any reserved matters stage but not would significantly alter the indicative layout proposed.

**NHS** - NHS Property Services confirm that we will be applying for a Section 106 application on behalf of NHS England for a contribution in the order of £20,825.00 based on a £425.00 per dwelling need for capital infrastructure required as a direct result of the development.

**Natural England** – No objection

**WLDC Housing** - The proposal for 12 affordable housing units for social rent is acceptable to the Housing and Communities Team

**WLDC Trees and Landscaping** – No objection to the proposed development providing that any layout takes into consideration the trees and their root protection areas. Further information will be required with any landscaping reserved matters on the trees to be retained and protective fencing details for root protection areas.

### **Relevant Planning Policies:**

#### **The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The site is outside of the settlement limit for Dunholme and is within the designated undeveloped break between Dunholme and Welton. The following policies are therefore relevant and considered for their consistency with the NPPF:-

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

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

STRAT13 Undeveloped breaks between settlements

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

STRAT19 Infrastructure requirements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS4 – Cycle and pedestrian routes in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

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

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

## **National**

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>
- Delivering a Sustainable Future for Central Lincolnshire  
<http://microsites.lincolnshire.gov.uk/centrallincolnshiretobedeleted/evidence-base/delivering-a-sustainable-future-for-central-lincolnshire/107235.article>

## **Assessment:**

### **Introduction**

This application is for housing, a car park and an area of public open space for sports and recreation. Although the car parking and open space are separate components of the development, the principal element is the housing. The principle of the car parking and sports facility are considered within the assessment of the principle of the housing.

## Principle

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site lies outside of the settlement limit for Dunholme and also within the designated Undeveloped Break between Settlements. Policy STRAT13 therefore is applicable. It states that:-

*“Within the areas defined on the Proposals Map, unless such development is essential for agricultural or other essential countryside uses and cannot be located elsewhere, it will be refused. If such development is exceptionally permitted it shall be located and designed so as to minimise harm to the character and appearance of the area.”*

In this context, the Inspector at the Ryland Road appeal noted that:-

*“There is clearly a good degree of mutual interrelationship between the two villages and shared use of some facilities. But their historic separate identities, dating back to Domesday and beyond, are clearly valued by many local residents and by the two parish councils who have objected to the proposal. Maintenance of the physical gap between the villages is the most obvious way of preserving the separate identities of the two communities.” (para 48).*

The inspector's comments are considered to be a material consideration that should be afforded significant weight in the determination of the appeal. The inspector continued by stating that:-

*“The policy objective of protecting the gap remains an important element of the current development plan, whose principle is consistent with the guidance of the NPPF;”*

However, he qualifies this statement by stating that;

*“The policy's out of date spatial application means that the particular circumstances of any development proposal must be carefully assessed and weighed in the balance set by paragraph 14 (of the NPPF).” (para 49)*

In this regard, he accepted the appellant's position that the spatial application of Policy STRAT 13 should be seen as out of date and that, if the appeal proposal is to avail of the presumption in favour of sustainable development, the second bullet point of NPPF paragraph 14 on decision making must apply;



planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. He concludes by stating that development in a green wedge/settlement break is not necessarily unsustainable and each case must be considered on its own merits. Members are advised that, via the same reasoning the spatial policy context of policies STRAT6 and STRAT13 must also be considered out of date.

The development the subject of this application must therefore be assessed on its merits; is it sustainable and will the extent and nature of the development proposed result in an unacceptable coalescence of the two settlements to the detriment of their identities as distinct villages? This assessment must be made in the context of the advice provided in paragraph 14 of the NPPF and the need to maintain a five year deliverable supply of housing.

In terms of the issue of coalescence, this application is considered to differ materially from the Ryland Road appeal site. In this instance a distance of 310m will remain between the northern boundary of the site and the built up area of Welton to the north (the rear boundaries of the dwellings on the southside of Beckhall). This gap is no less than the gap between the existing dwellings to the east on Tennyson Drive and Ryland Gardens (Dunholme parish) or The Pastures, Welton.

Furthermore, an open gap of farmland will remain bordered on the west by woodland. It is therefore not only a significant distance that will remain, but also the gap will be rural in character and appearance, devoid of buildings. Views from the footpaths to Ryland Road will remain.

It is acknowledged that the gap is currently experienced not only from within it on the public footpath that links Honeyholes Lane to Beckhall, Welton, but also from Honeyholes Lane. In this context, it is considered important that some of the site width remains undeveloped by housing for its whole depth to maintain the green lung and vista for the whole distance between Honeyholes Lane and Beckhall. The indicative layout plan does indicate that this will be the case with the main public open space and car park located at the western end of the site. However, it is necessary to ensure that this is replicated in the layout and landscaping reserved matters and this can be secured by condition. Similarly it is considered necessary that the landscaping includes a soft planted edge to the development on its northern boundary where the house gardens will abut this boundary. This will assist in lessening the impact of the housing when viewed from the Honeyholes Lane to Beckhall footpath and another public right of way that follows the rear boundaries of the dwellings on Beckhall before cutting across the field at an angle to link to Ryland Road.

The development is therefore not considered to result in the coalescence of the two villages and will not harm or detract from the separate distinct identities of the villages in their rural setting.

Furthermore, the restriction of housing to sites within the settlement limits is not considered to be consistent with the presumption in favour of sustainable development, the objective of growth and the need to maintain a deliverable 5 year housing supply contained within the NPPF; it is incorrect to state that development cannot be sustainable outside of the defined settlement limit and a 5 year deliverable supply and growth cannot be achieved solely within sites within defined settlement limits.

Paragraph 14 of the NPPF has already been referred to in this assessment but, to recall; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Paragraph 49 of the NPPF provides an instance where a development plan policy is out of date; when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In this instance a deliverable supply of land of only 3.5 years can be evidenced.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. Policy STRAT9 must therefore be considered out of date.

It is therefore considered that the location is appropriate for development and it will be acceptable if sustainable and acceptable when judged against other material considerations

With regards to sustainability, paragraph 7 of the NPPF defines the three roles of sustainability as:-

- *an economic role* – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to

improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Members may recall from recent reports to this Committee that a series of criteria have been used to assess a proposal for such sustainability. These criteria have been drawn forward from policy CL6 of the now withdrawn Core Strategy. Whilst the Strategy and the policy are afforded no weight here, the criteria provide a useful framework for assessing the proposal against the NPPF and the relevant saved Local Plan Review policies (the latter afforded significant weight where consistent with the NPPF).

It is important to note, from paragraph 37 of the Ryland Road appeal decision that “the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension did not automatically render a proposal unsustainable.”

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

The site adjoins the existing built up area of Dunholme on its eastern boundary and falls opposite existing dwellings on the south side of Honeyholes Lane for the majority of its southern boundary.

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

The Sustainable Futures reports that will provide part of the evidence base to the Central Lincolnshire Local Plan provide background information on the roles and sustainability of settlements. Whilst not relying on this information in this assessment, nor affording any weight to the Central Lincolnshire Local Plan itself, nevertheless it is considered that these reports offer a more accurate and recent assessment of the sustainability of a settlement than the Local Plan Review hierarchy.

In this context, it is noted that the Sustainable Futures reports state that the roles of settlements can be understood simply by the degree in which their relationship with other settlements is based on ‘attraction’ or ‘support’. An attractor is a settlement which other settlements are drawn to for its service provision, employment and facilities. A supporter is a settlement which has a primarily residential focus and relies on attractors nearby to provide key services. Dunholme is defined as Primary Supporter, reflecting its role as a larger village with some services but also with an emphasis on using services elsewhere. This is typical of the larger villages that ring Lincoln with its travel to work area; Welton and Nettleham in West Lindsey are Primary Supporters as are Branston and Skellingthorpe in North Kesteven. However, this is not to say that the location is not well related to existing facilities and services; Members are advised that, in the Ryland Road appeal, the inspector

considered that Welton and Dunholme offered a sustainable range of services and facilities. Specifically there is a secondary school, primary school, shops, doctors surgery, dentists, library, village hall, sports and recreation clubs and employment providers all within walking distance

The following table provides the distances measured from the nearest site boundary to particular services, facilities and employers.

