



**DM.13 11/12**

**Development Management  
Committee**

**Date 19<sup>th</sup> October 2011**

**Subject: Planning applications for determination**

Report by:

Rachel North (Director of Strategy and  
Regeneration)

Contact Officer:

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Development Management Team Leader  
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Purpose / Summary:

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

**RECOMMENDATION(S):**

**Each application has a recommendation within the report**

**IMPLICATIONS**

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

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

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

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

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

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

**Title and Location of any Background Papers used in the preparation of this report:**  
Various planning applications available on-line at <http://planning.west-lindsey.gov.uk/planning/>  
  
West Lindsey Local Plan policies available at:- [http://www.west-lindsey.gov.uk/localplan/plan\\_index.htm](http://www.west-lindsey.gov.uk/localplan/plan_index.htm)

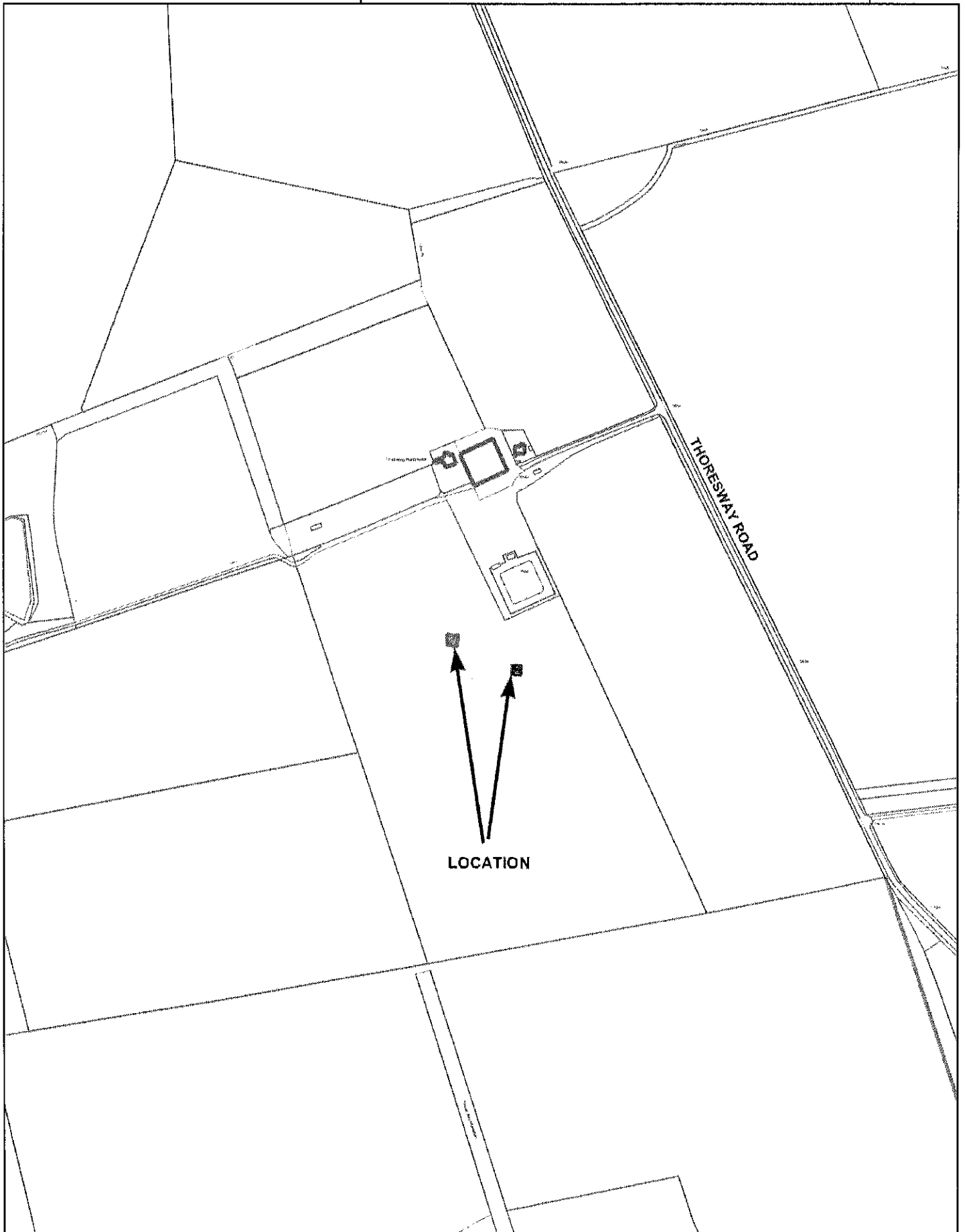
**Call in and Urgency:**

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

Yes  No

**Key Decision:**

Yes  No



## ITEM 1

### **Officers Report Planning Application No: 127407**

**PROPOSAL:** Planning application for installation of two wind turbines - 34.2m to blade tip - and ancillary development

**LOCATION:** Land Adjacent Northwold Farm Thoresway Market Rasen LN8 3UZ

**WARD:** Wold View

**WARD MEMBER(S):** Cllr. T Regis

**APPLICANT NAME:** Edwin H Davey (Limber) & Co

**TARGET DECISION DATE:** 02/08/2011

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions

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#### **Introduction**

This application was deferred by members at the last meeting of the Development Management Committee on 21<sup>st</sup> September 2011 to enable a site visit to take place.

#### **Description:**

**Site and surroundings** - The site is located in the open countryside between the villages of Rothwell and Thoresway. It is accessed by a farm track from the main road and forms part of the holding of Northwold farm.

To the north is a banked reservoir. Beyond this is a large corrugated steel agricultural storage shed approximately 12 metres high next to which is a series of stacked pallets rising to the same height. There is a vacant boarded up farmhouse to the east of the shed. The nearest dwelling is a bungalow some 200 metres to the north which shares the same access and also forms part of the farm holding. The nearest dwelling beyond the farm holding is Thoresway Grange Farm House 800 metres to the east.

