



PL.08 15/16
<b>Planning Committee</b>
<b>18 November 2015</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Derek Lawrence  
Interim Development Manager  
01427 676640

Purpose / Summary:

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

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

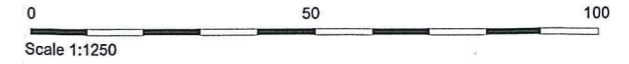
**No**

**Key Decision:**

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

**Yes**

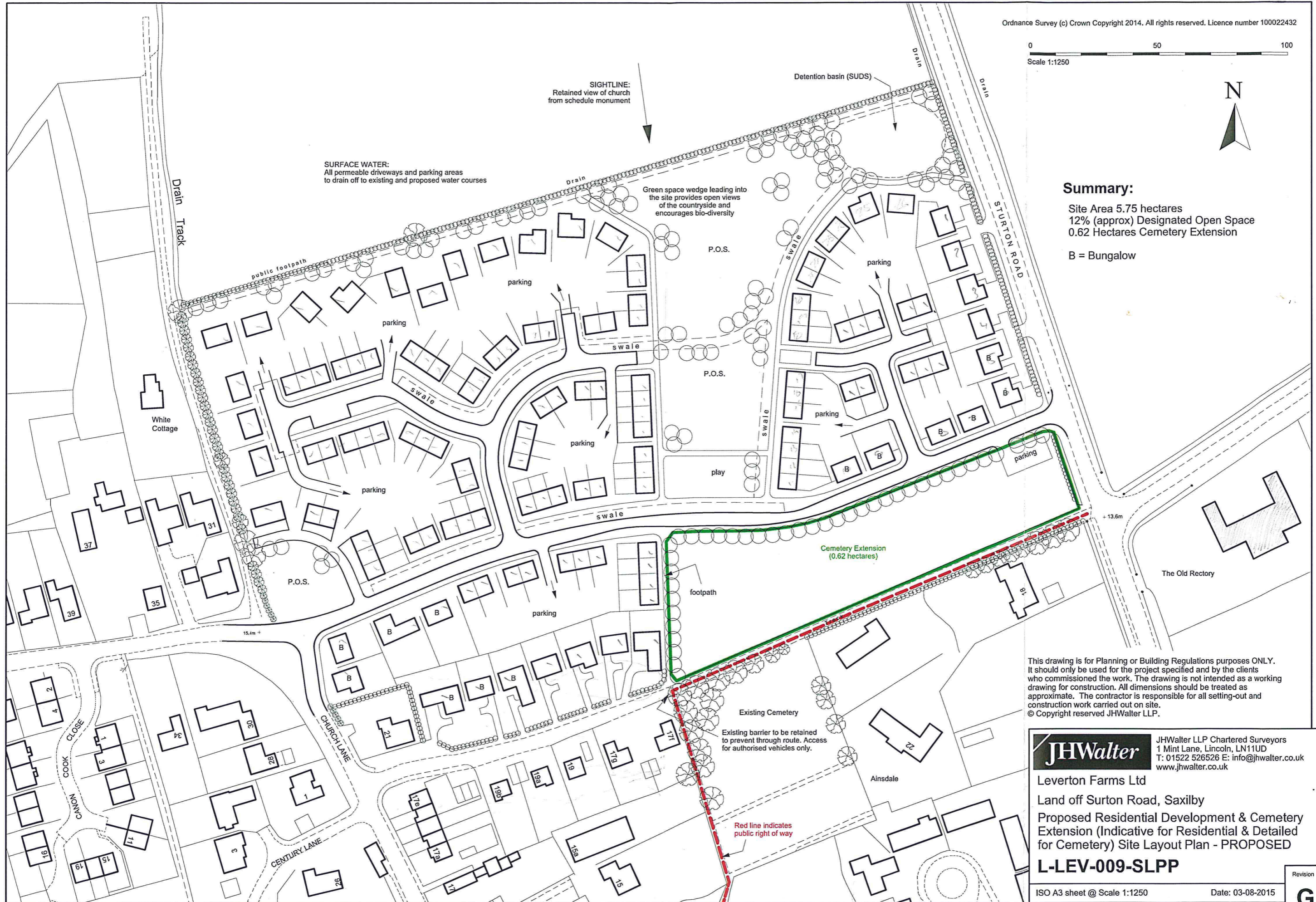
**No**



**Summary:**

Site Area 5.75 hectares  
 12% (approx) Designated Open Space  
 0.62 Hectares Cemetery Extension

B = Bungalow



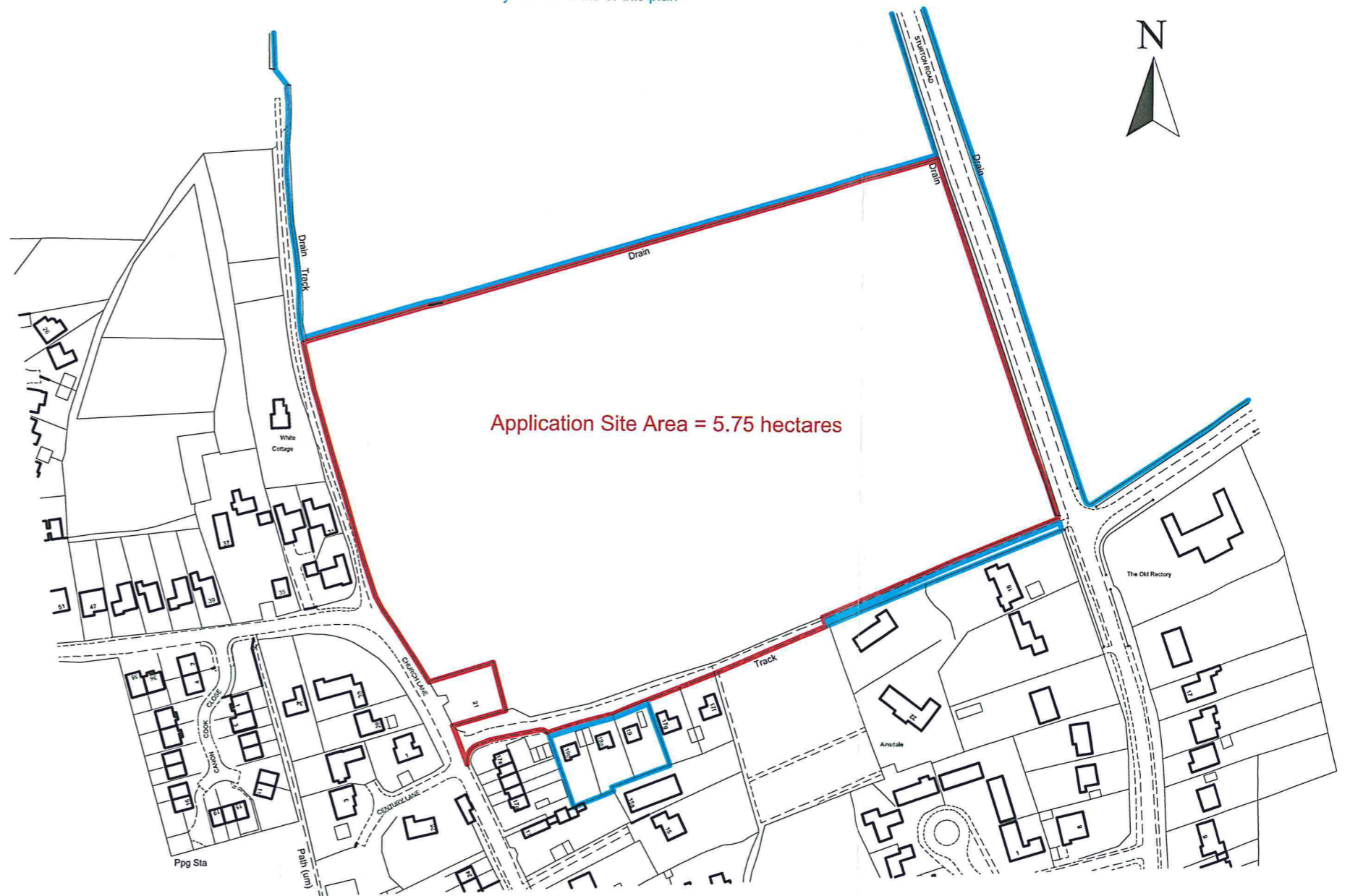
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	Leverton Farms Ltd Land off Surton Road, Saxilby Proposed Residential Development & Cemetery Extension (Indicative for Residential & Detailed for Cemetery) Site Layout Plan - PROPOSED <b>L-LEV-009-SLPP</b>	
ISO A3 sheet @ Scale 1:1250	Date: 03-08-2015	Revision <b>G</b>
Drawn by: PAW	Checked by:	



Photo courtesy of Google Earth - Not to Scale

Extent of ownership by the applicant extends beyond the limits of this plan



Application Site Area = 5.75 hectares



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Leverton Farms Ltd  
Land off Surton Road, Saxilby  
Proposed Residential Development & Cemetery  
Extension (Indicative for Residential & Detailed  
for Cemetery) - LOCATION PLAN

**L-LEV-009-LP**

ISO A3 sheet @ Scale 1:2500	Date: 23-12-2014	Revision <b>1</b>
Drawn by: PAW	Checked by:	

## **Officers Report**

### **Planning Application No: 132286**

**PROPOSAL:** Hybrid planning application to include outline planning application for the erection of up to 133 dwellings with all matters reserved and change of use of agricultural land to cemetery.

**LOCATION:** Land Off Sturton Road Saxilby

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Cotton & Cllr Brockway

**APPLICANT NAME:** Mr S Myers

**TARGET DECISION DATE:** 09/04/2015

**DEVELOPMENT TYPE:** Large Major - Dwellings

**CASE OFFICER:** Jonathan Cadd

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

- The provision of 14 affordable housing units,
- £500 000 for additional classrooms at primary and secondary schools,
- £56 525 for health centre improvements.
- £100 000 towards a MUGA within the village; and
- Details of the provision and the management of the open space and cemetery and £50 000 for maintenance of the open space and cemetery if the Parish were to adopt them
- The undertaking to fund highway and drainage improvements off site in conjunction with the Local Highways Authority and 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:**

This application was the subject of a committee site visit on the 3<sup>rd</sup> November 2015 and is therefore brought back to committee for determination. The application remains as originally presented with additional correspondence noted within the report.

The application site is an agricultural field to the north eastern corner of the village of Saxilby. The site has an area of 5.75ha and is roughly rectangular in shape. The site falls to the north east. Hedges exist to the eastern, northern and western boundaries of the site along with a section of the southern boundary to the private road at Church Lane. A footpath also runs to the west,

north whilst to the south is a public right of way. The current vehicular access to the site is from Church Lane and via a secondary access to Sturton Road.

Within the south western corner of the site is a bungalow and garden which does not fall within the applicant's control. To the south of the site are a row of detached dwellings off a rough private road off Church Lane, these dwellings face the application site. Further along the southern flank is the village cemetery and further bungalows/ dwellings to the south east. To the east is Sturton Road, the B2141, beyond which is open fields. A highway junction to Sturton Road/Broxholme Lane is located almost immediately to the south east of the site. There are also open fields to the north whilst to the west is Church Lane and a number of residential dwellings. The grade 1 listed church of St Botolph's is to the south some 100m from the southern boundary of the site.

This hybrid application seeks outline permission to erect up to 133 dwellings with all matters (scale, layout, appearance, access and landscaping) reserved and a change of use to land to extend the village cemetery. Through revisions to the plans the cemetery extension would amount to 0.62ha with a small car park area accessed from Sturton Road.

Although all matters are reserved for the housing element of the scheme the applicant has provided an indicative plan which includes a significant area of open space. Similarly, an indicative Suds scheme has been detailed and provided by the applicant.

### **Town and Country Planning (Environmental Impact Assessment) 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:**

None

### **Representations:**

*Original scheme and first revision*

Chairman/Ward member(s): None

Parish/Town Council/Meeting: Outline concern relating to the impact of the proposal on traffic congestion at the junction of A57 and Mill Lane. There are also no satisfactory proposals for dealing with foul water if the development at Church Lane does not go ahead. This reinforces the Council's view that the application should be determined after the determination of that appeal.

Upper Witham Internal Drainage Board: No objection but offer advice

Historic England: The revised plans seek to take account of the original comments by reducing the number of houses to the north of the retained green open space. Whilst welcomed we consider that there would only be a limited reduction of the impact on the setting of the St Botolph's Church (listed grade 1) as the views through to the church over open land compared to the views that currently exist would be limited and it would not maintain the current open rural character of the foreground and middle ground in these views as advised in our letter of the 6<sup>th</sup> February 2015.

We advise that the area of open space within the proposed development is widened further to be sufficiently wide, as noted in our earlier letter, to retain a significant degree of the current open, rural character of connecting spaces between the medieval church of Saxilby and the medieval heritage assets in Ingleby to the north. We remain of the view that there appears to be scope to increase the housing density to the east and west of the site, whilst retaining a larger open space to the middle extending to the northern boundary.

LCC Highways: Request amendments to TA.

Environment Agency: Withdraw objection subject to conditions on surface water management.

Archaeology: No objections

Anglian Water: We will not provide comments until we receive a condition discharge application.

Natural England: No objection

Lincolnshire Police: Provide general advice on designing out crime. Of particular note is the weakness of rear garage courts in terms of susceptibility to crime.

NHS: Request contribution of £56 525 based on £425 per dwelling.

LCC Education: Request a contribution of £500 000 for improvements to schools at Saxilby Primary School and Christ Secondary School Lincoln.

Local residents:

**9, 10 (x2), 11 (x4), 18, 20 Sturton Road (x20), 26 Warwick Close, White Cottage, 17F, 17G, 21, 28(x2), 30, 31, 53 Church Lane, Smithy Cottage, Broxholme (x4), 8 Ingamells Drive (x2) , 2 & 3 Century Lane, 5 Orchard Lane, 11, 59 Westcroft Drive, 4 St Botolphs Close, 17 St Botolphs Gate 7 Willow Close, 5, 47 Sykes Lane (x2), 97 Mill Lane, 4 West Bank (x2)**

Concerns are raised as to the level of traffic generated by the proposal approximately 266 cars plus service/ delivery vehicles. When added to the Lindum development that equates to an extra 460 cars plus service vehicles in the immediate area. The local highway network will not cope. People will drive to the shops it's easier to go along Church Lane/ Church Road not Sturton Road. This road is narrow, congested and curves sharply. The church and nursery are also accessed off Church Lane which makes it busy and congested at drop off and pick up times or when large events at the church occur. HGV's use this area, particularly Church Lane and cars are parked on the road making it narrower. The cross roads nearby on Sturton Road would be over burdened by traffic. Proposals should consider traffic from the existing estates built in the last 20 years. HGV's also use the B1241 as a short cut between the A15 and A57. This will increase danger and congestion.