Destination	Distance via Honeyholes Lane and connecting roads with pavements	Distance via public footpath to Beckhall and connecting public footpaths and adopted highway
Secondary School (William Farr – Lincoln Road, Welton)	2400m	340m (via the route used by existing pupils and referenced in correspondence from residents)
Primary school (St Chad's, Ryland Road, Dunholme)	440m	1250m
SPE International (Honeyholes Lane)	340m	---
Village Hall (Honeyholes Lane)	80m	---
Shop (Lincoln Road, Dunholme)	440m	---
Doctors' surgery (Welton)	1900m	1200m
Bus stops (Ryland Road, Dunholme)	345m	1345m

Realistically, the use of the unlit public footpath between Honeyholes Lane to Beckhall can only be used during daylight hours. However, the case officer observed that it is regularly used by parishioners, including pupils attending William Farr School. Therefore it does contribute to the sustainability of the site, albeit it is acknowledged that it is unlikely that most patients attending the doctors' surgery would choose or be able to use this route. One does concur with comments relating to the existing footpath specifications within the direct vicinity of the site, specifically along the Honeyholes Lane frontage and it would be reasonable to require an enhanced provision. This can be secured by a Grampian condition or obligation.

The provision of the car parking and open space will enhance the attractiveness of the Village Hall and recreation area to the rear as a focal point for parishioners to meet. This is an asset of the development proposed that will add to its social sustainability and bring the Village Hall and other

Honeyholes Lane facilities more into the village; they are currently a little isolated.

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

Paragraph 32 of the NPPF states that the opportunities for sustainable transport modes should be taken depending on the nature and location of the site, to reduce the need for transport infrastructure.

Honeyholes Lane is not served by a bus service but, as referenced in the table in the preceding sub-section, the nearest bus stops are on Ryland Road which are safely and easily accessible along the pavement on Honeyholes Lane. The northbound bus stop is nearest to the junction with Honeyholes Lane. This bus stop is equipped with a timetable and raised platform but no shelter. The southbound stop (a further 10m away) has a timetable and raised platform. The stops are served by the 11, 12 and 53 services (confusingly the 53 service uses the northbound stop for Lincoln and the 11 and 12 use the southbound stop for the same destination). The timetables can be accessed via the following link:-

53

<http://www.stagecoachbus.com/getTimetable.ashx?code=XGEO053&dir=OUTBOUND&date=04%2f09%2f2014>

11 and 12

<http://www.stagecoachbus.com/getTimetable.ashx?code=XGAO011A&dir=INBOUND&date=04%2f09%2f2014>

These services are considered to provide a sustainable method of connecting to the services and facilities in Lincoln and Market Rasen with some connecting directly to Lincoln Hospital.

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

Both LCC Education and the NHS have advised that there would be an impact on the education and health infrastructure serving the village as a result of the development. This need is immediate upon the occupation of the first house but it would be unreasonable to require all of the contribution at once. It is therefore advised that, in the context of Regulation 122 of the Community Infrastructure Regulations 2011, the contributions are phased across the development so that they are commensurate in scale to the development as it evolves.

The applicant is not disputing the requests, nor have they submitted a viability appraisal despite being offered the opportunity to do so. The contributions can therefore be secured through a s106 agreement as they are considered:-

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and

c. fairly and reasonably related in scale and kind to the development.

No other infrastructure providers have raised adverse comments, including Anglian Water for foul water. The rollout of Broadband for Welton is expected by 2016.

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

The designation of the site as being part of an undeveloped break between settlements has already been considered in this report. The site is not a playing field or important open space defined by policy CORE9. The land is private.

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

It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being “more vulnerable” to such flooding. This includes dwellings. In this instance the sites falls within zones 1,

In this regard the proposal passes the sequential test and no other mitigation will be required. This sequential test relates to fluvial not surface water flooding; it is acknowledged that the site and its surroundings have suffered from the latter and this is covered separately later in this report.

*Generally consistent with economic, environmental and social sustainability*

Policy RES6 of the Local Plan Review requires that a housing development should include in the region of 25% of the total quantum proposed as affordable houses. This policy is considered, subject to viability, to be consistent with the provisions of the NPPF. The glossary of the NPPF defines such houses as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. It explicitly excludes low-cost open market housing.

This is an outline application but the applicant has proposed that 12 of the 49 houses will be provided as affordable housing, which equates to 24.5% of the total and is therefore in the region of 25%. The proposal accords with policy RES6 in this regard.

Policy RES2 of the Local Plan Review also advises that there are a range of housing types, sizes, styles and densities including low cost and smaller homes incorporated within the development. Where proposals fail to provide an appropriate mix of housing then permission will be refused.

The application is in outline but members can see from the illustrative plan that a range of houses can be accommodated within the site at an appropriate density.

### **Design, character, appearance and visual impact**

These are considerations detailed in policies STRAT1, parts i and ii of RES1 and CORE10 of the Local Plan Review and reflect and are consistent with the NPPF with regards to design

Paragraph 17 of the NPPF provides 12 guiding principles. It states that the process of assessment of a development is not simply about scrutiny, but instead it is a creative exercise in finding ways to enhance and improve the places in which people live their lives recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.

Paragraph 56 of the same Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes. It is, however, proper to seek to promote or reinforce local distinctiveness and paragraph: 004 (Reference ID: 26-004-20140306) of the NPPG states that local planning authorities are required to take design into consideration and should refuse permission for development of poor design.

Honeyholes Lane is characterised by the transition between the built environment and the countryside. On the south side of the road, opposite the site, this is quite abrupt; the character of the area changes suddenly from the suburban forms, streetlights, pavements, domestic paraphernalia, relatively open plan frontages and landscaping that characterise Merleswen and Paynell to the unlit arable farmland, lack of pavement, hedges and lack of buildings west of the rear boundaries of the dwellings on the west side of Merleswen. The change is not so abrupt on the north side of Honeyholes Lane; the application site forms a gap between the two and three storey built forms on the west side of Tennyson Drive to the east and the Village Hall and SCE International to the west. It is not until the traveller is west of the SCE International site that the road loses entirely the characteristics of a suburban road and becomes a lane without pavements, urban buildings and lighting. In this context, the introduction of the development would not be out of keeping with the character and appearance of the area.

The density of the area to the south of the site is 19 dwellings to the hectare (9dph), the area being Merleswen, Anderson, Kneeland, The Granthams, Paynell and the housing on Honeyholes Lane opposite the site. The site density would equate to 14 dph which is considered to be similar and in character with the prevailing density.

Scale, layout and landscaping area reserved for subsequent approval, but the illustrative plan provides the comfort that an appropriate legible hierarchy of streets and spaces, viewpoints, viewstops, interest and scope for soft landscaping to mature can all be accommodated within the site with the quantum of housing, the car parking and sports facility proposed.

The public right of way to Beckhall adjoins the western boundary of the site. The illustrative masterplan shows this pathway being abutted by the parking and sports facility area which is appropriate to preserve the setting and amenity value of the path; it avoids the pathway being a narrow channel between housing and the woodland.

### **Flooding and drainage**

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review. Fluvial flooding has already been considered in this report, but members will note that many residents and the Parish Council raise concerns about surface water flooding.

Photographs have been sent by residents showing lying water extending across the southern frontage of the site, across Honeyholes Lane and onto the properties opposite. The photographs include the Lincolnshire Fire Service attending the area with pumps on more than one occasion. The case officer has also witnessed lying water on the site. The cause appears to be the fact that the site falls towards Honeyholes Lane and is comprised largely of heavy clay. Without infiltration the water flows across the road into the properties. The Anglian Water system appears unable to cope with this water and, as evidenced in their submission, they are not content with the detail of the current solution.