**Proposal** - The proposal is for two three blade horizontal axis 50kW wind turbines, the hub heights of which would be 24.6m above ground level mounted on a tubular monopole tower. Each blade would be 9.6m long (radius from the hub) thereby giving a total height of the structure of 34.2m above ground level

when a blade is in the vertical position above the hub. The turbines will be located 90 metres apart.

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. 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. Therefore the development is not 'EIA development'.

### **Relevant history:**

None

### **Representations:**

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

**Parish/Town Council/Meeting:** No comments received

**Local residents:** Two letters of have been received, one from Thoresway Grange and one from Edward Leigh M.P. Objections are on the following grounds:

- Not appropriate in an Area of Outstanding Natural Beauty
- Would set a damaging precedent
- Blight on the landscape
- Noise Impacts
- Solar installation would be more appropriate

**Archaeology (LCC):** The site lies in an area of archaeological sensitivity however the very small development proposed means that any type of archaeological intervention is unlikely to produce any meaningful results so no further archaeological input is required.

**Lincolnshire Wildlife Trust (LWT):** The primary concern of the Trust in connection with this scheme is to ensure works have no adverse effects on protected species; in particular in this case bats. It appears that the proposed turbines are located more than 50 metres from any features which could be used by commuting or foraging bats, such as the reservoir or hedgerows. We are therefore satisfied that the application meets guidance prepared in conjunction with Natural England and that no specific bat surveys are required

**Conservation Team (WLDC):** The proposed wind turbines will be visible within the protected landscape with some mitigation provided by the fact that they will, in some long views, be seen with the backdrop of substantial agricultural buildings which provide context and wooded landscape which

provides screening. As a case by case assessment, the proximity of the obvious agricultural concern which will benefit from the energy generated does provide some justification and supports the theory that individual turbines in just such a working farm context can be considered as just one more element of the agrarian character of the Area of Outstanding Natural Beauty (AONB).