People do not walk to the shops they drive as it takes 10 minutes.

Accidents have been underplayed and near misses at junctions are not registered. There was a very serious accident involving a motor cycle a few years ago.

The junction of the A57 is single carriageway width not double with traffic queuing at peak periods right up Mill Lane (up to Highfield Road). The 23% increase in traffic queue lengths is not minimal. There are too many vehicles using Mill Lane increasing noise, nuisance and reducing safety for residents.

Sykes Lane is a narrow road with no footpaths or lighting for people visiting the medical centre. It is rarely gritted in winter making it very dangerous. The access to the proposal at the corner of Church Lane/ Sykes Lane is close to a sharp bend in the road reducing safety due to limited visibility. The driveway to White Cottage will be adjoined/ combined with a footpath and this is very dangerous. There are no passing places.

The area has poor pavements and with cars parked on them pedestrians are forced into the road.

The use of the gravel section of Church Lane for a new cul de sac will make it difficult for existing residents to leave their houses if the proposal goes ahead.

The proposal is too far from the bus stop and residents would have to walk a quarter to half a mile in distance which is unacceptable. Bus services are poor stopping at 6pm Mondays to Saturdays and no service at all on Sundays. Timings are not suitable for those employed in Lincoln. The rail services are also poor. Substantial improvements to public transport are required. The village centre is 750m from the site but large number of facilities are further away e.g. 1300m (medical practise) 1400m for the station. Cycle paths would realistically stop at the development edge leaving cyclists the use the existing narrow congested lanes around the site.



None of the multitude of applications are considered together therefore the rear impact of schemes has not been assessed. The High Street is very congested with parked cars and the pavements are narrow.

There are too many residential applications in Saxilby. 900 houses are proposed in total. The scale of development will detrimentally impact on the character of the village contrary to West Lindsey's own interim housing statement. With the development by Lindum's there will be 363 houses built very close to this area of Saxilby which will overwhelm this part of the village. 1000 extra residents/ 20% increase in size of the village is not acceptable

The proposal will diminish the striking view of the approach to the village. The site is located within the open countryside. The entrance to the village would be destroyed by changing it from a landscaped open rural frontage with mature trees to an urban estate. Road widening would destroy field boundaries. The rural/ natural outlook from the burial ground would be lost. Previously the site formed the village cricket ground around the First World War. The development is too large. Any landscaped screening will be hacked down.

Loss of green field sites, brown fields should be used first. The site is prime agricultural land.

Proposal represents an unsympathetic development detracting from the grade 1 listed church. The setting is very close to the ancient monument of Ingelby which must be protected as a heritage asset. The field is ridge and furrow and should be protected as an archaeologically important site.

There is no need for additional houses in Saxilby. Development should be focused on Gainsborough/ Lincoln to leave villages as villages. They are an integral part of the English way of life and character. Send new houses to the former RAF bases. Many towns in the area have issues with empty homes. Return these to use and you will not need new houses. Lincoln should take its fair share of housing development not leave small villages to take the majority of growth. Proposals should be linked to the Eastern Bypass and Swanpool. This will change Saxilby into a town

Schools are at capacity. Schools have to have portable buildings on site to cope this will add 700 pupils to the area. GP's are at capacity. There are no jobs here. Children have to be bussed to secondary schools. There are a significant number of vacancies at the practise and you have to wait a week for an appointment.

Neighbourhood Plan is not ready. Smaller scale developments should be brought through the neighbourhood plan not large additions on the edge of the village. The proposal is only being determined as there is no up to date local plan or neighbourhood plan.

Drainage problems in the area further down Church Lane will be exacerbated. The road leads to the lowest point in the village and will lead to drainage

problem indeed it usually floods each year. Toilets already back up on a regular basis. The road on Church Lane immediately outside of the site access floods up to 10 inches.

Anglian Water state that there should not be any further development in the area due to capacity problems. This has led to surcharging to the centre of the village and adjoining estates. Many houses on Sturton Road are on septic tanks. Tankers are removing sewerage from the treatment works. The new housing has not assisted this.

The infiltration tests were flawed and not done correctly, it was also done at the end of a prolonged dry spell. The field is generally water logged during the winter and is impassable by foot even with wellingtons. The area has a high water table, the grave diggers constantly have to use pumps to drain the site.

The impact on wildlife is unacceptable.

Construction will take many years leading to noise, nuisance smoke, odour and construction traffic for existing occupiers. The road on Church Lane is already in an extremely poor condition.

No need for an additional burial area and its position in the middle of a housing estate is inappropriate. The only reason to extend the cemetery is to cope with the additional houses sought. The open space is too small.

Loss of privacy to adjoining properties, access is close to existing properties and would lead to a reduction in amenity in terms of noise and nuisance. Quality of life will be reduced.

Conditions are not policed, s106 monies used elsewhere rather than what they say they will be used for.

Loss of value of existing dwellings.

Loss of views.

Should include better broadband and sewerage provision for existing residents.

No public consultation has taken place.

In response, the applicant has undertaken a number of consultation exercises including letter drops and presentations. Any contributions have to be strictly adhered to and must comply with both CIL Regulations and guidance within the NPPF. As such the improvement of existing individual properties broadband and sewerage are not suitable measures to include within s106 in this instance. The loss of views and any reduction in the value of existing properties are not material planning issues.

## RESPONSES TO REVISED PLAN

LCC Highways: No objection subject to conditions and the entering into an s278 highways agreement to improve the local highway network.

Parish Council: Following the submission of revised plans the Parish has outlined that they do not wish to offer any comments on the amendments.

Historic England: Following the submission of revised plans Historic England has indicated that there has been a noticeable improvement on previous schemes in terms of creating a more rural character for the open space over which views of the church of St Botolph can be seen. Whilst there is room for improvement, for example by drawing back the eastern boundary of the block of housing to the west, we do not wish to comment further and recommend that the application should be determined in accordance with national and local policy guidance.

Housing officer: There is an identified housing need for affordable housing in West Lindsey as evidenced by the Lincs Homefinder CBLscheme. Affordable housing need is further evidenced by the Central Lincolnshire Housing Market Assessment in July 2015. The policy position would be for 25% of the dwellings to be delivered as affordable housing 33 units. However, it is accepted that based on the proposed densities a 255 provision would not provide a land value that would prompt the land owner to release the land for development.

Working through a number of scenarios we can conclude that 10% affordable housing (14 units) on site with a tenure split of 9 affordable rent and 5 shared ownership will provide a competitive return for both the developer and land owner and is therefore an acceptable contribution.

Environment Agency: Do not object subject to conditions

Residents: 59 Westcroft Drive, 11 Sturton Road, 3 Century Lane, 17F,17G, 21, 28 Church Lane, 97 Mill Lane, 17 St Botolphs Gate and Smithy Cottage, Boxholme.

A number of issues raised in these additional letters have already been stated in original neighbour submissions and will not be repeated but additional previously unstated comments are as follows:

The decision on this application should be postponed until after the determination of the Church Lane/ Sykes Lane appeal otherwise the full impact of all the housing proposed in this part of the village will not be taken into account.

Bats use the area for feeding

In response, a decision to refuse or delay the application to await the outcome of the nearby appeal could lead to an appeal against non-determination which

would be very difficult to defend. The application and this report takes into account the combined impacts of both developments with sufficient information on the combined impacts to determine this application whether the appeal proposal is allowed or dismissed.

### **Relevant Planning Policies:**

- National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practise Guide (NPPG)

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

- Local Policies

West Lindsey Local Plan First Review 2006

STRAT1 Development requiring planning permission

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

STRAT3 Settlement hierarchy

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

STRAT9: Phasing of housing development and release of land

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

STRAT12: Development in the open countryside

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

STRAT19: Infrastructure requirements

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

SUS1: Development proposals and transport choice

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

SUS4: Cycle and pedestrian routes in development proposals

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

RES1: Housing layout and design

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

RES5: Provision of play space/recreational facilities and new residential developments

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

RES6: Affordable housing

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

CORE10: Open space and landscaping within developments

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

CRT2: Standards for open space sports provision

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt2>

CRT9: Public rights of way

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt9>

NBE14: Waste water disposal

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

NBE20: Development at the edge of settlements.

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

## Central Lincolnshire Local Plan Further Draft Oct 2015

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

The **Preliminary Draft Central Lincolnshire Local Plan**<sup>1</sup> (PDCLLP) was released in October 2014 and has been subject to public consultation. The final adopted CLLP will replace the West Lindsey Local Plan. It is anticipated to be submitted for examination in 2016 with adoption towards the end of that year.

The second **Further Draft Local Plan** (FDCLLP) commences its formal six week public consultation period on 15 October. However, at this early stage in its development, it should still only be afforded limited weight, in accordance with NPPF paragraph 216.

### Main issues

- *Principle of housing development in this location & Sustainability (STRAT1, STRAT3, STRAT9, STRAT12 and STRAT19)*
- *Design and character of the area (STRAT1, RES1, CORE10 and NBE20)*
- *Highway safety and congestion (STRAT1, SUS1, SUS4 CRT9 and RES1)*
- *Historic Assets (STRAT1)*
- *Drainage & Flooding (STRAT1, RES1 and NBE14)*
- *Residential amenity (STRAT1, RES1, CORE10 and CRT2)*

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<sup>1</sup> <http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

- *Wildlife and landscaping (STRAT1, RES1, CORE10 and NBE20)*

### **Assessment:**

- *Principle of housing development in this location (STRAT1, STRAT3, STRAT6, STRAT9, STRAT12 and STRAT19)*

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

The Local Plan, which has a lifetime of 2006-2016, contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

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

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

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

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

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

The new Further Draft Central Lincolnshire Local Plan (Oct 2015) has just been published and also contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Saxilby would be considered as a large village. Here policies indicate that development should be supported through appropriate growth. The majority of this growth should be through allocated sites but on an exceptional basis additional growth on non-allocated sites where the site is demonstrated to be

sustainable some edge of development might be acceptable although this would be unlikely to be acceptable above 25 dwellings.

The draft version of the plan indicates that the village of Saxilby has capacity to expand. Although sites have been put forward within the SHELAA no sites have been formally designated within the draft plan for consideration. This is on account of the appeal for 230 houses by Lindum Homes at Church Lane, our ref: 131174. Following the outcome of this appeal the allocations for Saxilby will be reviewed within a later draft.

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

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

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

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

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

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

For decision-taking this means:

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

## Planning balance

The proposed development does not comply with the adopted Development Plan, The West Lindsey Local Plan. Its spatial approach to housing and housing supply policies are deemed largely to be out of date. The Central Lincolnshire Local Plan is still at an early stage within the adoption process having only just commenced the second consultation phase with the results of this unknown.

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

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

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

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

## Sustainability

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. 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.”

Saxilby is allocated as a Primary Rural Settlements (saved LP policy STRAT3). The settlement contains a school, various church, village hall, shops, pub, two medical practises, a sports ground and employment land. The site is located approximately 450m – 1.4km from the centre of the village. The site is linked the existing footpath network which would allow relatively easy access to the village centre.



Trip Attractor	Route	Approx. Walking Distance (from the centre of the site)
Sunflowers Nursery School	Church Lane	450m
St Botolph's Church	Church Lane	500m
Vicarage Veterinary Centre	Church Lane- Church Road	500m
The Glebe Surgery	Church Lane – ProW footpath	1km
Lincolnshire Coop	Church Lane – Church Road – High Street	1.08km
Saxilby CofE Primary School	Sturton Road – Mill Road – Highfield Road	1.14km
Saxilby High Street inc village hall, Post Office, Salon, Takeaway and convenience store	Church Lane – Church Road – High Street	1.3 – 1.4km
Saxilby Railway Station	Church Lane – Church Road – High Street – The Sidings	1.4km

Whilst the distances quoted appear substantial it is worth noting that a number of facilities are a comfortable 10 minute walk (800m) which is deemed to fall with a walkable neighbourhood although this is not an upper limit as walking 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. The application, whilst in outline form also includes a children's play area within the site increasing facilities without having to resort to the use of a motor vehicle.

Saxilby is well served by bus routes and are considered to provide a sustainable method of connecting to the services and facilities in Lincoln, Gainsborough and Scunthorpe. There is also a thrice daily service to Newark. The bus stop closest to the site is within 340m of the site on Church Road. The 100 service to Lincoln – Scunthorpe runs every 60 minutes whilst the 106 service Lincoln to Gainsborough runs every two hours. The service runs Monday to Saturday but there are no services on Sunday or in an evening after 18:00.

In addition to this, Saxilby has a rail station which serves Lincoln, Gainsborough, Worksop and Sheffield.

NHS England advise that a financial contribution would be required to contribute to the capital cost of health care infrastructure. It is noted that the increase in population would add significantly to the workloads of the surgery to the extent that it would compromise the level of care given. To mitigate this impact a S106 Planning Obligation is sought to secure £56,525. This would

be used to extend or reconfigure the consulting rooms to increase the ability to see patients in a timely manner. NHS England has not, however, objected to the proposal.

The Education Authority have stated that the development would result in a direct impact on local Schools. In this case both the primary and the secondary schools serving Saxilby are projected to be full in the future. A contribution is therefore requested to mitigate against the impact of the development at local level. As a result of the impact a figure of £500 000 has been requested, partly for Saxilby Primary School and part for Christ's Secondary School in Lincoln, the catchment of which covers Saxilby. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation.

In balancing the completing considerations it is accepted that the development is at the edge of the village and walking distances to some of the key facilities are at the higher end of the spectrum for walking. This could lead to some additional car use within the village. This is balanced, however, by the range of facilities within the settlement, the good transport links and the play areas proposed on the development itself. This together with additional contributions for the NHS and Education.

- *Design and character of the area (STRAT1, RES1, CORE10 and NBE20)*

The application is in outline form with all matters reserved, as such it is difficult to assess the full impact of the proposal on the surrounding area. The application, however, does provide an indicative plan which highlights how a development of 133 houses could be accommodated on site. The applicant has also indicated that the houses would generally be 2 storeys in height and would be arranged around a green wedge of open space which would run through the development north to south.

The site does not have a specific landscape designation within the adopted Local Plan but is clearly an important entrance to the village which defines its character at this point. The site, as with most of the village falls within the Trent Valley/ Till Vale landscape character within the West Lindsey Landscape Assessment.