However, following multi-agency meetings, it is apparent from the revised comments from the Environment Agency and Anglian Water that a solution is possible with the illustrative layout proposed. This layout and the supporting drainage strategy propose a system based on the principles of sustainable urban drainage and the conveyance and storage of water in open swales and ponds on the site. This accords with the principles of the NPPF and NPPG. What needs to be agreed is that such a system can respond to 1 in 100 year rainfall events (plus a 30% allowance for climate change) and provide a neutral and preferably better impact on the surrounding land and properties in terms of runoff. Whilst the detail needs to be still resolved, including the impact on the Anglian Water system and receiving watercourses, nevertheless, it is considered that such details can be dealt with by a condition.

### **Highway safety, parking and access**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review that is considered consistent with the provisions of the NPPF. Access is reserved for subsequent approval but the site shares a boundary with only one vehicular highway, Honeyholes Lane. This road is straight and therefore offers excellent visibility. It is also already subject to a 30mph speed limit along the site frontage. The width of the road was measured by the case officer as 4.8m at two points near to the junction with Merleswen at the western end of the site and near to the southeastern corner. Adopted highways would now be expected to be built to a minimum width of 5m but the County Highways Authority raise no objection to the use of Honeyholes Lane for the additional residual vehicular traffic. The case officer also witnessed a HGV passing a car in the opposite direction without needing to mount the verge.

The County Highways Authority has requested a contribution to off-site improvements and the provision of a new footway to their standards on the site frontage. The applicant has agreed to both and these can be secured through a Grampian condition or obligation.



## **Residential amenity**

These are considerations detailed in policies STRAT1 and RES1 of the Local Plan Review, consistent with the provisions of the NPPF. Amenity issues may arise from overshadowing, overlooking, noise and disturbance or from a reduction of amenity space.

The dwellings that could be potentially affected by overlooking and overshadowing are those on the west side of Tennyson Drive or the south side of Honeyholes Lane, opposite the site. The latter are bungalows. However, the illustrative layout plan suggests appropriate distances can be achieved between existing and proposed dwellings at reserved matters stage, the scale of the proposed dwellings also being able to be considered and controlled at the reserved matters stage.

## **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, STRAT13 Undeveloped breaks between settlements, STRAT19 Infrastructure requirements, SUS4 – Cycle and pedestrian routes in development proposals, , RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE 14 Waste Water Disposal and NBE19 Landfill and contaminated land 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 2012 (NPPF) which has been afforded significant weight especially the presumption in favour of sustainable development as well as the accompanying National Planning Practice Guidance (2014).. The development plan policies have been assessed for their consistency with the National Planning Policy Framework with the weight afforded to policies STRAT3, STRAT9, STRAT12 and STRAT13 being significantly reduced due to the inconsistency with the NPPF.

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

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review, it is considered that the development will constitute a environmentally, socially and economically sustainable development that can contribute to the growth objectives of West Lindsey, Central Lincolnshire and the national government and contribute to a 5 year deliverable land supply for Central Lincolnshire

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to conditions stated below be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. A contribution towards capital infrastructure for education necessary to serve the development.
- b. A contribution of £20,000 towards capital infrastructure for health services necessary to serve the development.
- c. A contribution of £20,000 towards off-site highways infrastructure specifically relating to improvements to the Lincoln Road/A46 (Centurion Garage) junction.
- d. 12 of the 49 dwellings to be delivered on-site as affordable housing.

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

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

1. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, access and the landscaping of the development (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The layout and landscaping shall adhere to the parameters detailed in indicative layout plan J1355 SK12 Rev D with the car parking and sports facility adjacent to the western boundary and the landscaping reserved matters shall include soft landscaping along the northern boundary of the site where the curtilage of dwellings abuts this boundary

**Reason:** This element of the development is in outline only and the local planning authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and to accord with the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

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

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

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

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event.

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

**Conditions to be observed during the development of the site**

None

**Conditions to be observed before occupation of any of the dwellings**

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

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

6. None of the dwellings shall be first occupied until a 1.8m wide pedestrian footway has been completed between points X and Y marked on the approved indicative layout plan J1355 SK12 Rev D to a specification previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of environmental sustainability and to accord with the provisions of the National Planning Policy Framework 2012.

7. No more than 50% of the dwellings hereby approved shall be first occupied until the sports facility also approved has been provided within the site to a specification and in accordance with details to have been previously submitted to and approved in writing by the local planning authority. The details shall include responsibilities for the future maintenance and management of the facility. It shall be retained thereafter.

Reason: This facility is an integral component of the development approved and contributes towards its social sustainability by providing an enhancement to the village facilities, fostering social cohesion between residents of the existing village and the development and to accord with the principles of the National Planning Policy Framework 2012.

8. No more than 50% of the dwellings hereby approved shall be first occupied until the car parking hereby also approved has been provided within the site to a specification and in accordance with details to have been previously submitted to and approved in writing by the local planning authority. The details shall include responsibilities for the future maintenance and management of the car parking. The parking shall be retained thereafter.

Reason: The car parking is an integral component of the development approved and contributes towards its social sustainability by providing an enhancement to the village hall facility fostering social cohesion between residents of the existing village and the development and to accord with the principles of the National Planning Policy Framework 2012.

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

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

#### **Legal Implications:**

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



## Officer's Report

### Planning Application No: 130739

**PROPOSAL:** Planning application for 31no. dwellinghouses and 4no. live-work units; mixed use of C3 dwellinghouses and B1 light industrial-associated roads, drainage and landscaping and footway on Stow Road

**LOCATION:** The Old Scrapyard Stow Lane Ingham Lincoln LN1 2YP

**WARD:** Scampton

**WARD MEMBER:** Councillor Patterson

**APPLICANT NAME:** TT Partnership

**TARGET DECISION DATE:** 19/03/2014 (extension of time agreed)

**DEVELOPMENT TYPE:** Small Major - Dwellings

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

- a. The delivery and maintenance and management thereafter of the off-site enhancements to surface water drainage and the public footpath as marked on drawing 4151T/11/45 Rev A.
- b. The delivery of a residential travel plan.
- c. The delivery of on-site public open space unless adopted by Anglian Water.
- d. The occupancy criteria of the live-work units.

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

### **Description**

**Site** – The site is within the parish of Ingham but is separated from the main village envelope by fields in agricultural use. The nearest dwelling is approximately 140m to the east on Stow Lane.

The site extends to 1.8ha and approximately 95% of it is now vacant but was last used as a scrapyard. This former use is clearly evident as a number of decaying and neglected commercial vehicles remain on site. It is estimated that many of these vehicles have not moved for at least 10 to 20 years. This element of the site is clearly previously developed land despite some greening having occurred in more recent years.

The remainder of the site is still within active use as a vehicle repair business. This occupies part of the Stow Lane frontage but is flanked by the old scrapyard.

Abutting the site to the west is a public footpath that links Stow Lane to The Green, the Village Hall and the School.

**Proposal** – The application was originally submitted in December 2013 and was entirely comprised of live-work units. Following discussion with officers and the holding of a public meeting, the proposal was amended and now proposes 31 houses of which 10 are semi-detached and 21 are detached, as well as 4 detached live-work units. Of the semi-detached dwellings, 8 are two-and-a-half storeys in height with segmental arched dormers projecting from the gabled roof. The other 2 semi-detached houses are proposed to be two storeys in height. Of the detached dwellings, 5 are proposed to be two-and-a-half storeys in height with gabled dormers projecting from the gabled roof; the other 16 detached dwellings are two storeys in heights, although 6 of these feature lower eaves heights on the front elevations.

All of the buildings, including the live-work units, are faced in brick with gabled roofs and feature external chimneys.

The work element of the live-work units would for business/light industrial uses (class B1 as defined by the amended Use Classes Order 1987)..

The plans include an upgrading of the existing public right of way between the site and The Green, improvements to the existing off-site surface water drainage scheme and the provision of a pavement on the north side of Stow Lane between the site and the junction with Lincoln Road.

The proposed development under consideration is that shown on the amended plans received on 22<sup>nd</sup> June 2014.

An extended phase 1 habitat survey, transport statement, flood risk assessment and assessment of contaminants were all submitted with the application.

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

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

### **Relevant history:**

**M05/P/373** – “Planning application for the change of use of breakers’ yard to leisure park including erection of 9 holiday homes; conversion and extension of store to form 1 holiday home; extension of existing toilet block; conversion of storage buildings to office hire centre, to laundry and to clubroom; use of

land for stationing and storage of 32 touring caravans; use of land as open recreational space for play and sports activities, and upgrading/construction of internal service roads to include off road vehicle parking areas.”

This was the third and final application for a similar development, all three applications being refused due to the open countryside location and lack of justification for the development to be in such a location.

The decision of the Council was appealed and dismissed. The Inspector in their decision noted that the site was “untidy and unsightly” but that it was “poorly screened” and “prominent within the landscape.” They also considered that any future users of the site would be dependant on the car and that the walk to the shop was of a considerable distance.

The inspector’s decision letter can be accessed via the following link:-

<http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.4082861&NAME=/Decision.pdf>

### **Representations:**

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

**Ingham Parish Council:**

“Following the revised planning application we called a second public meeting which again was well attended.

Whilst the Parish Council generally support the principle of developing brownfield land rather than agricultural land there are a number of material considerations which we submit for your attention.

The scale of this application for 35 properties is a significant development for Ingham as it will increase the size of the village by around 10% and when this is coupled with the Lincoln Road development of 17, the burden rises to 15%. This development will become dominant in an area otherwise remote from the village and surrounded by open farmland.

Sustainability for this site was an issue for WLDC when the affordable homes development was being considered .WLDC’s comments in respect of application 13036; “The scrapyard site is relatively isolated from the village which would not foster social inclusion and sustainability”.

The impact on the community and services such as the doctors, shop and school remain a concern although at the first public meeting we were made aware that the construction would likely be phased over 5 years or more and this would ease the absorption of the increased population. The Parish Council would ask that WLDC make the phasing of construction a condition of the planning consent.

There are a number of practical issues which require addressing such as the future responsibilities and funding for maintenance of the public grassed areas, trees, footpath, footbridge and lighting.

The dangerous crossroads at Lincoln Road / Stow Lane junction was again raised as an issue which will be exacerbated by the increased traffic flow. The



Parish Council would like LCC and WLDC to give this aspect of highway safety due consideration.

The Parish Council welcome the creation of a footpath along Stow Lane to the crossroads and an improved footpath to the village car park. The foul sewage and topwater scheme (to pipe the dyke) opposite the school and playing field should be a major environmental improvement for the village and should be an integral part of the planning application.

There is concern that there is less lower cost (smaller) housing in the development.”

#### **Local residents:**

30 The Avenue, Ingham –

- a. The letter from WLDC publicising the amendments to the application states that not all applications are reported to the Planning Committee which contradicts previous assurances in writing from officers that this application would be reported to Committee.
- b. There is no new Design and Access Statement and, therefore, the materially different amendments contradict the existing, original Design and Access Statement.
- c. The submission states that early discussions with the local planning authority resulted in confirmation that the site, due to its location, was not suitable for affordable/open market housing. Now in obvious self-contradiction, the application proposes exactly such open market housing
- d. While the application, in the form of CAD Associates, is driven by the TT Partnership, it is clear the Case Officer engineered its roads and signposts, which seems more like involved advocacy than impartial case management.
- e. We are disturbed to see that WLDC appears to judge this application’s present form satisfactorily complete. Consequently we wonder why, as lay members of the public, we must highlight obvious failings when we think the planning authority should see and require correction before presenting such minimal indications to the public.
- f. Nothing in this radically changed yet barely revised self-invalidating application, or in its handling to date creates confidence in WLDC as an objective arbiter of issues it continues to present.
- g. Without an amplifying new/revised relevant design and access statement and supporting documentation we stand against this application’s proposals, because detail that might allow the opposite is absent.

4, Sidney Chase, Ingham

- a. There are already two other planning applications for new dwellings in Ingham that I am aware of, one for 20 dwellings in Lincoln Road and another for 3 dwellings at Crossways. Along with this application, this amounts to 54 additional dwellings proposed for Ingham which in my opinion is far too many for a village the size of Ingham.

- b. What is a live-work unit?
- c. Previously, planning applications for this site for use as a fishing/leisure development have been refused and subsequent appeals have failed. I do not believe the current application for residential development is in keeping with the surrounds.
- d. The site is outside the curtilage of the village and, therefore, this proposed development does not comply with current planning policy.
- e. The site entrance is quite near to the dangerous junction at Crossways where serious accidents already occur on a regular basis. The development will exacerbate this problem.
- f. The application does not contain any information on proposed foul drainage installations.
- g. The proposed development would cause significant harm to the views from my dwelling towards Stow and west Lincolnshire.
- h. The planting scheme does not provide sufficient information on the type and number of trees proposed for the existing eastern boundary. 2.75m high trees will not cloak two storey dwellings which will be approximately 8m high.
- i. The western boundary hedge should be maintained at its current height.
- j. There are no details of the type of fencing proposed to the eastern boundary. As a minimum a 2.1m high close boarded fence should be required to cloak the development
- k. The proposed application does not provide sufficient garage parking for the number of dwellings.
- l. There are no details of street lighting, street furniture and the like.
- m. There are no details regarding the upgrading of services infrastructure to service this site i.e. gas, water, electric, drainage, BT, cable.
- n. There are no details of any proposed site remediation/decontamination of the existing site. Please advise if an asbestos survey has been carried out?
- o. There are no dimensions, heights and the like shown on the planning drawings.

## 12, The Avenue

- a. The application differs dramatically from the original with the live-work units representing only approximately 12% of the development. With the loss of an existing garage workshop business from the site, surely 2 more live-work units should be provided and the number of dwellings reduced accordingly.
- b. Conditions should be made requiring the live-work units to be built early in the development.
- c. The provision of a reinforced concrete pad at the intersection of the four fields in the hollow, for use by agricultural machines crossing the ditch, is very restrictive being only 2 metres wide.
- d. We appreciate that, due to the size of the development, construction would take several months. Conditions should be set to prevent occupation of any property before the off-site public footpaths have been constructed.

6, West End Park, Ingham

- a. The site “will be 100% better with homes on it.”

32, The Avenue (received in relation to the original submission, but considered relevant to the amendment)

- a. I object very strongly to whatever the plans want to happen, because I have not been given any other choice.

3, Stow Lane (again, received in relation to the original submission, but considered relevant to the amendment)

- a. Are there too many units for the infrastructure of the village particularly sewage disposal and the village school?
- b. Is there sufficient parking on site?
- c. The existing car repair business seems a very good sustainable use of the site; the proposal would be detrimental to the mix of services available in the village itself.
- d. There is currently no overall vision for the village or even for the district. If that is the case, willy-nilly development will result in a bland, disjointed mess that doesn't deliver the best quality of life for residents.
- e. The fact that the site is a haven for wildlife should not be forgotten. Native plants and animals are being squeezed out of Britain as “unproductive” parcels of land such as this are developed and tidied up. I welcome the provision of the tree belt along one side of the proposed development and the vague proposals for landscaping but these features won't replace the rich habitat that currently exists.

**LCC Education** It would not reasonable, in the context of viability to request a contribution.

**LCC Highways:** The Flood Risk Assessment, dated 3 July 2014, explores the suitability of various drainage proposals, but provides no detail.

Swales are proposed, but it is not clear whether any surface water from private areas will also drain into the swales. The FRA suggests that the site does not infiltrate. Further details regarding the swale/drainage design are required, to determine whether the system will work and who will be the adopting authority. This detail/approval is required prior to planning consent being granted.

A Residential Travel Plan should be provided.

The existing rural footpath upgrade includes no proposals to divert the line to the eastern side of the hedge. During earlier discussions in the planning process issues were raised regarding the safety of children using the existing route as the hedge meant that they could not be overlooked from the development. How has this issue been addressed? Are there any plans to lower/remove the existing hedge? Has a diversion of the route to the eastern side of the hedge been considered/investigated?

A weed restricting geotextile membrane should be incorporated in to the footpath upgrade specification.