Both landscape characters outline specific issues to be considered. This includes the specific need to carefully consider the character and appearance of village entrances to seek to maintain their landscape character. The Till character assessment indicates that settlements generally have long views with a wide landscape setting. Whilst the Trent Valley assessment notes the importance of landscape and tree belts within the gentle undulating countryside. The Till assessment also notes the sequence of views to village churches along a minor north south route which links them. Finally, it notes that towards village fringes, there is a concentration of hedgerows and hedgerow trees which should be protected.

The assessment notes that development can take place in such fringe areas but it requires that they be accompanied by new tree and hedgerow planting to integrate with field planting. The Trent character notes the entrances and approaches to villages are particular sensitive locations as they are the focus for local views and such sites require special attention. New development at such locations should be designed to provide a one off, distinctive buildings which reflect local building types and materials. Peripheral views of the village centre should also be identified and conserved.

The application site is located on an agricultural field that is located on the edge of Saxilby but outside the defined development boundary. The topography of the site and its position next to the B1241 highly visible when travelling south towards the village from Ingleby. From the highway the site appears as an open field with a strong but low field hedge to the north. To the rear north western corner of the vista is the existing houses to Church Lane which are visible marking the boundary to the village. Further housing to the west is visible as part of the St Botolph's Gate development although this is divided from the Church Lane grouping by a mature line of hedgerow trees. To the centre of the vista is the Grade 1 listed church tower of St Botolph's Church which is surrounded and screened by mature trees from some viewpoints. This softer edge to the development continues to Sturton Road with bungalows located within larger gardens with heavy screen hedge limited views of the built environment beyond.

The proposed development will have a significant impact on the character of this entrance to Saxilby by adding 133 dwellings to an open field. The indicative layout, however, seeks to address its prominent location through a number of means. The most important element of this is the focusing of the development into two distinct sections with a large wedge of open space (minimum of 40m) to the centre roughly lining through to the village cemetery and St Botolph's church and yard beyond. To the eastern side the open space also wraps around to the northern boundary to form a SUDS basin. Such measures would assist to break up the development proposed and to maintain the views of the church tower and church yard. The open space area wrapping round the northern eastern corner would also help to soften the appearance of housing in this area. To a lesser extent the strengthening of any field boundaries to the north would also help to soften the appearance of any development from views to the north.

Further longer distance views from other vantage points to the west, south and east would be limited by existing residential development or landscaping maintaining the appearance of the area.

The proposal would change the character of the entrance to the village by placing a large area of residential dwellings in the prominent location close to a well-used B road. The indicative layout however indicates that the proposal could be achieved in a sensitive manner which would provide quite a unique solution to the issue of creating an attractive village periphery. Subject to conditions and an s106 legal agreement requiring the open space areas to be provided it is deemed that the proposal is acceptable in terms of the impact on

character of the entrance to Saxilby and would accord with Saved Policies STRAT1 and NBE20 of the West Lindsey Local Plan.

- *Historic Assets (STRAT1)*

The medieval church of St Botolph is a grade 1 listed structure. Whilst Saxilby has grown significantly in recent years the tower of the church is still visible in views from the north across the agricultural fields and trees which lie around the open ground immediately to the north of the church. Although housing is visible to the west, these surviving views of the church tower across this rural foreground and middle ground, which extends right up to the church when seen from the north, contribute to the setting and significance of the church. These type of views do not survive elsewhere in Saxilby. Their contribution to the churches significance is increased by the historic spatial relationship between the medieval church (and village) of Saxilby and the medieval heritage assets in Ingleby to the north (including deserted village of North Ingleby and the unscheduled moated site/village to the south of Ingleby). The three sites lie along a line of slightly higher, and historically dryer, ground to the west of the lower lands bordering the River Till and views and open access between them form part of their historic settings. An example of this link is the now former footpath which existed between Ingleby and Saxilby which crossed the site of the proposed development.

The positioning of any development to the north of the church and grounds will clearly transform the open the setting of this grade 1 listed structure and indeed its historic relationship with the sites at Ingleby. Such is the importance of a grade1 listed building that Historic England originally objected to the proposal. In making this objection they noted that the extension of the proposed open space and cemetery to the northern boundary of the site, could if sufficiently wide, retain the visual link between the church and the rural open fields and Ingleby.

The applicant has sought to follow this advice and has extended the open space to the northern boundary but also, following a second objection from Historic England widened this area to create the distinct layout now proposed. The layout proposed seeks to follow the advice of Historic England which has responded to the revisions and does not now wish to object to the proposal. Additional suggested works by Historic England are noted but can be dealt with through a reserved matters application.

Concerns have also been raised that the site is part of a ridge and furrow field. Whilst it is a heritage asset it is undesignated and the County Archaeological service has not requested any additional investigations or raised any issue as a matter which would prevent planning permission being granted.

- *Highway safety and congestion (STRAT1, STRAT6, SUS1, SUS4 CRT9 and RES1)*

The NPPF (paragraph 32) states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

A significant proportion of the objections to the scheme relate to the impact on the highway network.

The Transport Assessment which forms part of the application seeks to assess the impacts of the scheme on the local highway network. It indicates that there would be two main access points to the development one to Sturton Road, the other to Church Lane. Further smaller individual and cul-de-sac private entrances serving small numbers of dwellings off these roads are also shown.

It is projected that 81 two way vehicle trips would be generated by the proposal during weekday AM peak hours and 89 two-way vehicle trips during the evening peak hour. Such levels have been assessed on their impact on road safety and junction capacity. The assessment of this proposal has also included the traffic projections from development of 230 dwellings at Church Lane by Lindum Homes within its calculations.

Census data from the 2011 shows that a significant proportion of the inhabitants of West Lindsey work in Lincoln or further south west. In developing this proposal the developer has assessed the likely routes traffic will take to access the main highway network to Lincoln. This has been done through simple assessments of distance but also through an examination of junction congestion, traffic signing strategy and know existing traffic conditions on relevant routes.

In this instance, it has been determined that approximately 79% of traffic would utilise the A57/ Mill Lane junction to access the A57 to Lincoln and to a lesser extent Gainsborough. Of this traffic 69% would be likely to utilising Sturton Road with 31% using the Church Lane. This assessment corresponds to traffic counts undertaken during peak periods at various junctions taken on a week day during term time.

In assessing the capacity of junctions it is noted that all the junctions except for the Mill Lane/ A57 would operate within capacity if both the Lindum Homes proposal and the current application were to proceed. It is noted, however, that the junction at Mill Lane/ A57 would operate over capacity even if the current proposal were not to proceed. The increased pressure on this junction over and above the usage proposed in a ‘do nothing’ scenario is limited and as a result it would be difficult to resist the proposal on the grounds of capacity. In mitigation, however, the applicant is willing to support the widening of the highway at the junction to assist to accommodate additional traffic shortening queues. This mitigation has been discussed by the applicant with Lincolnshire County Council. A formal response from the County Council has confirmed this proposal would be acceptable. This can be secured through the S106 planning obligation.

The Transport Assessment has also indicates that the junction of Church Lane and Church Road would operate within capacity and in a safe manner. The same is also true of Church Lane, Sturton Road and Mill Lane Junction. The County Council in their initial response to the application did not object to the proposal.

Accident data is has also been analysed and it is concluded that the junctions do not represent a significant safety hazard.

Closer to the site, the road network has been assessed to its ability to accommodate additional traffic. All the roads to which the site accesses connect are sufficient to accommodate the additional traffic proposed. It is accepted that vehicles do park on the highway, particularly in Church Lane and Church Road but that this is not sufficient reason to resist the proposal. The Highway Authority have been asked about this issue but do not consider it would significantly reduce safety or increase congestion to a point which could justify a reason for refusal.

- *Drainage & Flooding (STRAT1, RES1 and NBE14)*

The site is located within flood zone 1 and is not at significant risk from flooding. It meets the NPPF sequential test to locate development at areas of lower risk of flooding.

The village of Saxilby has, however, suffered significant floods with sewers on Church Road and High Street over flowing. Much of this is due to the significant surface water flows which enter this system from the rest of the village. The applicant has engaged with the Local Planning Authority in Multi Agency Meetings and as a result a draft SUDs scheme of swales and drainage basin which will retain water on site and only release it at green field rate into riparian ditches. The applicant has the benefit of being the land owner of the surround land and as a result the dyke network in this ownership runs directly to the River Till away from Saxilby. This scheme has been agreed in principle by the lead drainage authority along with Anglian Water and the Environment Agency. A condition is required, however, to ensure this scheme is fully designed and undertaken; and an appropriate management process put in place to maintain drainage facilities on and off site.

Foul drainage is also a concern due to the lack of capacity within the Saxilby network. A design for replacement oversized pipes within a significant stretch of the highway within Saxilby has been identified as a mechanism to overcome the issue of capacity within this area. This scheme is the same as that quoted within the appeal for the Lindum Homes scheme at Church Lane and would have capacity to accommodate both scheme as well as improve the efficiency of the network generally. Anglian Water has agreed such a scheme in principle and has not objected to the application on the basis that a detailed scheme will be submitted and agreed in writing by the Local Planning Authority before development commences. The developer has indicated a willingness to fund such works and has included costing within its viability assessment.

- *Residential amenity (STRAT1, STRAT6, RES1, CORE10, CRT2 and CRT20)*

It is difficult to fully assess the impact of an outline scheme on residential amenity due to the lack of detail provided. The indicative plan, however, provides sufficient confidence that a scheme could be designed to protect existing occupiers sufficiently in terms of privacy, outlook, light and sunlight. In addition to this, the access points identified would provide sufficient space to ensure that whilst there would be increase in activity, noise and nuisance this would not be unacceptable from an amenity stand point, indeed the majority of traffic is likely to use the Sturton Road access as this is an easier route to access the main highway network reducing impacts further. Landscaping and open space will also limit the impacts on existing areas.

The applicant also proposes a significant area of open space which will aid the residential amenity of future as well as existing residents in accordance with Saved Policy RES5.

- *Wildlife and landscaping (STRAT1, STRAT6, RES1, CORE10 and NBE20)*

The site is an operational agricultural field with few features of interest except the field boundary hedges and trees. The applicant has sought to retain these areas and in principle has indicated that certain hedgerows would be strengthen. This would also aid bats using the area. Conditions can also be imposed on the reserved matters approval to protect such species. In addition to this, significant areas of open space proposed, includes the SUDs water features could, if properly designed and managed enhance biodiversity. It is considered therefore that the proposal would accord with Saved policy STRAT1 of the Local Plan.

#### *Other matters*

#### Contributions

STRAT19 of the West Lindsey Local Plan requires that account is taken of infrastructure which is required to serve new development. It states that development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development. This accords with the need for developments to be sustainable as outlined above.

As already noted the applicant is willing to support local health and educational services within the area and will sign up to an s106 agreement. On these grounds. Such contributions are directly related to the impact of the proposal on the area and the application could not have been supported without them. The applicant is also willing to support off site highways and

drainage works which have been identified and costed in a principle. Such works are reliant on a third party but these parties have outlined a willingness to undertake such works. Again without such works the development would be unacceptable.

Following discussion with the Parish Council the applicant is willing to provide significant open space and extended cemetery area with a commuted sum for maintenance. This amounts to £50000. The creation of an extended amenity area is critical for support from Historic England to protect the setting. This has a cost to the applicant. The extended cemetery is also a key element of the scheme and has been provided partly to meet a need identified by the Parish Council but also to provide a suitably large area to provide a protective setting to this sensitive use. This again has a cost to the developer.

The final contribution is the provision of a Multi Use Games Area (MUGA). This has a cost of £100 000 and is again requested by the Parish Council. The NPPF and CIL Regulations 122 provide guidelines for the provision of contributions and infrastructure through the planning system and notes that:

- Necessary to make development acceptable in planning terms;
- Directly relating to the development; and
- Fairly and reasonably related in scale and kind to the development.

The provision of amenity areas and play equipment is required through Saved Policy RES5 and CRT2. Such provision, however, is deemed to be necessary in planning terms and reasonably related to the development. In this instance, the applicant is proposing a significant area of open space on the development site along with play equipment on site. The provision of a MUGA would be located within the Saxilby Sports Fields at William Street, Saxilby. Saved Policy CRT2 indicates that a development site should be within 1km of playing fields. The facilities at Saxilby Recreation Ground are all weather dependant and can be un-useable during winter periods limiting sporting clubs training sessions. The provision of a weather proof facility would allow sporting activities to continue throughout the year and is justified through Sport England's requirements. As such the proposal to fund the MUGA can be justified in terms of NPPF and CIL Regulations.

The developers are offering 10.5% affordable units which amounts to 14 units with 5 being created at the early stage of the development. The housing need for affordable units within West Lindsey is clearly documented and supported by Saved Policy RES6. The usual policy is for affordable provision is 25% of the houses constructed, but due to the provision of additional drainage, open space, cemetery area, health and education provision and sporting facilities the applicant has indicated that the full provision cannot be justified. The Council's housing officer has indicated that based on the densities proposed the provision recommended is deemed acceptable.

Conclusion



Saxilby is designated as a primary rural settlement which has a number of facilities and transport connections which make it a sustainable location for new development in terms of local and national planning policies. This is balanced in part by the significant development pressure experienced within and around the settlement notably a further 230 dwellings proposed at Church Lane which is currently awaiting a decision following a public inquiry. Despite these concerns, education, health and highway providers/ authorities have indicated that subject to conditions and agreements for contributions that the proposal could proceed without significant harm to the settlement. On balance therefore it is deemed that the proposal would be located within a sustainable location and would therefore, in principle, accord with saved Policies STRAT1 and STRAT19.

The location of the development outside the settlement of Saxilby and its position to the north of a grade 1 listed building would have a significant impact on the character of the area at the village entrance and the listed building. The proposal would urbanise the open rural character of the site with 133 additional houses. This is balanced by the requirements of Historic England and the efforts to protect the visual link between the church and its yard and the open countryside beyond through a layout which incorporates a large open wedge of open space through the development north to south. This in effect splits the massing of any development and provides a softer edge to the development which maintains the historic link to the countryside. This together with a suds basin and strengthened landscape boundaries would create a unique design providing an acceptable transition from countryside to village ensuring that the proposal could, subject to conditions, accord with the saved Policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan and the provisions of the NPPF.

The proposal will generate significant additional traffic which will be fed into the local highway network. This is a significant concern for residents. Through a thorough assessment of the network and the impacts of additional traffic this concern is balanced by the professional judgement of the Highway Authority that the network would have capacity, even in the event that both large residential developments would go ahead to accommodate the additional traffic in a safe and acceptable manner. Limited changes to the network are proposed at the Mill Road/ A57 junction and these will assist to accommodate any additional traffic and make the operation of the junction more efficient. This together with the existing bus/ rail services are sufficient to conclude that the proposal would conform to Saved Policy STRAT1 of the West Lindsey Local Plan.

In a similar way concerns about drainage capacity and flooding have been addressed through on site sustainable urban drainage proposals which would maintain surface water on site and only release flows at a controlled rate into water courses with fall to the River Till away from the village. In a similar way, the applicant is willing to accept conditions that no development proceeds until additional capacity in the foul system is accommodated with the drainage network. Such works have been agreed in principle by the Anglian Water.

The proposal would impact on a number of residential properties changing the nature of these properties. Whilst the actual design cannot be assessed until a reserved matters application is submitted the indicative layout shows that the 133 houses proposed can be accommodated without significant harm to residential amenity.

Finally, the site offers a number of opportunities to enhance landscaping planting and open space to assist in improving biodiversity and outdoor recreation.

In applying the planning balance it is considered that the benefits of providing additional housing, in a sustainable location, which creates an attractive mixed built environment at the entrance to a primary settlement without significant harm to heritage assets, residential amenity, highway safety or capacity, flooding and drainage capacity would outweigh the objections to this scheme and would accord, subject to conditions and the signing of a s106 legal agreement accord with the provisions of the National Planning Policy Framework and Saved Policies STRAT1, STRAT3, STRAT19, RES1, RES3, RES5, RES6, CORE10, CRT2 and NBE20 of the West Lindsey Local Plan.

**RECOMMENDATION: Approve subject to the signing of a section 106 legal agreement and the imposition of the following conditions:**

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

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.

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

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

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

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

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

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:
- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site, following the principles within the submitted Drainage Strategy dated 29<sup>th</sup> January 2015.
  - Attenuation details and discharge rates to demonstrate that rates would not exceed 6.88 litres per second; and
  - Details of the timetable for, and any phasing of, implementation of the drainage scheme;
  - Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;
  - Confirmation that the receiving downstream surface water system has been cleared and maintained to its original design standard.
5. The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details

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

6. No development shall take place, before the works to improve the public highway as identified with Appendix 5 of the Supplementary Transport Assessment dated June 2015 have been certified as being complete by the local planning authority

Reason: As recommended by the Highway Authority to ensure the provision of adequate access and in the interests of highway safety and in

accordance with West Lindsey Local Plan First Review Policy STRAT1 and RES1

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

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

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

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

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

9. Notwithstanding the outline nature of this permission the areas of open space hatched on drawing no. L-LEV-009-SLPP rev G shall be maintained as public open space and/or cemetery and shall not be used for any other purpose.

Reason: To maintain the setting of the grade 1 listed church of St Botolphs, to provide adequate outdoor amenity space and to create an acceptable transition from the countryside to urban area in accordance with saved Policy STRAT1, RES1 and NBE20 of the West Lindsey Local Plan.

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

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

11. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting

birds by a suitably qualified person who has confirmed there are no active nests present.

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

12. The development hereby approved shall not exceed 133 dwellings.

Reason: To maintain the character of the area, highway safety, drainage and the setting of a grade 1 listed building.

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

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 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.

14. No dwelling in site shall be occupied until a scheme to reduce the speed limit on Lincoln Road has been submitted to and agreed in writing by the Local Planning Authority and the works to reduce the limit have been completed in accordance with the agreed details.

Reason: To maintain highway safety in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

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

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

16. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: NGH-P238-01, L-LEV-009-LP rev1, L-LEV-009-CO, L-LEV-009-SLPX rev1, L-LEV-009-SLPP rev G (in relation to condition 8 only) and Documents Titled: Design & Access Statement, Drainage Strategy, Flood Risk Assessment, Revised Drainage

Strategy, Transport Assessment and addendum to Transport Assessment and letter from JH Walter dated 20<sup>th</sup> August 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

None

**Advice notes**

The developer will need to enter into a Section 278 Agreement with LCC to deliver the highway mitigation scheme shown on Appendix 5 of the Supplementary Transport Assessment, June 2015

**Reason for approval**

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

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**  
(highlight requirements):


**Standard Letter**

**Special Letter**

**Draft enclosed**

**Prepared by :** Jonathan Cadd

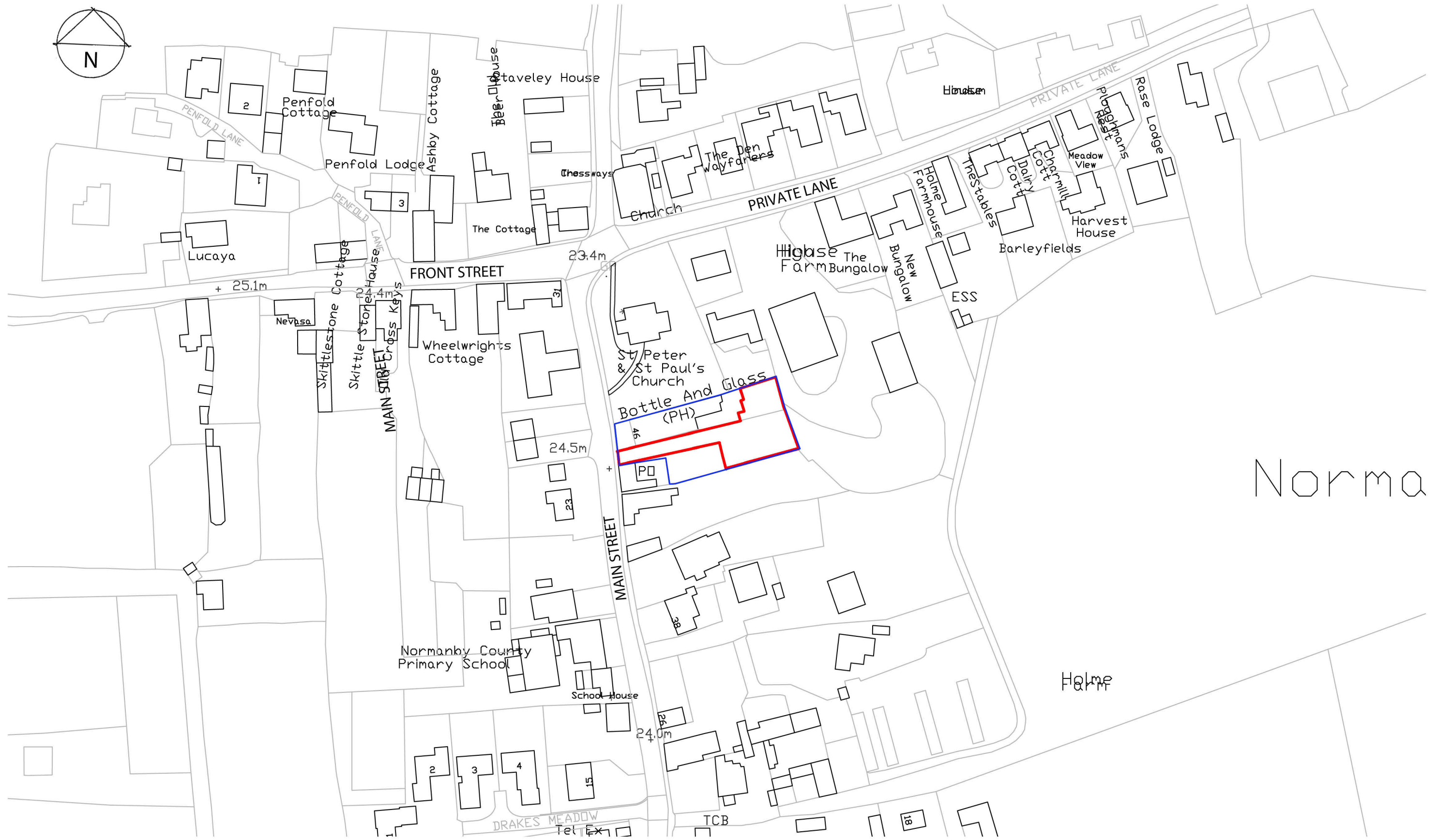
**Date :** 6 Nov 2015

**Signed:** 

**Authorising Office** ..... **Date:** .....

**Decision Level** (tick as appropriate)

Committee



Norma

Holme

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**PROPOSED SITE**  
**LAND OWNED**

Figured dimensions ONLY to be taken from this drawing  
 ALL dimensions to be checked on site.  
 Consultants must be informed immediately of any discrepancies before work proceeds.

Land to rear Bottle and Glass  
 Main Street, Normanby-by-Spital  
 Mr Martin Merrigan  
 Drawing 016B/0048  
 May 13th 2015

07855 828 938  
 jo@motherarchitects.com  
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**Mother**  
 architects

LOCATION PLAN  
 1 TO 1250 A3 1



## **Officer's Report**

### **Planning Application No: 133025**

**PROPOSAL:** Planning application to erect 3no. dwellings

**LOCATION:** Land Rear of Bottle And Glass Public House 46 Main Street Normanby by Spital LN8 2HE

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr J Summers

**APPLICANT NAME:** Martin Merrigan

**TARGET DECISION DATE:** 04/08/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Scott Davidson

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures an off-site contribution for affordable housing.

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**The application was deferred for a site visit at the last planning committee**

#### **Description:**

The site is located on and forms the western section of the rear car parking area serving the Bottle and Glass public house in Normanby by Spital. To the east is the car park entrance which is bounded by the public house and post office (with residential above). To the north is a residential dwelling and the Grade 1 listed St Peter's and St Paul's Church. To the rear (east) is a workshop area and to the south residential uses/garden.

The proposal is for the erection of a terrace of three brick built dwellings.

#### **Relevant history:**

None

#### **Representations:**

**Chairman/Ward member(s):** Cllr J Summers **objects:**

Normandy and Owmbly by Spital plus surrounding area share one primary school, one village store and one public house. All three facilities are within 20 Metres of each other sharing the road frontage upon the very narrow main street of Normandy. What parking opportunities there are, are shared with this need being increased by the parking restrictions in front of the primary school. These are restrictions which are necessary

Please do not be misled by the County Highway's comment for I struggle to remember a comment which they gauged correctly during the last 12 years.

1. 3 houses on this site will almost destroy any parking for the Bottle and Glass.
2. 6 parking spaces identified are not sufficient for a public house in open countryside let alone in the centre of a village.
3. 3 parking spaces for 3 houses is ridiculous in such a confined space. Patrons of the Bottle and Glass and residents to the three houses plus visitors would create an over flow onto the street, a dangerous situation.
4. Ultimately you will kill off the village shop!
5. Add to that the commercial Lorries delivering stock to the shop and Pub equals further Chaos!!!
6. Next, along comes the school bus and maybe a few cars and a Grain Lorry?

It is my intention as ward councillor and Leader of the council to create further sustainability across the district not kill it off!!

In past years we have had a few situations where landlords have tried to get a change of use for a public house, only to fail, move on and be followed by a new incumbent who has made a real success of the business.

It is my request as ward councillor that this application goes to our planning committee for a decision, on the grounds of:

- Overdevelopment.
- Inappropriate development
- Destruction of a communities environment
- Restriction of an already restricted street
- Inappropriate levels of parking space.
- Strategic approach to the closure of a public house!

### **Clerk to Normanby by Spital Parish Council**

My Council strongly object to this application and note numerous errors and inaccuracies in the Planning, Design and Access statement. The east of the property is not farmland, it is overlooking a commercial premise which has been there for over 30 years and vehicles are repaired there, sometimes 7 days a week. The large workshop is in fact nearer to the proposed new properties than it is to the house of the owner of the workshop, which will create noise to any of the residents – and also noise from the pub could well become a problem for them. The satellite doctor's surgery in Owmbly has been shut down for over 4 years.

4.15 STRAT 7 mentions "local need". A few years ago, a housing need survey was undertaken and it proved there was no need.

4.16 STRAT 9 the area under discussion has never "been developed" before. There is no reliable public transport in our village – apart from Call Connect so if this application is granted permission, it will only increase the number of car journeys. The

lounge (with the Juliet balcony) of the owner of the Post Office will be in direct line from the upstairs of the proposed new properties and vice versa. The ingress and egress are certainly not safe. The pedestrians coming out of the shop/PO will step straight out onto what will in effect be a road/driveway. The visibility turning left out into Main Street is not clear when sat in a vehicle and one has to use over half the road to turn out – worse still if vehicles are parked along that stretch of road. Main Street is quite a narrow road, with Lorries going to the commercial premise and extremely large farm vehicles at certain times of the year. If this application is granted permission more cars will be parked along Main Street which could cause a danger to pedestrians, cyclist and motorists. The last three lines say 3 small dwellings would have insignificant impact but there is no regular bus service and no doctor's surgery. The impact will be significant. While the owner of the pub kindly allows parents to use the car park for dropping off and collecting children -this plan would significantly reduce the number of car parking spaces and make the ingress and egress narrower and busier. The possibility of the pub closing down cause's great concern as it is one of the few amenities serving both Normanby and Owmbly. If permission is granted there is a strong possibility that the PO/Shop may have to close down due to loss of business during construction.

Comments on revised plans:

1. The space allowed each car parking space is not even wide enough for a small car if they wish to open the doors to get out.
2. Spaces 14 and 13 are in front of the rear door of the public house, leaving only the front door as an exit making it a possible fire hazard.
3. There does not seem to be any designated parking for the disabled.
4. Locals do drive to the public house due to a lot of them being elderly and we include Owmbly residents as locals.

**Local residents: Five objections** have been received, and **four in support**. The latter were sent direct to the agents acting on behalf of the applicant and subsequently forwarded to officers. The objections are set out below:

Rose Cottage, Main St.: Concerned about highway safety with customers entering and leaving the shop in danger from cars arriving and leaving. Reduced parking will lead to overspill parking along Main Street, a narrow road.

High House Farm (Bellamy Repairs): I operate a commercial vehicle repair shop seven days a week. The noise from this type of business would attract complaints from nearby properties. The loss of parking at the Bottle and Glass would see vehicles parked on the main street which is a narrow road and which large vehicles have to use to access my premises.