**Anglian Water:** Anglian Water notes the proximity of this development to Ingham Sewage treatment works (INGHST), from which odour emissions and noise may be detectable at neighbouring property. The treatment of wastewater is inherently odorous and needs to operate on a 24hr basis; therefore, some disturbance to adjacent property is unavoidable. However, our initial assessment indicates that this development lies beyond the range at which detectable noise and odour from the STW operation would normally be anticipated. As such we would conclude that the risk of a loss of amenity at the development due to operations at the STW is low and therefore this development is considered acceptable.

The foul drainage from this development is in the catchment of Ingham STW that at present has available capacity for these flows.

The sewerage system at present has available capacity for these flows

**Environment Agency –** Further to the discussions held at the multi-agency meeting and the subsequent amendments to the Flood risk assessment and layout of the development to incorporate SuDs features, we are able to withdraw our earlier objection subject to a planning condition being applied to secure final details of the surface water drainage system.

**LCC Historic Environment (Archaeology):** No objections/comments.

### **Relevant Planning Policies:**

#### **The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The site is outside of the settlement limit for Ingham in the Plan. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

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

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

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

STRAT 12 Development in the open countryside

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

STRAT19 Infrastructure requirements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS4 – Cycle and pedestrian routes in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

ECON9 Retention of employment land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm#econ9>

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

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

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE19 Landfill and contaminated land

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

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>
- Delivering a Sustainable Future for Central Lincolnshire  
<http://microsites.lincolnshire.gov.uk/centrallincolnshiretobedeleted/evidence-base/delivering-a-sustainable-future-for-central-lincolnshire/107235.article>

## **Assessment:**

### **Procedural matters**

There is an assertion from a resident that the case officer was an advocate of the development rather than an impartial case manager.

In response, it can be clarified that the case officer, as with all developments, proactively engaged with the applicants and their agents to explore how the development could overcome the issues which were material to the determination of the application in the context of the presumption in favour of sustainable development. However, all of the opinions and guidance, recorded on file, were made by the officer without prejudice. It was always intended that the application would be reported to the Planning Committee for consideration.

Comments have also been received from residents querying why some of the supporting particulars such as the Design & Access Statement were not amended at the time of the revisions of the application.

The amended Town and Country Planning (Applications) Regulations 1988 and the amended Development Management Procedure Order 2010 provide the statutory framework for the submission, receipt and publication of planning applications. Section 8 of the latter requires the submission of a Design and Access Statement for certain applications such as that under consideration here. There is a requirement for the Statement to include the design principles and concepts that have been applied; a demonstration of the steps that have been taken to appraise the context of the development; how the design of the development takes that context into account; an explanation of the policy adopted as to access; how policies relating to access in relevant local development documents have been taken into account and a statement of what, if any, consultations has been undertaken.

In the context of these regulations and guidance, it is noted that the original Design and Access Statement accords with these requirements.

Furthermore, if the application as revised is not materially different from that originally submitted in terms of character and description, then a fresh application is not required. Determination of such a matter is for the discretion of this Council as shown in *R. v South Holland District Council ex parte Hey and Croft Ltd 20/12/1991*. Similarly, the regulations provide for no requirement for a new or revised Design and Access Statement to be submitted if the proposal is revised under the same application; again it is at the discretion of the Council.

In this instance, it is considered that the revisions are not materially different from the original submission; the quantum of units has not changed, nor has the style and character of the buildings proposed. Furthermore, the live-work units by their very definition all included dwellinghouse elements to the mixed use and, without exception, all of the live-work units were outwardly residential in appearance with the work area limited to a building that externally had the appearance of additional domestic garaging for each property.

In summary a new application was not necessary nor a new Design and Access Statement.

### **Principle - loss of existing employment use**

Policy ECON9 of the Local Plan Review provides four criteria against which applications for the development of vacant business and general industrial sites for non-employment purposes should be assessed. It is noted that not all four criteria need to be addressed as the policy employs the word “or” following each criteria, rather than “and.” The criteria are individually assessed below;-:

*i. The present use harms the character or amenities of the adjacent area, the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development;*

This criterion is considered to be consistent with the provisions of the NPPF and significant weight is accordingly afforded to it. The greening of the majority of the site following its vacation has certainly lessened its visual impact. Nevertheless, the lack of screening and the number, size, metallic appearance and neglect of the rusting commercial vehicles on site still results in a significant detrimental impact to the visual amenity of the area. The clearance, remediation and redevelopment of the site with buildings more sympathetic to the rurality of the surrounding environment would have overriding local benefits, the design of the proposal being considered in more detail later. The nature of the majority of the existing site, with the required clearance and remediation, is clearly not attractive to employment uses and, whilst capable of satisfactory use, it is unrealistic to suggest that this will occur in this location. The lack of use for a number of years is evidence of this opinion.

*ii. The proposed use would not preclude subsequent change of use back to the employment use without significant building or alteration works;*

This criterion is not considered consistent with the NPPF. Paragraph 22 of the latter states that there should be no long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Therefore this application should not be judged on the ability or otherwise of the development being capable of being changed back to employment use without significant building or alteration works. The application must be considered on its own merits in the context of the presumption in favour of sustainable development.

*iii. The retention of premises or sites for employment use has been explored fully without success and it is demonstrated that there is no longer a need for the land for employment purposes due to the amount of land allocated or committed for employment use in the locality;*

This is not considered to be consistent with the provisions of the NPPF. Members are referred to the comments in the preceding sub-section in

relation to paragraph 22 of this framework. Furthermore, the lack of reuse of the site for its consented use for many years, or the redevelopment of the site following the unsuccessful exploration of alternative uses, results in one concluding that the site is not appealing and is prohibitively unviable to bring back into total commercial use. Furthermore, there are now other commercial units available such as at Ingham Cliff developed in the last 5 years.

*iv. The site can be demonstrated not to suit the needs of modern business operations.*

The same considerations should apply as to the previous two criteria.

However, the potential loss of employment at the vehicle repair garage should not be underestimated and that this is clearly a material consideration.

Nevertheless, it is noted that the proposal does include 4 live-work units, albeit for light industrial and business use rather than the current general industrial use. There are also the aforementioned employment units at Ingham Cliff. West Lindsey also has a high degree of home-working and therefore the predominantly residential nature of the proposal does not exclude the potential for employment within these areas of the site.

### **Principle - live-work units**

There are no policies relating to the concept of the live-work unit within the Local Plan Review and very few of the economic policies (ECON) were saved. However, there is a clear steer from the NPPF, paragraph 21 of which states that local planning authorities should “facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”

The sustainability of the location of these units is considered in greater detail in the next section and members are advised that the comments relating to matters such as impact on infrastructure equally apply to the live-work units as they do to the dwellinghouses, albeit that the live-work units provide the greater potential for at least one occupier to not to have to travel away to work thereby increasing the inherent sustainability of the unit.

### **Principle of housing**

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council’s housing provision objectives.

The site lies outside of the settlement limit for Ingham and is therefore classified as being with the open countryside. Policy STRAT12 therefore applies and is written in the prohibitive form, stating that development including housing should not be permitted in such locations unless there is justification for it being in that location or it can be supported by other plan policies. In the absence of a justification, such as agricultural need, this policy context appears to suggest that housing should be refused



However, the restriction of housing to sites within the settlement limits is not considered to be consistent with the presumption in favour of sustainable development, the objective of growth and the need to maintain a deliverable 5 year housing supply contained within the NPPF; it is incorrect to state that development cannot be sustainable outside of the defined settlement limit. Furthermore, a 5 year deliverable supply and growth cannot be achieved solely within sites within defined settlement limits. Members are referred to the Ryland Road, Dunholme appeal for the most recent commentary on this matter.

Paragraph 14 of the NPPF also states that, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. In this context the spatial application of policies STRAT3, STRAT6 and STRAT12 is considered to be out of date.

Paragraph 49 of the NPPF provides for one instance where a development plan policy is out of date; when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In this instance a deliverable supply of land of only 3.5 years can be evidenced. This provision is derived from need that includes net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision. It is based upon a Central Lincolnshire area. This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. The Ryland Road, Dunholme appeal (WLDC ref 130168), the reporting of which was included on the Committee agenda in July of this year, is a very recent example of this approach; the appeal was dismissed due to specific village coalescence grounds rather than being outside of the settlement limits for Dunholme and Welton.