Normanby Post Office: The current car park capacity will be dramatically reduced, and more cars will be parked on the main road. This will increase the congestion on the main road, which is already quite narrow. This in turn will increase noise levels within the vicinity of my shop and flat - particularly during the evenings/nights. The plan allocates 3 parking spaces for the proposed houses. Most households these days have a minimum of 2 cars, not including visitors. Again this will impact on where pub patrons will park their vehicles. I have numerous deliveries throughout the week, which currently cause minimum disruption as the pub is closed till 5pm, but obviously this will cause inconvenience to the residents and any visitors. Assuming the application is approved, I am concerned about how my business will be affected whilst the works are carried out. I'm not sure if you are aware, but the entrance to my shop is on the proposed thoroughfare, as is the entrance to my back yard - both for which I have right of way. At the moment the pub doesn't open until 5pm, so this isn't too much of an issue, However, the residents and visitors could be potentially coming and going all day. How will my access/right of way be affected? When the services are installed, the road directly outside the shop will be dug up. How will customer access be maintained? How will customer safety be maintained? A number of customers and residents of this village are disabled - how will their access be affected/maintained?

I am also concerned about my privacy in the flat. I have a Juliette balcony at the rear of my flat, which is directly in the line of sight of the proposed houses. Although they are a distance away, they can look directly into my lounge. Finally, there is no doctor's surgery - hasn't been for a number of years, so residents will need vehicular transport to either Ingham or Welton.

The Stables, Private Lane: Concerned about Highway Safety and lack of regular bus service and doctors surgery

Berries, Church Lane: The site in question provides car parking space for the Public House and for the adjacent shop. There is a school almost opposite these establishments and it is of great concern that cars will park on the road during the day when children will be walking to and from the school. The school has a no parking zone in front of it. With the car park of the public house out of use due to these three dwellings, I can undoubtedly foresee that cars will be parking in this no-parking zone to the detriment of the children walking to school. We have a duty of care towards all children and to think of one of these little ones being injured or killed by an errant driver is appalling. Also, the occupiers of these three dwellings will almost certainly have vehicles of their own, further leading to the chaos along this quiet country road.

The letters of support are set out below:

“Beechlea”, Main Street: I wish to give my support to the application to build three houses in the car park to the rear of the public house. I have lived in the village in rented properties for some years and believe that these properties would provide much needed affordable homes that is somewhat missing in our village. For too many years now I have seen many young people who have grown up in the village having to move away because they are simply priced out of the market. As regards the pub staying open I have spoken with the landlord/owner and he has informed me that it is his intention to keep the pub trading by whatever means. The addition of more homes meaning more people must be a good thing not just for the pub but the shop, school and the general stability of this village.

6 High Street, Glenthams: I've lived for 18 years in Owmbly-by-Spital, sadly due to divorce I have had to leave my home. I want to see the houses built so it will give locals like me a chance to get back on the property market and means that I will be nearer to my children. The village pub provides a place for the locals to meet and I have used the place all my adult life. The owner is trying his best to keep it open if it means he can use the space to lower his outgoings, good on him. The carpark isn't used by the drinkers but he is happy for the school and the shop to use it as theirs, even though very few support the pub.

Hilltop House, Normanby by Spital: I moved from to Normanby over 27 years ago. In this time I have witnessed many changes to the village not all for the good but on the whole I feel privileged to live in this small friendly village and would like to think I shall be staying here for the rest of my days. Over these years I have seen the Bottle and Glass pub go through many changes from its heyday where you would struggle to get in most nights of the week to only three years ago the place on the verge of closure being run down by a previous owner, at that sad time I had made my mind up if the pub had to close to move away to a village with a sound stable pub. Thankfully Martin came along and purchased the pub he spent a fortune altering and decorating the place making it what it is today, there were lots of narrow minded rumours that the place would close and houses built over the entire site, something I am pleased to see never happened and since it is clear the level of investment and getting to know Martin who is keen to see the pub stay open as not forgetting he and his family have become a valued part of village life.

It is often a much talked about point that the car park is a free for all with many times being used by the school and the shop customers many of who never use the pub but feel that it is their given right to park there. I can only comment that not many property owners would allow this to happen yet Martin turns a blind eye and allows it simply stating they are doing no harm.

Hats should go off to the design and the fact that it is proposed to look like a converted barn with the use of reclaimed bricks and pantiles, hipped gable and choice of windows. I have grandchildren who have all left the village and

moved to find cheaper houses because the average homes in the village are simply out of their budget, something I see repeated time after time and if we are not careful it will become a commuter village like many others around.

It is widely known that village pubs are closing at a rapid rate and the owners of such places all too often throw the towel in. Maybe if they looked at using other areas of the building to bring in additional income more would have a fighting chance. I feel we need to get behind owners like Martin and rather than the green eyed narrow minded opinion of a few and support the fact that there is an opportunity to encourage people who have grown up in the village to stay and bring up families and therefore send their children to the school, spend their money in the shop and enjoy the village pub which they need to remember many villages no longer have.

Turnhouse Farm, Owmbly by Spital: I would like to show my support for the application to build 3 houses in the rear of the pub car park. I have three children all of who have grown up around this area and my eldest son is looking to buy his first home but with the average cost of a house in Normanby by Spital being £210,000 according to Right Move they are simply way out of his budget. The village needs this kind of housing, it also needs a pub and from reading the report that explains the reasoning for this application it makes clear and common sense.

**LCC Highways:** Does not wish to restrict the granting of planning permission.

**Environment Agency:** No comments

**Archaeology (LCC):** The proposed development is within the medieval settlement of Normanby recorded in the Domesday Book (1086 AD). Previous archaeological work at Normanby County Primary School, south of the development site, revealed evidence of Roman pottery and Saxon or medieval archaeological features. Immediately to the north of the site is St. Peter and St. Pauls church which is a listed building dating from the 12<sup>th</sup> century. There is the potential that archaeological remains may be disturbed during the development.

Recommendation: Prior to any groundwork the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the archaeological handbook (2012)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

**Historic England:** We would recommend that your authority follows the guidance of the Archaeologist with respect to the potential impact on and treatment of any undesignated archaeological remains on the development site. Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Conservation Officer:** The proposal has been planned such that the new cottages are obscured from the Grade 1 listed Church by number 46 Main Street and from the main road by the Public House and will bear no influence upon the Listed Church. The scheme has been thoughtfully drawn up and planned with the architecture of the new houses giving a pleasant brick terrace cottage design. My only comments would be that the windows to the rear elevation of the properties give the impression that they do not entirely fit in with a typical rural country cottage style being of a plain design. More details are required.

**Environmental Protection:**

Given the information coming forward regarding potential noise disturbance I would recommend a condition requiring that no development shall take place until a noise report for protecting the occupants of the proposed development from noise, dust and vibration from the adjacent commercial premises has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

**JH Walter (Applicants agents)**

Following concerns being raised about the adequacy of parking provision and the potential impact on the trade of the Bottle and Glass the applicant's agents have submitted additional information, including a plan clarifying the parking situation (which will form part of the PowerPoint presentation):

The application does not propose the closure of the pub.

- b. The current landlord has invested heavily in the business, wants it to succeed and, given the investment, it is not in their interests for it to close.
- c. The application is intended to provide a source of additional income from the house sales and the custom of future residents (pubs need a local population to survive)
- d. The pub car park is private with no rights for non-patrons to park in it but the landlord does not enforce this and customers of the shop park there as well as people dropping off and picking up children from the school. The car park is also used to support local community events.
- e. The layout proposed would not compromise the pub's ability to function as an attractive and viable business. Indeed, as per point c. it has the potential to enhance its viability.
- f. There would be more than adequate car parking for the pub, residents of the new houses, shop etc. Please refer to the plan attached which clarifies what parking would be available for patrons and for residents on the site .Please specifically note that some spaces would actually be created through the relocation of an ancillary shed and the smoking shelter.
- g. The peak demand for spaces derived from the pub customers, deliveries, the shop and the school do not overlap. School drop off occurs when the pub is shut as does the deliveries by Small Beer and Pilgrim Foods. The former uses a small van that fits into a car parking space and the latter will park on the road as it currently does (no change). The pub does open at lunchtimes

but the trade levels result in many spaces being available for other activities. When pub demand is at its highest in the evening and weekend, then the school is closed and the shop closes in the early evening.

h. There is on street parking available to the north of the pub on Main Street.

i. A large percentage of the pub trade is from villages who walk to it; it does not benefit from passing trade and, with drink driving laws, local patrons will naturally walk.

### **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 following policies are considered relevant.

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

STRAT1: Development requiring planning permission

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

STRAT 3 Settlement Hierarchy

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

STRAT 7 Windfall and Infill Housing Development in Subsidiary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

RES 1 Housing Layout and Design

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

RES 6 Affordable Housing

<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 guidance**

National Planning Policy Framework 2012



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

National Planning Practice Guidance 2014

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

### **Main issues**

- Principle
- Design and effect upon the character of the area
- Landscaping and boundary treatments
- Impact on highways
- Residential amenity
- Affordable housing
- Impact on heritage assets
- Archaeology
- Drainage

### **Assessment:**

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

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

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

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

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

This is a material change from the previous (September 2014) assessment which could only identify a 3.5 year supply of deliverable housing land. The NPPF states that housing supply policies should not be considered up-to-date where a five year supply cannot be demonstrated. Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan is still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development.

The village has a school, public house, post office, small shop and church within walking distance of the subject site. The village has no regular bus service. Given this it is not considered the sustainability credentials are high. Balanced against this is the potential contribution that this small scale development may make to the economic future of the village and the provision of entry level housing in the local market .

This is a finely balanced issue and after consideration it is considered that the principle can be supported. Its acceptability rests on a consideration of the detailed impacts of the proposal.

It is also noted that information submitted with the application also indicates that proceeds of the sale will be reinvested in the public house to keep it open as a going concern. As there is no mechanism offered to secure this it cannot be treated as a material planning consideration.

### **Main Issues**

- **Design and effect upon the character of the area**
- **Landscaping and boundary treatments**
- **Impact on highway safety**

- **Residential amenity**
- **Affordable housing**
- **Impact on heritage assets**
- **Archaeology**
- **Drainage**

### **Design and Effect upon the Character of the Area**

Relevant policies in respect to design and the impacts on the character of the area include STRAT 1, STRAT 7 and RES 1 of the West Lindsey Local Plan. Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61 and 65.

*STRAT 1 establishes that development must protect the Plan area's character and be satisfactory with regard to:*

- *The number, size, layout, siting, design and external appearance of buildings and structures.*
- *Visual encroachment into the countryside.*

*STRAT 7 sets out design criteria for small-scale residential development within Normanby by Spital as:*

- Compatibility in scale with the settlement and its surroundings in the street scene.
- Being sensitively designed, respecting the character of existing dwellings and satisfactorily integrated into, the village or surrounding area.

RES1 requires proposals to be *satisfactory with regard to the nature of the local environment in terms of siting, layout, density, scale, massing, materials, design and detailing.*

Within the NPPF, it is paragraph 61 that is particularly relevant as it sets out the expectation for design outcomes. The paragraph says “decisions should address the connection between people and place and the integration of new development into the natural, built and historic environment.”

The layout plan submitted demonstrates that the subject site, of approximately 400sqm, would accommodate a two storey terrace of three residential units (with a footprint of 120sqm) designed in a local vernacular. A small garden area is proposed to the frontage of each dwelling with larger private garden spaces to the rear of each dwelling.

With respect to the scale of the properties, it is proposed that each dwelling would be a *two-up/two down* of about 80sqm gross floor space. The design of the terrace responds to a simple local vernacular and materials are appropriate. Conditions will be imposed requiring samples or details of materials to be submitted and approved in writing.

The proposal and the layout of design would be acceptable in terms of the overall design in relation to the character of the local area and other

considerations. It accords with policies STRAT 1, STRAT 7 and RES 1 of the West Lindsey Local Plan and the NPPF in terms of design.

### **Landscaping and Boundary Treatments**

Relevant policies with regard to landscaping and boundary treatments include STRAT 1, CORE 10 and RES 1.

The proposed site layout plan shows that boundary treatment to the rear of the proposed houses, defining private gardens, will be 1.8m close boarded fencing. This would also be the form of treatment between the proposed plots. Although no landscape is proposed at the subject site's boundaries, existing landscape and boundary treatments will be retained. This provides a robust boundary to the site's northern, eastern and southern boundaries. There is a proposed open plan aspect to the site's western boundary as this forms the front of the proposal.

Landscape planting for individual gardens (front and back) will be left to future occupiers. Having taken into account the above policies, the proposal would be acceptable.

### **Impact on Highway Safety**

Relevant policies in respect to highway safety and capacity include STRAT 1 and RES 1. These Local Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

Paragraph 39 of the NPPF is relevant to the approach to parking standards.

The proposal which seeks the erection of three dwellings will have implications on the public highway. The proposal will not alter the vehicular and pedestrian access from the public highway onto the site. Vehicular and pedestrian access to the site would be provided from the existing car park. The proposal would provide three car parking spaces. LCC Highways raise no objections to the proposal on the grounds of harm to highway safety and so notwithstanding the objections received from other parties this does not present a reason to withhold consent.

The concerns raised above by the Post office in relation to maintenance of Rights of Way is noted but this is not a material planning consideration

### **Residential Amenity**

Relevant policies in respect to impacts on residential amenity include STRAT 1, STRAT 7 and RES 1. This Local Plan policy should be afforded substantial weight given that it does not conflict with the NPPF.

In respect to the NPPF, one of the 12 core planning principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The key considerations in respects of residential amenity are the potential of the proposal to result in overlooking, overshadowing and be overbearing to neighbouring properties. The subject site is bounded by existing residential properties to the north and south. To the east is an active workshop abutting the eastern boundary. To the west is a car park with commercial premises and a residential flat above. There would be a separation distance of over 20m between the proposed dwellings of the application site and the flat above the Post Office to the west. It is also pertinent to note that views of this are currently available from the car park. This distance is considered satisfactory and will not result in any adverse impact with regard to residential amenity. The north and south elevations of the proposed development are blank and will not adversely impact on amenity. There will be no adverse impact on amenity within the proposed scheme as it is a terrace and rear gardens are screened.

Potential noise disturbance from the workshop to the rear (east) of the subject site has been identified as potentially impacting on the amenity of future occupiers of the proposed dwellings. It would be appropriate to ensure that this risk is minimised and managed. Consultation with the Council's Environmental Protection advisor has recommended that a condition requiring that no development shall take place until a report for protecting the occupants of the proposed development from noise, dust and vibration from the adjacent commercial premises should be applied.

The proposed development by virtue of the separation distances, orientation and layout ensures that the dwellings would not cause a significant detrimental impact on the residential amenities of the neighbouring properties. A reasonable standard of amenity is achieved, subject to applying measures to mitigate adverse impacts from the workshop adjacent to the subject site, in accordance with local plan policies and the advice contained within the NPPF.