In this context, policy STRAT9 is considered out of date and there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is deliverable, sustainable and is acceptable when considered against other material planning considerations.

Paragraph 7 of the NPPF defines the three roles of sustainability as:-

- *an economic role* – contributing to building a strong, responsive and

competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Members may recall from recent reports to this Committee that a series of criteria have been used to assess a proposal for such sustainability. These criteria haven been drawn forward from policy CL6 of the now withdrawn Core Strategy. Whilst the Strategy and this policy are afforded no weight here, the criteria provide a useful framework for assessing the proposal against the NPPF and the relevant saved Local Plan Review policies (the latter afforded significant weight where consistent with the NPPF).

It is important to note, from paragraph 37 of the Dunholme appeal decision that “the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension did not automatically render a proposal unsustainable.”

Prior to assessing the development against these criteria it is noted that comments have been received from various parties, including the Parish Council, about the amount of development proposed. Reference is made to the site on Lincoln Road that, members may recall, was granted permission for a mix of affordable and open market housing. One other development, as also referenced in the representations, has been recently granted permission. There is no policy yet in place as to how the need identified across Central Lincolnshire should be distributed. However, it is only appropriate that development is well related in its scale to the existing size of the settlement and does not change the character of a settlement significantly unless there are exceptional circumstances which would justify such an increase in settlement size. In this instance it is noted that the population of Ingham is 912 inhabitants (2011 Census). The granted and proposed schemes would generate approximately 120 additional residents, representing an increase of approximately 13% of the population (based on the different housing sizes and tenures). This is considered commensurate in scale to the village, will assist in maintaining its services (see below) and is a proportionate share of the growth required across Central Lincolnshire, taking into account that such

growth should predominantly occur in sustainable locations unless there are exceptional circumstances or permitted development rights that permit it elsewhere (the population of Central Lincolnshire is approximately 316,500 (2011 Census) with a current housing growth strategy of 42,000 dwellings) .

In this context, the scale of development is considered acceptable and it can be considered against the sustainability criteria:-

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

The location is detached from the village envelope and therefore cannot be said to be visually within or even adjacent to the existing built up area of the settlement. However, paragraph 55 of the NPPF states that, to promote sustainable development in rural areas, housing could be supported where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. As already discussed in this assessment, there is clear potential for the housing to enhance the immediate setting. Furthermore, although currently both visually and functionally detached from the village, the upgrading of the existing public right of way and the provision of a new pavement link to Lincoln Road will provide clear, sustainable connectivity to the village and its facilities.

Representations received have raised the fact that the case officer had, on behalf of the Council, previously assessed the site as being inappropriate for affordable housing. This opinion remains due to the following reasons:-

- a. An affordable housing scheme would not provide the viability to allow the provision of the enhanced connectivity offered by this proposal and, in the absence of such connectivity, the housing would not be sustainable due to the need to rely on the car to access facilities, the alternative being to walk along the vehicular carriageway of Stow Lane or along the unimproved footpath to The Green. This lack of sustainability would be a particularly important consideration given the probability that residents of the affordable housing would have the potential to be less able to make journeys by car.
- b. The social role of sustainability includes the desire to foster balanced and mixed communities and the physical separation of an affordable housing scheme from the rest of the village would do little to foster such cohesion; the residents of the affordable housing could feel marginalised.

However, in the absence of the affordable housing and with the addition of the enhanced footway connections, the reservations about the site location do not apply.

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

The Sustainable Futures reports that will provide part of the evidence base to the Central Lincolnshire Local Plan provide background information on the

roles and sustainability of settlements. Whilst not relying on this information in this assessment, nor affording any weight to the Central Lincolnshire Local Plan itself, nevertheless it is considered that this report offers a more accurate and recent assessment of the sustainability of a settlement than the Local Plan Review hierarchy. Members are also reminded that the housing supply elements of the strategic policies in the Local Plan Review should not be afforded weight due to the lack of a deliverable supply of housing. In this context, it is noted that the Sustainable Futures report states that the roles of settlements can be understood simply by the degree in which their relationship with other settlements is based on 'attraction' or 'support'. An attractor is a settlement which other settlements are drawn to for its service provision, employment and facilities. A supporter is a settlement which has a primarily residential focus and relies on attractors nearby to provide key services. Ingham is defined as a tertiary attractor, reflecting its role as a focal point for local service delivery. There is a shop, a doctor's surgery, employment providers, primary school, Anglican and Methodist churches, two public houses and a village hall.

The following table provides the distances measured from the nearest site boundary to particular services and facilities.

Destination	Distance via Stow Lane	Distance via public footpath to The Green
School (The Green)	1130m	490m
Village Hall (rear of The Green)	1160m	460m
Shop (The Green)	1150m	560m
Doctors' surgery (The Green)	510m	1100m
Bus stops (Lincoln Road)	500m	1090m

The route via Lincoln Road is dependant upon the provision of a pavement on the north side of Stow Lane between the site and the junction with Lincoln Road. In the absence of the provision of the pavement, the proposal is considered unacceptable.

Realistically, the use of the unlit public footpath between the site and The Green will be limited to daylight hours, even after the improvements proposed. This would discount its use for many journeys, including to and from the school, in winter months. The lack of surveillance would also deter its use (even with the proposed improvements) for many groups of the community in daylight hours. In this regard it does not have the advantages of, say, a new footpath aligned to the eastern side of the hedge that abuts the current footpath. Furthermore, as seen from the table above, some of the destinations, such as the doctor's surgery and bus stops are closer via the proposed Stow Lane pavement.

This is a finely balanced matter; the footpath is not attractive to many users throughout the year and not useable for any sectors of the community following nightfall. The distances to the shop and school via Stow Lane and

Lincoln Road are considerable, as reported by the Planning Inspector at the 2006 appeal and the site is relatively isolated from the village, as suggested by this case officer during an assessment of the site for affordable housing (as referenced by the Parish Council).

Nevertheless, the public footpath route does afford the scheme a degree of sustainability and the absence of its improvement would render the scheme less sustainable than if it was not improved. The remediation of the current drainage issues (especially noticeable along the portion nearest the Village Hall) and the metal surfacing will certainly improve the usability significantly to access the services in and around The Green. The pavement along Stow Lane increases the sustainability significantly.

In summary, these provisions, make, on balance, the proposal sustainable. The improvements would need to be secured through a section 106 agreement and/or Grampian conditions.

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

Paragraph 32 of the NPP states that the opportunities for sustainable transport modes should be taken depending on the nature and location of the site, to reduce the need for transport infrastructure. The footpath link and pavement have already been referenced above but there also opportunities for the use of public transport to access services and facilities. Stow Lane is not served by a bus service but, as referenced in the table in the preceding sub-section, the nearest bus stops are on Lincoln Road which would be safely and easily accessible with the pavement in place on Stow Lane. These stops are served by the No. 103 service currently run by Stagecoach Bus. The current timetable can be accessed via the following link:-

[http://www.stagecoachbus.com/PdfUploads/Timetable\\_14879\\_103.pdf](http://www.stagecoachbus.com/PdfUploads/Timetable_14879_103.pdf)

Members will note that, although not frequent, the services does allow for the ability to commute by public transport to a job in Lincoln that holds normal officer hours. It also allows for daytime return trips to access services and facilities within the village and also connects to Scunthorpe in the opposite direction.

The southbound bus stop (for services to Lincoln) is observed by the case officer to be the most used for passengers waiting for a bus. This stop is served by a raised platform for ease of access to the bus as well as a timetable and shelter. It is acknowledged that the northbound stop does not benefit from any of these elements; indeed it is unmarked. Nevertheless, it is predominantly used most by most passengers merely to alight at the completion of their journey from Lincoln.

Finally, it is noted that the County Highways Authority have requested that a Travel Plan be secured. Such plans range from promotion of sustainable transport to measured plans with obligations. A Travel Plan can be secured through an obligation although with the other measures in place, a simple Plan without measures and obligations is considered appropriate.