In terms of potential disturbance during the site development process this can be managed through the requirement for a Construction Method Statement to be submitted for approval and subsequent implementation in accordance with the approved details. This is capable of being addressed by use of an appropriate planning condition.

### **Affordable Housing**

Policy RES 6 - Affordable Housing sets out the affordable housing policy context for the District. The affordable housing requirement will be for 25% of the dwellings to be delivered as affordable housing. In this instance, an off site contribution will be preferred. Based on the West Lindsey SPG off site contributions in lieu of Affordable Housing (2010 update) this will equate to £36,325.50

Paragraph 50 of the NPPF is relevant to the approach to affordable housing.

The application shall provide a contribution towards affordable housing provision secured through a Section 106 agreement.

### **Impact on Heritage Assets**

In considering proposals which effect a listed building, regard has to be made of S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Relevant policies within the NPPF, which relate to significance of the setting of the adjoining listed building, include paragraphs 128, 129, 132, 133 and 134.

The proposal has the potential to affect the setting of a listed building, St Peter's and St Paul's Church which is Grade 1 listed. The listing is described as:

“Parish church...C12, c.1200, C13, C14, C15, and restoration of 1890. Coursed limestone rubble, some banded with ironstone, ashlar dressings, lead roofs...The unbuttressed C12 3 stage tower has a single weathered chevron string course and an embattled parapet with corner pinnacles and gargoyles. In the south side are 2 pieces of chevron decorated ashlar used in the fabric...The west wall has a further fragment of C12 masonry and a C13 lancet. The paired belfry C13 lights have C15 hood moulds...The north side has paired C14 belfry lights with ogee heads with hood moulds...In the north west angle of the nave is a large vertical stone used as a quoin, possibly a cross shaft. The west wall of the aisle has a small C12 round headed light...Further east are a pair of C13 lancets with simple chamfered surrounds. The east window of the aisle is also a lancet but recut in C19...The east wall of the chancel is in banded ironstone and limestone and has a C19 2 light window. In the east walls of nave and tower the earlier steep pitches of the nave roof can be seen...The south wall of the chancel has a C14 2 light window with trefoil heads to lights, and a cinquefoil over, under a hood mould. The south aisle was rebuilt in 1890 and has paired ogee headed lights to the east wall and to the south wall are reset C14 paired lights with ogee heads, chamfered square surround and hood mould. The south doorway is a C19 copy of a C14 pointed and moulded doorway...”

The applicant has submitted a short Heritage Statement (within the Design and Access Statement). This has made an assessment of the impact that the proposal will have on this listed building. The Statement highlights that impact on the church's setting by the proposal is negligible. The applicant concludes that the setting of the church will be preserved.

In looking at the significance of the setting of the church the Council's Conservation officer was consulted who raised no concerns on this issue.

By virtue of the separation distances between the nearest proposed dwelling and the listed building and the limited views between the two features the proposal would not have a detrimental or harmful impact on the character, appearance and setting of the Grade 1 listed building. Therefore, St Peter's and St Paul's Church's setting will be preserved. In light of the above comments it is considered that the proposed development is in accordance with the duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and is mindful of the guidance contained within National Planning Policy Framework, in particular; paragraph 132 which requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation as significance can be harmed or lost by development in its setting.

### **Archaeology**

Paragraph 128 of the NPPF requires that archaeological impacts are considered. The proposal is within an area of archaeological interest and there is the potential that development of the subject site will disturb archaeological remains. As a consequence, it will be important to prepare and implement a Scheme of Archaeological Works to allow any assets to be recorded or preserved.

Paragraph 141 of the NPPF requires that developers proportionately advance understanding of any finds.

Meeting the requirements in relation to archaeology can be set out in conditions associated with any approval.

### **Drainage:**

The site itself is not located in an area at risk of flooding and surface water is proposed to be dealt with by soakaways. This is capable of being addressed by condition. Foul drainage will discharge into the public sewer.

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission STRAT1: Development requiring planning permission, STRAT 7- Windfall and Infill Housing Development in Subsidiary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land, RES 1 Housing Layout and Design, RES 6 Affordable Housing, CORE 10 Open Space and Landscaping and NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review June 2006 (Saved Policies) as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy

Framework and the National Planning Practice Guidance. In light of this assessment, subject to the imposition of safeguarding conditions discussed above it is considered that the proposal is acceptable and will not harm the character or appearance of the area, the setting of heritage assets, residential amenities or the interests of highway safety.

**RECOMMENDATION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures an off-site contribution for affordable housing.

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

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

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

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

2. No development shall take place until proposals for protecting the occupants of the proposed development from noise, dust and vibration from the adjacent commercial premises have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect residential amenity and in order to protect the operation of the existing workshop from potential noise complaints in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and to accord with the provisions of the National Planning Policy Framework 2012.

3. No development shall commence until further details in relation to the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a satisfactory surface water disposal scheme is implemented and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

4. No development shall take place until details of all external facing materials on the hereby approved buildings and details of all hard landscaping and boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the buildings are finished in materials which will help to integrate them into their surroundings, in accordance with Policy STRAT 1



of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

**5.** No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and or materials used in site clearance and in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dirt during construction
- A scheme for recycling/disposing of waste resulting from construction works
- Proposed hours of construction including deliveries to the site

**Reason:** To protect the amenities of nearby residential properties and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

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

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

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National

Planning Policy Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains

7. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 6 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains.

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings listed below:

- 019/0048
- 018/0048
- 016B/0048
- 015B/0048
- 013D/0048
- 012D/0048

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

9. The development shall be carried out using the external walling and roofing materials and details as agreed by the Local Planning Authority and referred to in condition 4.

**Reason:** To ensure that the buildings are finished in materials which will help to integrate them into their surroundings, in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

10. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 6.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy

Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains.

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

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains.

**12.** The report referred to in condition 11 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains

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

**13.** No dwelling shall be occupied until the approved mitigation measures referred to in condition 2 have been implemented in full. The measures shall thereafter be maintained at all times.

**Reason:** To protect residential amenity and in order to protect the operation of the existing workshop from potential noise complaints in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and to accord with the provisions of the National Planning Policy Framework 2012.

**14.** No dwelling shall be occupied until the approved surface water arrangements referred to in condition 3 above has been implemented in full and retained thereafter.


**Reason:** To ensure that a satisfactory surface water disposal scheme is implemented and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012



### Moortown Farm, Boar Stud Unit

#### Site Location Plan

KEY

 Proposed site boundary

 Ownership boundary



**SCANNED AND INDEXED**

Date: 15/01/2015

Drawing: YOR.2356.002

Scale: 1:1250 @ A3

Drawn/Checked: SE/RR




# Watermill Farm



Moortown Farm,  
Boar Stud Unit

Site Location Plan

KEY

 Proposed site boundary

 Ownership boundary

SCANNED AND INDEXED

Date: 15/01/2015

Drawing: YOR.2356.002A

Scale: 1:1000 @ A3

Drawn/Checked: SE/RR



**Pegasus**  
Group

## **Officers Report**

### **Planning Application No: 132401**

**PROPOSAL:** Planning application for the erection of a boar stud and artificial insemination collection unit to house 150 boars.

**LOCATION:** Watermill Farm, Station Road, Moortown, Market Rasen, LN7 6HZ

**WARD:** Kelsey

**WARD MEMBER:** Cllr Lewis Strange

**TARGET DECISION DATE:** 01/06/2015

**DEVELOPMENT TYPE:** Small Major - all others

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** Grant permission subject to conditions

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#### **Description:**

Existing open plot of land to the west of an existing 100 boar artificial insemination (AI) livestock unit. The site is generally laid to lawn although concrete hard standing is found to the extreme west of the site. The site is connected to the existing driveway to the south western corner of the property.

The existing unit is a collection of relatively modern portal framed agricultural buildings along with a brick office type building. The access is a rough gravel driveway shared with a number of residential properties in the immediate vicinity. To the front of the livestock unit is a well maintained landscaped area including lawn, trees and hedging.

To the south of the site are a number of residential dwellings. These dwellings are positioned at 90 degrees to the site and face over the landscaped area to the front of the existing AI unit although the closest property, Cotswold Lodge, has windows within the north facing flank walls and a rear wing. This property also has a side and rear garden that adjoins the site. A row of Leylandii trees grow to the northern boundary of that property which are approximately 3m high. To the west is an open field then a container storage park next to the Barnetby to Lincoln rail line. To the north is open farm land whilst to the west is the existing AI unit.

This proposal seek permission to erect a boar stud and artificial insemination unit for an additional 150 boars. The main stud building would be 67.65m in length by 24.9m wide with a maximum height of 6m. This building would be adjoined to the AI collection unit (15m by 12m with a height of 4m). These structures would be portal framed buildings with green coloured glass reinforced plastic walls with grey profiled cement sheets for the roof.

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

A screening opinion has been submitted to and determined by the Local Planning Authority and 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:**

W97/752/86 Erect building for use as artificial insemination centre. Approved 11 Dec 1986

W97/364/90 Extend office and laboratory and erect 20 no. boar pens. Approved 07 Jun 1990

W97/305/92 Erect boar house and extend laboratory to form additional office - Withdrawn

### **Representations:**

South Kelsey and Moortown Parish Council: No objections provided it does not have any impact on the mains drains and there is no odour from the unit.

Local residents: The Poacher Alton, (I Woodcock Trust owner of The Bungalow at Bungalow Farm), Comrie, Station Road and Cotswold Lodge, 2 Station Road (owners of Watermill Cottage).

Some residents offer no objections in principle but others vehemently object. All respondents are concerned about increases in odour particularly with respect to the manure pile which is currently what causes most odour in the area. Other general concerns are also raised with respect to odour. Concerns were also raised with respect to contamination of the beck to the rear of the site particularly as the ground conditions are sandy in this area and any washing out of facilities could lead to contamination. Other concerns surround increases in traffic to the site causing nuisance at unsocial hours (a current sporadic issue) and dust/litter from the construction site. Increases in traffic levels was a general concern relating to additional HGV use and staff traffic. There is also concerns relating to noise nuisance from generators and ventilation plant. Concerns have also been noted at the industrialisation of Moortown which has seen two caravan parks, three small holdings and a container yard. Further development is not seen as sustainable.

LCC Highways: Request conditions including the increased width of the access

Environment Agency: No objection subject to conditions on waste management.

Environmental Protection: Initially raised objections due to the proximity of the extension to non-related residential dwellings. However, there has been no complaints to the Council over the last 20 years. There is nevertheless a



concern that unpleasant odours do occur at certain times, particularly during mucking out. Similarly, there is potential for noise nuisance. Given proposals proximity to housing it is suggested that the use should be improved before any recommendation to expand is granted.

Following the submission of additional odour and noise nuisance assessments the objection to the scheme has been removed. Conditions are still required with respect to: a manure/ odour management plans, surface water drainage details and restriction of HGV traffic movements to office hours Monday to Saturday.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

#### West Lindsey Local Plan First Review 2006

STRAT1 Development requiring planning permission

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

STRAT12 Development within the open countryside

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

ECON5 Intensive livestock units

<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm#econ5>

CORE10 Open space and landscaping within developments.

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

NBE14 Waste water disposal.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt14>

NBE17 Control of potentially polluting uses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe17>

#### Further Draft Central Lincolnshire Local Plan Preliminary Draft (Oct 2015)

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP5: Delivering prosperity and jobs

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP23: Biodiversity & geodiversity

LP25: Design & amenity

LP55: Development in rural areas and the countryside

The **Preliminary Draft Central Lincolnshire Local Plan**<sup>1</sup> (PDCLLP) was released in October 2014 and has been subject to public consultation. The final adopted CLLP will replace the West Lindsey Local Plan. It is anticipated to be submitted for examination in 2016 with adoption towards the end of that year.

The second **Further Draft Local Plan** (FDCLLP) commenced its formal six week public consultation period on 15 October. However, at this early stage in its development, it should still only be afforded limited weight, in accordance with NPPF paragraph 216.

### Main issues

- *Principal of the development in this location (STRAT1, STRAT12 and ECON5)*
- *Impact on amenity (STRAT1, STRAT12, ECON5 and NBE17)*
- *Pollution of natural environment (STRAT1, ECON5, NBE14 and NBE17)*
- *Highway Safety (STRAT1)*
- *Design and character of area (STRAT1, STRAT12 and CORE 10)*

### Assessment:

- *Principal of the development in this location (STRAT1, STRAT12 and ECON5)*

Saved Policy STRAT12 indicates that development will only be permitted within the open countryside, if it is essential to the needs of agriculture which this unit is. ECON5 also indicates that new or expanded livestock units will be permitted provided that:

*They or any slurry or sewage sludge storage facility are located not less than 400m from a building occupied by people which is not directly or functionally related to the enterprise. The final distance will be determined by other factors which will be taken into account such as prevailing winds, lack of bunding and topography.*

The proposal is also an expansion of an existing use at the site which has operated without a known complaint for over 20 years. The principle of such a unit within the countryside is therefore supported by Local Plan policies but only if the applicant can show that the impact on unrelated housing within 25m of the proposal would be limited. This particularly relates to potential odour from animals, waste and noise from any extraction units proposed, animals and vehicle movements. It is also noted that this is a very specific intensive

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<sup>1</sup> <http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

livestock unit, that of animal insemination unit which may not have the specific issues that other more general live stock units. As such if the extension is permitted it is recommended that the use be restricted to the AI unit currently proposed only.

- Impact on amenity (*STRAT1, STRAT12, ECON5 and NBE17*)

The site is located within 100m of four residential dwellings (the closest of which is 25m away) which are not related to the application enterprise. The use has operated at the site without known complaint for a period of up to 20 years. Indeed at the time of the site visit there was little noise from the boars at the site and no odour was present despite the officer being close to the units. A close neighbour also confirmed this to be the case with the exception of mucking out periods when odour can be significant for short periods and when feeding occurs which can lead to some noise. Some issues were also raised with respect to occasion noise from HGV's if delivering early or late in the day.

The proposal to more than double the size of the unit requires consideration of the odour and noise issues. The applicant has provided an odour assessment which indicates that the levels of odour from the enlarged operation would be no worse than the current operation due to the building being fully enclosed with mechanical ventilation to extract any odour at a high level (8m). This, unlike the current operation which has passive ventilation through open slats within the walls, would dissipate odours in an effective manner. In addition to this, the use of deep straw bedding would also assist to limit smell which is similar to the existing operation. Such an operation is noted to reduce the level of odour.