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

None of the infrastructure providers, with the exception of LCC Education, have made any adverse comments with regards to this development and the ability of the village infrastructure to support it. LCC Education has advised that it would not be reasonable, in the context of viability to request a contribution.

It is also noted that, for the development to be deliverable with its associated clearance and remediation and provision of off-site footpath enhancements, it would not be a viable entity with other contributions towards capital infrastructure for areas such as health.

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

The development of the site does not result in the loss of important open space or a playing field; it is not a designated space in the Local Plan Review whereupon policy CORE9 would apply. Nevertheless, a provision of open space is required by policy RES5 of the Local Plan Review, this requirement being consistent with the social sustainability principles of the NPPF; public open space fosters community cohesion and healthy lifestyles.

The provision proposed here is at the northern end of the site and totals more than the 5% of site area requirement cited in policy RES5. However, the Parish Council raise a valid consideration insofar as there are a number of practical issues which require addressing such as the future responsibilities and funding for maintenance of the area.

The space is intended to also be used as an open storm water attenuation area in the event of significant rainfall. As detailed later in this report, such sustainable drainage systems are the preferred method for draining surface water and Anglian Water are now adopting such areas of open space. The County Council are likely to become the approval body and adopt the open space if the SAB (single approval body) approval introduced in the Flood and Water Management Act 1990 becomes effective (the introduction of this has been postponed again). They have queried the responsibilities in their representation; in the advance of SAB coming into force, the drainage system, including the public open space, will need to have separate elements for private and highways waters. Under SAB they can be one. There is also the possibility that neither Anglian Water nor the County Council will adopt the public open space as part of the drainage system and a third party such as a management company will need to hold the responsibility for the management and maintenance. This does leave a degree of uncertainty but all scenarios are appropriate and it is considered that the management and responsibilities can be secured through the section 106 agreement.

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

It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being “more vulnerable” to such flooding. This includes dwellings as well as the proposed live-work units. In this instance the sites falls within zone 1, the area defined by the Environment Agency as being at the lowest probability of flooding.

In this regard the proposal passes the sequential test and no other mitigation will be required.

*Generally consistent with economic, environmental and social sustainability*

Policy RES6 of the Local Plan Review requires that a housing development should include in the region of 25% of the total quantum proposed as affordable houses. This policy is considered, subject to viability, to be consistent with the provisions of the NPPF. The glossary of the NPPF defines such houses as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. It explicitly excludes low-cost open market housing.

No such affordable housing is proposed here, but members are reminded that affordable housing to meet the needs for Ingham has been secured through the permission on Lincoln Road. As also stated earlier in this report, the location of the site is not considered appropriate for affordable housing and the redevelopments costs would count against the viable delivery of the scheme if affordable housing was included as part of the development.

Policy RES2 of the Local Plan Review also advises that there are a range of housing types, sizes, styles and densities including low cost and smaller homes incorporated within the development. Where proposals fail to provide an appropriate mix of housing then permission will be refused.

The amended scheme includes a range of semi-detached and detached houses.

The site is previously developed land which contributes to the environmental sustainability of the development.

**Design, character, appearance and visual impact**

These are considerations detailed in policies STRAT1, parts i and ii of RES1 and CORE10 of the Local Plan Review and reflect and are consistent with the NPPF with regards to design

Paragraph 17 of the NPPF provides 12 guiding principles. It states that the process of assessment of a development is not simply about scrutiny, but instead it is a creative exercise in finding ways to enhance and improve the places in which people live their lives recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.

Paragraph 56 of the same Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes. It is, however, proper to seek to promote or reinforce local distinctiveness and paragraph: 004 (Reference ID: 26-004-20140306) of the NPPG states that

local planning authorities are required to take design into consideration and should refuse permission for development of poor design.

There are only two dwellings on Stow Lane east of the site; the nearest dates from the late 1970s and is typical of that period with little reference to the local historic vernacular found in the village centre. The other dwelling, to the immediate east of the first, is a dormer bungalow dating from the early noughties. Again there is little reference to the local historic vernacular and it differs from the 1970s dwellings as does the large, two storey dwelling dating from the 1950s or 1960s on the corner with Lincoln Road. More variation occurs as one proceeds northwards along Lincoln Road towards the village centre. There is nothing offensive here; indeed all of the houses are a good quality with pleasant detailing. However, what is apparent is there is no heeding of tradition nor an overriding architectural style, massing or overall form. What is apparent is the prevailing low density of development, around 12 dwellings to the hectare and the average low plot ratio (dwelling footprint to plot size) of 1:5. Both the density and plot ratio increases towards the centre of the village; The Avenue was developed at a much higher density of 35 dwellings to the hectare but, nevertheless, it is important to reinforce the distinctiveness of the locality in the new development.

In this context it is noted that the architecture proposed does not reflect any historic local vernacular but the density of development proposed is relatively low at 20 dwellings to the hectare. The gabled forms and use of external facing brick and maximum two-and-a-half storey heights will also ensure that the development does not appear incongruous in the landscape. Indeed, given the existing site character and appearance, it is considered that the development will constitute a significant enhancement to the area, whether viewed from Stow Lane, the public footpath or from the top of the escarpment to the east.

However, it is suggested that a comprehensive landscaping scheme will need to be implemented, including native species, to effectively soften the impact of this number of buildings in a location detached from the main village envelope as well as enhancing the biodiversity value of the site. A planting scheme has been proposed

The case officer concurs with the representations received insofar as the submission does not provide sufficient information on the type and number of trees proposed for the existing eastern boundary and that it is unlikely that the boundary screening will ever cloak two storey dwellings in their entirety. Nevertheless, the submission provides sufficient detail and comfort to know that an acceptable level of visual softening is possible and that the development subject to this landscaping and the careful use of materials will not have a detrimental impact on visual amenity or the character and appearance of the area.

Within the site, the layout and design provides legibility and the potential for a good hierarchy of public, semi-private and private space. However, the semi-private and private space needs to be defined by appropriate boundary treatments; the rear boundaries by 2m screening with walls provided where they directly abut public areas in the interests of visual amenity and solidity



rather than fences which are more prone to decay and becoming unsightly. Low hedges, walls or railings should be specified on front boundaries. This can be secured by a condition.

### **Biodiversity**

Policy NBE12 of the Local Plan Review is not quoted directly here as it relates to designated sites or sites where protected species have been found. The habitat survey reveals no protected species on site but its greening over the last few years has increased its biodiversity value and there is potential for basking reptiles and ground nesting birds. Furthermore, paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity. The sustainable drainage system proposed (see below) will provide a series of wildlife corridors across the site and areas for the reptiles to move and bask safely. These connect to the proposed eastern and western boundary screen planting and the public open space at the northern end of the site. The provision and management of longer meadow grass around the water attenuation depression and the use of native species in the screening areas will ensure that the biodiversity value of the site is enhanced.

This can be secured by condition as can the controls relating to site clearance recommended in the habitat survey.

### **Flooding and drainage**

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review.

With regards to fluvial flooding, members are referred to the first sub-section of this assessment which clarifies that the dwellings and live-work units would be within zone 1 as defined by the Environment Agency, such areas are those at least probability of flooding and sequentially are the preferred location for more vulnerable uses such as dwellings.

Following discussion with the Environment Agency, Anglian Water and Lincolnshire County Council at a Multi-Agency Group (MAG) meeting, the application was revised and the particulars and plans now show that surface water will be disposed of via a sustainable urban drainage scheme, specifically a system of swales and open attenuation. This is commended and accords with the principles of the NPPF and NPPG.

There are still the details to be finalised as well as the responsibilities for management depending on the time of the delivery of the scheme and whether SAB approval will be required (this has already been discussed in this report). The remaining details can be agreed by condition and obligations within a section 106 agreement.

### **Highway safety, parking and access**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review that is considered consistent with the provisions

of the NPPF.