Waste is currently stored outside to the north east of the existing buildings. When odours are noticeable to neighbours it is during mucking out. The applicant has indicated that the mucking out cycle would continue as existing over 4 days each week. Unlike current practice, however, waste would be retained undercover until collection by lorry. Operations currently require removal of the waste 3 times a month but this would increase slightly to limit the level waste on site reducing potential nuisance. Although the waste would be stored undercover Environmental Protection officers request conditions are imposed to require the submission of odour and waste management plans to agree detailed routines to limit odour and nuisance. Liquid waste would be contained within an enclosed tank which would be removed by lorry at regular intervals. This includes water used in the mucking out process.

Noise from the proposed ventilation system has been assessed and found to be acceptable with respect the impact on the nearest house some 25m from the closest section of the AI unit. Improved acoustic mitigation on existing AC/ventilation units on site is also proposed and as a result the overall impact is deemed to be acceptable subject to conditions limiting the use of air conditioning units at the closest AI unit. This would represent a benefit to neighbouring houses compared to the current situation.

It should also be noted that the main building proposed would be some 40m from the closest dwelling further reducing the impacts of noise nuisance. The delivery of pigs would continue to arrive and be delivered to the same location as is currently the situation. This is currently done without harm or nuisance to neighbours.

Vehicular movements to the site would increase but due to the limited nature of the current operation many of the increases would be accommodated within existing movements. This includes animal (8 deliveries per annum (PA)), feed deliveries (26 two way movements PA) and straw deliveries (12 movement's PA) and waste removal twice every three months. What would increase is the removal of boars from the site due to their increased size to 16 movements from 8 PA). With such a limited increase in movements are not deemed to significantly increase nuisance in accordance with STRAT1, STRAT12 and ECON5.

It is evident that occasional HGV deliveries/ pickups for the existing operation has caused nuisance to neighbours by arriving either early in the morning or late in the evening. Whilst this is an existing operation, which cannot usually be conditioned, the applicant has expressly indicated a willingness to offer to limit deliveries to between 08:00 to 18:00 Mondays to Saturdays and not at all on Sundays and public holidays.

- *Pollution of natural environment (STRAT1, ECON5 , NBE14 and NBE17)*

The proposed development will produce a significant levels of waste both solid and liquid. The site is located next to a beck and if waste is not properly addressed this could contaminate the area. The applicant has indicated that the solid waste generated after mucking out would be stored within existing buildings with solid concrete walls and flooring limiting the potential for contamination of surrounding areas. This waste would be stored for approximately 3 months and then removed. This is not dissimilar to the current operation which causes only limited nuisance and the storage of the waste under cover would represent an improvement to the situation. Conditions are also recommended to provide a waste and odour management plan.

Liquid waste would be directed to an underground septic tank which has been designed to accommodate the levels of liquid generated. The liquid would then be transferred away from the site by a tanker reducing the potential for odour and contamination. The Environment Agency has now withdrawn its objection to the proposal on this basis but requires conditions to be imposed to agree a scheme to deal with foul water. This condition mirrors that required by Environmental Protection Officers.

- *Highway Safety (STRAT1)*

The site is already used for HGV movements to and from the site. The increase in traffic would be minimal and as a result the impact on safety would

not be minimal. The Highway Authority has not objected to the scheme and has requested conditions to improve the access to the highway.

Vehicles can also turn within the site and then leave in a forward gear reducing safety concerns. The applicant owns land either side of the access and any improvements required to the access can be accommodated in an acceptable manner.

Parking will not be a major issue as only two/ three additional staff are being proposed. The current unit employs a similar number of people.

- *Design and character of area (STRAT1, STRAT12 and CORE 10)*

The site is currently well maintained and is set back from the highway. Views of the site are limited by frontage landscaping and existing housing. The proposed building would also be placed back some 138m from the highway limiting its impact. Whilst the design is for a large industrial building, it is not inappropriate within the context of the existing complex.

The buildings would be to the north of the closest existing dwelling at the site, the AI collection unit itself would be within 23m of this building which would be single storey some 4.4m in height. The main structure would be somewhat larger at 6m in height and approximately 58m in width. This structure would be some 40m from the side elevation of the nearest dwelling. This together with the 3m high Leylandii which form the properties northern boundary would be sufficient to maintain a reasonable outlook for this dwelling which has its main outlook to the east and west.

#### *Other matters*

Surface water drainage needs to be dealt with to ensure flooding would not occur. It is noted, however, that a condition is recommended to overcome this concern.

#### Conclusion

This application appears contrary to Saved policy ECON5 as this intensive livestock unit would be substantially closer to a non-related residential dwellings (23m) than is recommended by the policy (400m). The proposal, however, is an extension to an existing AI collection unit for pigs which is also substantially closer to unrelated dwellings than recommended but which has not been the subject of compliant over 20 years. The NPPF is clear that support should be given to the rural economy unless demonstrable harm would occur.

The proposed unit would more than double the number of pigs on site but it has been shown that there will not be an increase in noise or odour nuisance at the site. Conditions are required with respect to waste storage procedures to be agreed but the internal storage of the waste is deemed a significant improvement on current practices. Road traffic would only increase marginally

limiting any impact on highway safety and residential amenity. The buildings proposed would also be of a scale, design and position to ensure that light, sunlight and outlook from adjoining dwellings would be protected maintaining residential amenity. Finally, the provision of internal concrete scrape areas with foul drainage connected to a septic tank emptied on a regular basis would be sufficient to overcome contamination concerns.

The proposal, however, is a specialist unit and a regular intensive unit in this location may not be acceptable. On this basis the recommendation for this permission is limited to an Animal Insemination Collection unit and the applicant whom has shown to be able to operate such an operation in close proximity to adjoining non-related dwellings.

**Recommendation:** Approve subject to conditions

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

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

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

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

2. No development shall commence until a scheme detailing the disposal of surface water drainage from the site (sufficient to accommodate a 1:100 year event plus 30%) has been submitted to and approved in writing by the Local Planning Authority. The development should thereafter be completed in strict accordance with the approved scheme.

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

3. No development shall commence until a manure/solid waste and liquid organic foul water handling, storage and removal management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved management plan.

Reason: To ensure that adjoining properties are not subject to odour/ nuisance maintaining residential amenity and contamination of surrounding land/watercourses in accordance with Saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan

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

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1.

5. No development shall commence until full details of the covered manure/solid waste storage and scraping areas have been shall be submitted to and agreed in writing with the Local Planning Authority. The approved / scraping and storage structure shall be ready to use before the extension hereby approved is first brought into use. Waste should not be stored on site otherwise than within the designated area.

Reason: To ensure that adjoining properties are not subject to odour/nuisance maintaining residential amenity in accordance with Saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan

6. No development shall commence until detailed specifications of feed mechanisms are provided. Development shall proceed in accordance with the approved details.

Reason: To ensure that adjoining properties are not subject to dust/ nuisance maintaining residential amenity in accordance with Saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan.

7. The development shall not be commenced until a scheme to dispose of foul water from staff toilets and washing facilities has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent contamination and pollution in accordance with saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan.

8. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with STRAT1 and ECON5 of the West Lindsey Local Plan.

9. Before the development hereby approved is first commenced an odour management plan shall be submitted to and agreed in writing with the Local

Planning Authority. The operation of the development hereby approved shall proceed in thereafter in strict accordance with the approved plan.

Reason: To protect the residential amenities of the nearby properties and in accordance with saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan.

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

10. Before development first commences the vehicular access to the site shall be improved to incorporate a 10 metres radii tangential to the nearside edge of the carriageway of Moortown Road and the minimum width of the access shall be 5 metres and shall be completed in strict accordance with these details before the extension is first brought into use.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with Saved Policy STRAT1 and ECON5 of the West Lindsey Local Plan.

11. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: YOR.2356.002, YOR.2356.0002A, YOR.2356.003, 6514 Plan Layout and 6514 Layout, Elevations and Section along with reports: Planning, Design and Access Statement, Odour Assessment by Airshed, Fans Technical Info and Accoustic Consultancy Report by ACP. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, ECON5 of the West Lindsey Local Plan First Review 2006

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West



Lindsey Local Plan First Review 2006 Policies STRAT 1 and ECON5 of the West Lindsey Local Plan

13. Heavy Goods Vehicle deliveries and pick-ups from the site shall not occur outside the following hours: Monday to Saturday 08:00 – 18:00 and not at all on Sundays and Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties and in accordance with Saved Policies STRAT1 and ECON5 of the West Lindsey Local Plan.

14. The scraping and loading of manure/soiled straw bedding and/ or liquid waste shall not occur outside the following hours: Monday to Saturday 08:00 – 18:00 and not at all on Sundays and Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties and in accordance with Saved Policies STRAT1 and ECON5 of the West Lindsey Local Plan.

15. The development hereby approved shall only operate as an Animal Insemination Collection Unit and for no other use.

Reason: To limit the impact of the proposal on adjoining residential properties and in accordance with Saved Policies STRAT1 and ECON5 of the West Lindsey Local Plan.

### **Advice notes**

An appropriate manure management plan should be in place to manage both the solid and liquid waste organic matter produced at the unit. Storage of organic manures must be in line with the Nitrate Pollution Prevention Regulations 2008 (amended 2013).

The underground tank that will collect the farm slurry/ dirty water must be constructed in line with the Water resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (amended 2013). New stores must give the Environment Agency notice specifying the types of construction and its location at least 14 days before work constructing the new store begins. The store should have the capacity to store all slurry produced at the holding for the 6 month “closed period” for pigs 01 October to 01 April.

Untreated sewerage sludge cannot be spread onto agricultural land that is used to grow crops that are for animal and/or human consumption or for grazed or harvested grass) in line with the Sludge (Use in Agriculture) Regulations 1989. Sewerage must be treated appropriately in a package treatment plant or connected to the foul sewer. A cesspit does not constitute an appropriate treatment and may only be used as a temporary sewerage disposal system. For further information please refer to Pollution Prevention Guidance PPG4 from the Environment Agency website.

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

### Human Rights Implications:

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

### Legal Implications:

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

### Representors to be notified -

*(highlight requirements):*

Standard Letter       Special Letter       Draft enclosed

Prepared by : Jonathan Cadd

Date : 5 Nov 2015

Signed: 



Authorising Officer \_\_\_\_\_ Date: 06/11/2015

Decision Level (tick as appropriate)

Committee



1:3000



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## **Officers Report**

### **Planning Application No: 130739**

**PROPOSAL:** Planning application for 31 dwellinghouses and 3 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(S):** Councillor R Patterson

**APPLICANT NAME:** TT Partnership

**TARGET DECISION DATE:** 19/03/2014

**DEVELOPMENT TYPE:** Small Major - Dwellings

#### **RECOMMENDED DECISION:**

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

- 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 3 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 3 months.

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#### **Description:**

This application was previously considered by the planning committee at its meeting of 17 September 2014. At that meeting, the Committee resolved to grant planning permission, subject to conditions and completion of a S106 planning obligation to secure:

- 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.

The planning obligation was not completed and the application remains to be determined. This is because one of the landowners has subsequently withdrawn from the proposals. The application has consequentially been amended to now exclude the vehicles repair workshop on Stow Lane from the application site.

The south-western corner of the site has been revised to allow for the retention of the business. This area originally proposed 2no. dwellings and a live-work unit. The amended layout now proposes a pair of semi-detached dwellings to the immediate west of the vehicle repairs business. Consequentially the description is revised from “31no. dwellinghouses and 4no. live-work units” to “31no. dwellinghouses and 3no. live-work units”.

A Noise Impact Assessment has been submitted by the applicant to assess the potential impact upon the proposed dwellinghouses that could result from the ongoing operation of the vehicle repair workshop. It proposes an acoustic fence is placed on the boundary of the garage to mitigate noise to a suitable level.

The committee has previously resolved to grant planning permission, subject to conditions and a planning obligation. For convenience, the original September 2014 officer’s report is contained at appendix A. Therefore, this report will focus only on any material changes subsequent, in terms of the development proposed, planning policy and any other subsequent material considerations.

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

The application was previously found not to comprise “EIA Development” under the regulations. It is considered that the changes made would not now result in a significant environmental effect that would result in the development now comprising EIA Development.

It is worthy of note that if the application was submitted today, it would no longer qualify as schedule 2 development, following amendments made to the Regulations in 2015.

### **Relevant history:**

**M05/P/0373** – “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 (see also M03/P/1508 and M04/P/1001) 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 (reference APP/N2535/A/06/2006887) 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.

### **Representations on the amended plans:**

**Ingham Parish Council:** The original layout plan for this site (drawing C) for 35 live/ work units showed the proposed footpath to the village green. However, the approved plan (drawing F) did not show this path and nor does the latest edition (drawing G).

The Parish Council wish to record that the footpath link to the Village Green and the accompanying drainage/ sewage improvements plus the Stow Lane footpath were key to the support expressed for the development.

We are attaching our previous comments, which are still relevant. The Parish Council trust that WLDC will ensure that the development retains all the benefits to the Village which were outlined at our public meeting and confirmed later at the meeting of the Planning Committee.

Note that the number of live/ work units have been further reduced from 4 to 3.

**Environmental Health:** Does not formally object. However, would try and achieve an outcome that is better than would be the case if prosecution under Environmental Protection Act 1990 would have to result. Would urge the applicant to revisit recommendation to reduce noise at source [at the adjoining garage]. The housing of the generator or converting operations to mains electricity, in addition to the acoustic fence, would appear to be a significant, fairly straightforward and low cost opportunity, if agreement can be reached. Raises that if the business began operating less sociable hours, this could give rise to legitimate complaints. The remaining business has its own potential for contaminants and will continue to have the potential to impact the development site, especially towards the west; this potential will either need to be negated or dealt with.

Comments from **30 The Avenue**; and **2, 4 Sidney Chase**. In summary:

- Since last considered, developments that have taken place elsewhere means there is no longer any secondary school capacity;
- Generator is clearly audible over 150m from garage. Properties will not be sold and the schemes social and financial viability is brought into question;

- Why has road layout been revised to show a future road connection to the east?
- Question whether scheme is viable and economically sustainable;
- Reiterate previous claims with concerns over accuracy of footpath and dyke alignment;
- Approval will set a new precedent, opening the way for more house building that locals cannot afford, to the ruin of Ingham's physical situation, character and community;
- Application may be more welcomed if it contained much needed local work opportunities (i.e. light industrial units to let);
- Note former Case Officer now representing the applicant and question whether this could raise issues of probity.

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As before, the statutory development plan remains the saved policies of the West Lindsey Local Plan First Review (2006).

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

### *Emerging Local Policy*

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

The **Preliminary Draft Central Lincolnshire Local Plan<sup>1</sup>** (PDCLLP) was released in October 2014 and has been subject to public consultation. The final adopted CLLP will replace the West Lindsey Local Plan. It is anticipated to be submitted for examination in 2016 with adoption towards the end of that year.