The Parish Council and residents have raised concerns about safety in relation to the use of the Crossways junction. It is acknowledged that this junction is likely to be used by the majority of residual vehicular trips coming to and from the site; the destinations are likely to be Lincoln, the A15 or the village centre rather than towards Stow. The crossways junction is a crossroads. Visibility is adequate and the County Highways Authority has raised no objection to this, subject to the provision of the pavement as already cited in this report.

The County Highways Authority also raises no objection to the proposed site access arrangements onto Stow Lane (it is a straight road with good visibility) or the internal layout to be adopted.

The number of on-plot spaces for the dwellings accords with the County Council guidance (notes West Lindsey's policy CORE1 and parking standards are not saved). The County guidance advises a maximum of 3 spaces for the larger dwellings proposed here. The County Council guidance is available via the following link:-

[http://www.lincolnshire.gov.uk/upload/public/attachments/1194/7\\_development\\_guide\\_parking\\_standards.pdf](http://www.lincolnshire.gov.uk/upload/public/attachments/1194/7_development_guide_parking_standards.pdf)

Conditions will be necessary to require the implementation of the access and on-site highway works to an adoptable standard in the interests of highways safety.

### **Residential amenity**

These are considerations detailed in policies STRAT1 and RES1 of the Local Plan Review, consistent with the provisions of the NPPF. Amenity issues may arise from overshadowing, overlooking, noise and disturbance or from a reduction of amenity space.

As already noted in this report, the distance to the nearest existing dwelling is approximately 140m. This separation and the maximum two-and-a-half storey height of the proposed buildings will ensure no significant loss of amenity in terms of overlooking or overshadowing. Similarly, the distance will ensure that on-site clearance and construction activity will not result in unacceptable levels of noise and disturbance at the nearest existing dwellings.

It is acknowledged that construction traffic to and from the site using Stow Lane could result in some noise and disturbance as it passes existing houses especially as Stow Lane is relatively lightly trafficked in the early morning and on Sundays. Nevertheless, the traffic associated with this relatively modest development is not considered to be significant and a construction hours condition or obligation relating to routing and times of access to the site during construction is considered unreasonable and unnecessary.

### **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, STRAT19 Infrastructure requirements, SUS4 – Cycle and pedestrian routes in development proposals, ECON9 Retention of employment land, 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, NBE 14 Waste Water Disposal and NBE19 Landfill and contaminated land 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 2012 (NPPF) which has been afforded significant weight especially the presumption in favour of sustainable development as well as the accompanying National Planning Practice Guidance (2014). The development plan policies have been assessed for their consistency with the National Planning Policy Framework with the weight afforded to policies STRAT3, STRAT9 and STRAT12 being significantly reduced due to the inconsistency with the NPPF.

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

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review, it is considered that the development will constitute an environmentally, socially and economically sustainable development that can contribute to the growth objectives of West Lindsey, Central Lincolnshire and the national government and contribute to a 5 year deliverable land supply for Central Lincolnshire

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed below be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. The delivery and maintenance and management thereafter of the off-site enhancements to surface water drainage and the public footpath as marked on drawing 4151T/11/45 Rev A.
- b. The delivery of a residential travel plan.
- c. The delivery of on-site public open space unless adopted by Anglian Water.
- d. The occupancy criteria of the live-work units.

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

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

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

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

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

2. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event.

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

3. No development of any of the dwellings and live-work units hereby approved shall take place until details of the external materials and finishes to be used for that dwelling or live-work unit and the materials and finishes to be used for and the siting of boundary walls and fences have been submitted to and approved in writing by the local planning authority.

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

4. No development shall take place until a scheme to deal with any soil contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include on-site investigations and an assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed, including a timetable for the implementation of these measures.

Reason: The submitted reports have identified that the potential for contaminants and that mitigation is necessary and to accord with policy NBE19 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

**Conditions to be observed during development**

5. Site clearance work and demolition associated with the development hereby approved shall not take place between 1<sup>st</sup> March and 1<sup>st</sup> September in any calendar year unless previously approved in writing by the local planning authority.

Reason: To ensure no adverse impact on biodiversity, specifically to nesting birds and to accord with the provisions of paragraph 118 of the National Planning Policy Framework 2012.

6. Unless otherwise required by the conditions and obligations of this approval, the development shall be completed in accordance with the revised plans and particulars received on 22<sup>nd</sup> June 2014, specifically the finished floor levels stated on drawing 4151T / 11 / 09 Rev F.

Reason: This is the revised development considered to be sustainable and deliverable and accord with the provisions of policies STRAT1, RES1, RES2, RES5 and CORE10 of the West Lindsey Local Plan First Review where consistent with the National Planning Policy Framework 2012 (NPPF) and to accord with the provisions of the NPPF itself.

7. The dwellings and live-work units shall be completed using the external materials as required to be have previously been approved by condition 3.

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

### **Conditions to be observed prior to occupation**

8. Foul water from the development shall drain to the mains foul sewer as per paragraph 8.1.4 of the approved Flood risk assessment dated 3<sup>rd</sup> July 2014 and none of the dwellings hereby approved shall be first occupied until those mains foul sewers serving the development have capacity to deal with this development.

Reason: To ensure that foul drainage from the development is via the mains sewer in accordance with the sequential approach advocated by the National Planning Practice Guidance (2014).

9. None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by condition 2. The approved system shall be retained thereafter.

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

10. None of the dwellings and live-work units hereby approved shall be occupied until the highway serving that dwelling or unit as edged in blue on the approved layout drawing 4151T / 11 / 09 Rev F received on 22<sup>nd</sup> June 2014 has first been completed to an adoptable standard in accordance with a specification and phasing plan that shall have been previously submitted to and approved in writing by the local planning authority. The said areas shall thereafter be retained to this standard until formally adopted by the County Highways Authority.

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

11. None of the dwellings and live-work units hereby approved shall be first occupied until the private parking, manoeuvring and vehicular and pedestrian access to that dwelling have been completed in accordance with the layout detailed on the approved site layout drawing 4151T / 11 / 09 Rev F received on 22<sup>nd</sup> June 2014 and surfaced in accordance with details which shall have been previously been submitted to and approved in writing by the local planning authority. The said private parking, manoeuvring and vehicular and pedestrian access shall be thereafter retained.

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

12. No dwelling shall be occupied until the boundary wall and/or fences for that dwelling have been completed in accordance with the details as required to be approved by condition 3. The said fences and walls shall thereafter be retained.

Reason: In the interests of visual amenity and good urban design and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within the National Planning Policy Framework 2012.

13. Prior to the first occupation of any of the dwellings and live-work units hereby approved there shall be submitted to and approved in writing by the local planning authority a landscaping scheme for the areas edged in green on the approved site layout drawing 4151T / 11 / 09 Rev F received on 22<sup>nd</sup> June 2014. The said approved landscaping for the area shall be completed prior to the first occupation of any of the dwellings and live-work units and thereafter retained and maintained in accordance with a maintenance scheme to have previously been submitted to and agreed in writing by the local planning authority which will include replanting and making good when losses occur.

Reason: To ensure that an appropriate level of landscaping within the site given its detached position from the rest of the village, to provide an appropriate balance between the natural and built environment and to provide an area for species identified to exist in the area to thrive in

the future in accordance with the principles contained within policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012.

14. Remediation of contaminants within the site shall be undertaken in accordance with the measures identified in the report required by condition 4.

Reason: The submitted reports have identified that the potential for contaminants and that mitigation is necessary and to accord with policy NBE19 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

15. None of the dwellings or live-work units hereby approved shall be occupied until a 1.8m segregated footway has been completed to a specification to have previously been submitted to and approved in writing by the local planning authority on Stow Lane between the approved site entrance and the junction with Lincoln Road.

Reason: In the interests of sustainability and highway safety and to accord with the provisions of the National Planning Policy Framework 2012.

#### Informative

With regards to condition 3, it is suggested that the rear boundaries are marked by 2m screening with walls provided where they directly abut public areas in the interests of visual amenity and solidity rather than fences which are more prone to decay and more vulnerable to becoming unsightly. Low hedges, walls or railings should be specified for front boundaries.

#### **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