The second **Further Draft Local Plan** (FDCLLP) commenced its formal six week public consultation period on 15 October. However, at this early stage in its development, it should still only be afforded limited weight, in accordance with NPPF paragraph 216.

Ingham is categorised as a “medium village” (policy LP2). Policy LP4 identifies Ingham as an area for 15% growth (63 dwellings) over the lifetime of the Plan.

### **Main issues**

- Changes in Planning Policy
- Changes being proposed - retention of vehicle repairs workshop

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<sup>1</sup> <http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>



**Assessment:***(i) Changes in Planning Policy*

The application was previously considered under the provisions of the West Lindsey Local Plan First Review 2006 (WLLP) and National Planning Policy Framework (NPPF). It was concluded that:

*“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”*

The principle of residential development has previously been found to accord with the statutory provisions of the development plan, being considered against the NPPF. The key considerations therefore are whether the amendments now being sought would otherwise alter the balance of the considerations in any way.

Emerging policy is a material consideration. Since the application was previously considered, the draft Central Lincolnshire Local Plan has emerged. The Preliminary Draft edition was subject to public consultation in late 2014. The second draft edition, the Further Draft Central Lincolnshire Local Plan, commenced its formal consultation period on 15 October.

The site is outside of the village of Ingham, classified as a “medium village” (policy LP2). It envisages developments typically of up to nine dwellings, and exceptionally up to twenty-five. Policy LP4 allows for 15% overall growth (of number of dwellings over the plan period up to 2036) of Ingham, equating to 63 additional dwellings.

The site falls just outside the existing settlement but comprises previously developed land (commonly known as ‘brownfield’). Policy LP2 sets out that:

*“Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land (except where that land is of high environmental value), and enabling a larger number of people to access jobs, services and facilities locally.”*

This is consistent with the core NPPF principle (paragraph 17) to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

The NPPF (paragraph 216) states that the amount of weight to attach to an emerging plan according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the

extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The Plan is at its second draft but is the first version to contain specific spatial allocations. This has not yet been formally tested and the plan should still only carry limited weight. At 34 units, the development is larger than that recognised by draft LP2 for an individual site. Nonetheless, the plan prioritises the need to effectively use previously developed land in accordance with national planning priorities and recognises that Ingham will be subject to (limited) growth over the plan period.

The Local Plan will not allocate specific sites within medium villages such as Ingham – as such, any growth will need to be met by windfall sites, such as the application site, coming forward. The Council is currently unaware of any other deliverable sites in the village, and redeveloping this previously developed land will lessen pressure on surrounding greenfield sites.

The proposed development would not therefore be considered to undermine the wider spatial approach being advocated by the emerging Local Plan.

*(ii) Changes being proposed - retention of vehicle repairs workshop*

The key change made to the proposed development is the exclusion of the vehicle repairs workshop (use class B2 – general industry) in the south-western corner from the application site. It had previously been earmarked for redevelopment for residential dwellings.

The retention of a B2 use within a residential environment raises the potential for noise and nuisance complaints, which could constitute a statutory nuisance, subject to the provisions of the Environmental Protection Act 1990. The NPPF (paragraph 123) states that planning decisions should:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;*

Planning Practice Guidance on Noise (Paragraph: 003 Reference ID: 30-003-20140306) states that:

*“Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:*

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

It goes on to state:

*“The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development’s building envelope. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed.”*

The revised layout would place a dwelling (plot 7) 5 metres from the western boundary of the garage. Plots 4, 5 and 6 would be within 20m of the northern boundary. The garage is presently operated as a vehicles repair workshop during daytime hours. It is powered by an externally sited generator, which is audible at distance from the garage.

The potential for conflict is recognised by the applicant, who has submitted a Noise Impact Assessment. Following noise monitoring, the assessment finds ambient noise in the south-west corner of the application site to be characterised by generator noise from the garage and traffic noise from Stow Lane. Ambient noise elsewhere in the site is characterised by distant road traffic noise. It finds that, whilst occasional operational noise was intermittently audible from within the garage, these noises were negligible compared to the noise of the generator.

This concludes that noise arising from the business can be mitigated through the provision of a 2m high acoustic fence along its boundaries. It concludes that the resultant noise levels associated with the generator will be  $\leq 50$  dB  $L_{Aeq}$  at the nearest proposed dwellings, which would accord with British Standard 8233:2014 guidance.

This would need to be secured by planning condition.

Whilst they do not object, the Environmental Health team do not rule out the potential for statutory complaints and the implications should operational practice of the garage change (i.e. longer working hours). They note that significant mitigation can be achieved if the noise (generator) is cut off at source.

The applicant has advised they have been unsuccessful so far in reaching any agreements with the operator, and suggest “a ‘granting style condition’ be attached to any approval, affording the opportunity for the adjacent

commercial operation to connect to a new mains electric feed supplying any potential new development alongside.

On this basis, it is concluded that a negatively worded condition which prevents occupation of any of the dwellings permitted, unless the garage has been provided a mains electrical point, is necessary, reasonable and relevant. This does not require the agreement of the garage owner, simply the ability of the owner to connect to mains electricity at a later date with any encumbrance.

Subject to such conditions, development would be deemed to accord with paragraph 123 of the NPPF.

#### *Other matters*

A neighbour questions why a possible future road connection to the east is now proposed. Such a connection was previously shown, and is not a change from, the layout previously considered by the committee in September 2014. Should any development proposals come forward on the land to the east, this will require the planning permission of West Lindsey as the local planning authority and would be publicised in accordance with planning regulations.

The Parish Council raise that the original layout plan for this site (revision C) for 35 live/ work units showed the proposed footpath to the village green. However, the approved plan (revision F) did not show this path and nor does the latest edition (revision G). The latest drawing (revision G) is annotated to state "... proposed 'strike-thro' of existing hedge to connect proposals to existing public footpath (refer to separate proposals drawing)". A separate drawing (4151T/11/45 Rev A ) does detail the proposed footpath connecting to the village, and is not superseded by the amendments now being sought.

A resident points out that since being previously considered, there have been subsequent developments in the wider area, placing pressure on secondary school provision in Welton. It should be noted that any such schemes have contained provisions to increase capacity at the school. In this instance, the Local Education Authority was prepared to make an exception on viability grounds, due to the high costs associated with remediating the site and ensuring pedestrian connectivity to the village and facilities. These circumstances have not changed and remain applicable.

A neighbour notes that the original Case Officer, who is no longer employed by the Authority has made representations on the behalf of the applicant and would expect severance from the application to protect from suspicions of probity. As this application will be determined by the elected members of the Planning Committee within a public meeting, having considered this publically available report, it is considered that the application will be determined in an open and transparent manner.

## Overall Balance and Conclusions

The application has previously been found to be acceptable when considered against the provisions of the statutory development plan, read alongside the NPPF.

The emerging Central Lincolnshire Local Plan is at its second stage of public consultation ('Further Draft'). Within Ingham (a 'medium village'), it envisages sites of exceptionally up to 25 dwellings. Nonetheless, it anticipates village growth up to 15% across the plan period (up to 2036) which will be reliant upon windfall sites, and reiterates the national core planning principle of making efficient use of previously developed land. It is considered that the Further Draft Plan can only carry limited weight at this stage in its production, but that the proposed development would meet core NPPF principles by reusing previously developed land and would not fundamentally undermine its overall emerging spatial strategy.

The retention of a working vehicle repairs workshop (B2 use) on the boundary of the proposed residential development opens the potential for noise and nuisance to the detriment of the amenities of future occupants. Satisfactory noise mitigation can be secured through planning conditions.

**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 3 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 3 months.

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

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

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

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

2. No development shall 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 and 17 September 2015, specifically the finished floor levels stated on drawing 4151T / 11 / 09 Rev G.

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. No dwelling or live-work unit hereby permitted shall be occupied until details of noise mitigation, in the form of an acoustic fence to the boundary of the adjacent B1 business use as proposed in the Noise Impact Assessment (dated 12<sup>th</sup> October 2015), has been submitted to, and approved in writing by the Local Planning Authority, and thereafter installed and retained in accordance with the approved details.

Reason: To ensure a satisfactory level of amenities to the future occupants of this proposed residential environment, and so as to not have unreasonable restrictions placed upon the existing business, in accordance with Paragraph 123 of the National Planning Policy Framework.

9. No dwelling or live-work unit hereby permitted shall be occupied, unless a mains electrical supply connection point has been made to the property at The Garage, Stow Lane, Ingham.

Reason: To mitigate against noise impacts arising from the use of a motor generator at the adjoining property, in accordance with Paragraph 123 of the National Planning Policy Framework.

10. 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).

11. 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.

12. 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 G received on 17 September 2015 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.

13. 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 G received on 17 September 2015 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.

14. 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.



15. 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 G received on 17 September 2015. 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.

16. 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.

17. 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

## **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.

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### **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 have 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

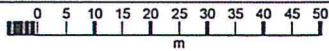
With regards to condition 3, it is suggested that the rear boundaries are marked by 2m screening with walls provided where they directly abut public areas in the interests of visual amenity and solidity rather than fences which are more prone to decay and more vulnerable to becoming unsightly. Low hedges,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



**1 ULSTER ROAD  
GAINSBOROUGH  
LINGS  
DN21 2QY**

OS MasterMap 1250/2500/10000 scale  
21 May 2015, ID: JEW-00431052  
maps.johnewright.com

1:1250 scale print at A4, Centre: 481569 E, 390610 N

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## Officer's Report

### Planning Application No: 133450

**PROPOSAL:** Planning application to erect single storey rear and side extension

**LOCATION:** 1 Ulster Road Gainsborough Lincolnshire DN21 2QY

**WARD:** Gainsborough North

**WARD MEMBER(S):** Cllr Mrs S Bibb, Cllr G F Bardsley & Cllr M D Boles

**APPLICANT NAME:** Mr P Burrows

**TARGET DECISION DATE:** 20/11/2015

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant permission subject to conditions

#### Description:

The application site comprises a semi-detached house within the settlement boundary of Gainsborough. The dwelling is set back from the highway with a short driveway leading to a garage to the side of the property. There is a small front garden and a fairly large rear garden. Ulster Road in this location is characterised by similar style semi-detached and detached dwellings. This is also the case with the northern side of Connaught Road to the south.

The planning application seeks permission to erect a single storey rear and side extension.

#### Relevant history:

No relevant planning history.

#### Representations:

Chairman/Ward member(s):	No representation received to date.
Parish/Town Council/Meeting:	No representations received to date.
Local residents:	One representation received to date in support from No.3 Ulster Road.
Archaeology:	No objections.
IDOX:	IDOX checked 2/11/2015

#### Relevant Planning Policies:

National guidance	National Planning Policy Framework (2012) <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>  National Planning Practice Guidance (2014) <a href="http://planningguidance.planningportal.gov.uk/blog/guidance">http://planningguidance.planningportal.gov.uk/blog/guidance</a>
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Local Guidance	West Lindsey Local Plan First Review (2006) Saved Policies
	STRAT 1 Development requiring Planning Permission <a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1">http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1</a>
	RES 11 Extensions to Dwellings Located within Settlements <a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res11">http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res11</a>

<b>POLICY RES 11 – Extensions to dwellings located within settlements</b>	
i. Does the proposal introduce a terracing effect in the street-scene?	
No. The proposal is for a single storey side and rear extension. Adjacent to the site fronting Ulster Road is a neighbouring properties garage and garden (18 Connaught Road). This would provide sufficient spacing to the site.	
ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?	
The proposed single storey rear and side extension would be built with materials to match the host dwelling and surrounding properties. It is considered subordinate to the existing property.	
iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?	
No. The proposed side and rear extension would be single storey and would not appear over dominant.	
<p>The proposed side extension would incorporate a garage to replace an existing detached garage to the side of the property (the new garage door will face Ulster Road as at present). To the southern elevation of the proposed side extension a door and window through to the kitchen and a side door into the garage would be included. These windows and door along with three roof light windows would have no effect on the amenity of neighbouring properties. At present there is a door and window through to the kitchen and two further small windows. The neighbouring properties garage would only allow the proposed window and door through to the kitchen to have limited views of the neighbouring properties rear garden, however, these views are further restricted by a solid brick wall and solid timber fence (both approximately 6ft in height). The proposed rear extension would have a window and patio door looking out onto the long rear garden and solid wooden boundary fence, beyond which lies another long rear garden belonging to a neighbouring property. There are no amenity concerns with this elevation. As at present there are no proposed openings in the northern elevation of the rear extension, just a rooflight window which would not affect the amenity of the neighbouring property. The impact the extension would have on light and sunlight levels at the adjoining dwelling to the north (3 Ulster Road) would be limited by a 3.2m gap between the proposed extension and the boundary to that property, which incidentally is formed of a 1.8m timber fence.</p>	
iv. Does the proposal prejudice the retention of any significant trees or other important features?	
There are no trees affected by this proposal.	
v. Does the proposal enable adequate off-street parking space to remain for at least one vehicle to park?	
The proposed extension incorporates a garage and there should also be room for one	

vehicle to park off-street in front of this garage.
vi. Does the proposal enable an adequate amount of private garden space to remain?
The front garden will not be affected and only a small amount of the private rear garden will be lost to this proposal.
vii. Does the proposal have a significant impact on the supply, availability and subsequent affordability of smaller properties as part of the overall mix of properties within the locality?
This part of the policy is not compliant with the NPPF and has not formed part of the assessment.

<b>Other considerations:</b>
This application is to be determined at committee as the applicant's wife works for West Lindsey District Council in a position which has close links to the planning department. For probity the application is therefore brought to the Planning Committee for determination.

<b>Conclusion and reasons for decision:</b>
The decision has been considered against policies STRAT 1: Development Requiring Planning Permission and RES 11: Extensions to Dwellings Located within Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework (2012) and National Planning Policy Guidance (2014). In light of this assessment it is considered that the proposal is in keeping with the style, character and appearance of the existing property and will not have a negative impact on the living conditions of neighbouring occupiers.

**Recommendation: Grant Permission subject to the following conditions:**

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Plan at 1:500 and EGM20051909/126/2 dated June 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.



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

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review 2006.

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

NONE

**Reason for Approval:**

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission and RES 11: Extensions to Dwellings Located within Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework (2012) and National Planning Policy Guidance (2014). In light of this assessment it is considered that the proposal is in keeping with the style, character and appearance of the existing property and will not have a negative impact on the living conditions of neighbouring occupiers.