**National Air Traffic Safety (NATS):** No safeguarding objection

**MOD (Defence Infrastructure):** No objection

**Lincolnshire Wolds Countryside Service(LWCS):** The proposed development is clearly in a sensitive location within the AONB, on a high plateau top over 132 metres in height. Although the turbines will not be visible from the nearest settlements of Rothwell and Thoresway, both turbines will impact upon the Northwold Farm setting and a number of vantage points along the local road and public rights of way network, especially from the Caistor High Street and Croxby Top Road.

On balance we would strongly recommend that a revised proposal is explored, seeking to minimise any likely impact upon both the character and appearance of the Lincolnshire Wolds AONB.

### **Development Plan Policies**

- **East Midlands Regional Plan**

Policy 40 - Regional Priorities for Low Carbon Energy Generation  
[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

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

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

STRAT 12 Development in the Open Countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

NBE 9 The Lincolnshire Wolds - Area of Outstanding Natural Beauty  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

### **Other guidance**

Draft National Planning Policy Framework (2011)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

PPS 1 Delivering Sustainable Development (2005)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

PPS - Planning and Climate Change (Supplement to PPS 1)

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

PPS 4 - Planning for Sustainable Economic Growth

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

PPS 7 - Sustainable Development in Rural Areas

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

PPS 22 – Renewable Energy

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147444.pdf>

Planning for Renewable Energy - A Companion Guide to PPS22

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147447.pdf>

### **Main issues**

- The Principle of Wind Turbine Development in Areas of Outstanding Natural Beauty (AONB)
- Impact on the Landscape of the AONB
- Noise

### **Assessment:**

**The Principle of Wind Turbine Development in Areas of Outstanding Natural Beauty (AONB)** - There is strong policy support cutting across national and regional levels for the development of renewable energy to help achieve the Governments' aim of cutting carbon dioxide emissions and tackling climate change.

There is a general presumption in favour of such development. Local Planning Authorities are expected to “promote the development of the renewable energy resources, and take climate change impacts into account.”

Nationally Designated Areas (NDAs), however, which include National Parks and Areas of Outstanding Natural Beauty, are confirmed as having the highest status of protection by the government. Policy NBE 9 is a prohibitive policy towards proposals in the AONB and one which states that “development will not be permitted if it would harm or devalue the natural beauty of the landscape” and is explicit in stating that “Major development will not be permitted save in exceptional circumstances”.

This follows the advice set out in PPS 7 - Sustainable Development in Rural Areas. The two turbines would not be classed as “Major” development and should be viewed as a small scale project.

PPS 22 – Renewable Energy, advises that in looking at projects in NDAs permission should only be granted where it can be demonstrated that the objectives of the designation would not be compromised by the development.

The NPPF advises refusal of Major developments in NDAs, but also the approval of applications for renewable energy, if, the impacts are, or, can be made acceptable.

There is a general presumption in favour of renewable energy, however within NDAs there is a specific presumption against Major development (except in exceptional circumstances) and general presumption against inappropriate development. As the application is not “Major” its acceptability in principle rests in part, on the impact of the proposed turbines in visual terms on the landscape of the AONB. As can be seen from the section below this is not considered to be negative.

STRAT 12 which is a prohibitive policy controlling development in the open countryside allows development which meets objectives supported by other plan policies as an exception. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources.

Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The application site is considered to be one such farm and the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 6<sup>th</sup> September 2011) indicates that the wind speed is suitable for turbines of this blade height above ground level.

The surrounding area is also free of natural or built obstructions, all factors pointing towards the suitability of the location for wind derived energy generation. The turbines are therefore considered to be able to contribute to the regional renewable energy targets.

Accordingly the principle of the proposal is accepted.

**Impact on the Landscape of the AONB** - The landscape is characterised by elevated relatively open rolling farm land on the dip slope of the Wolds. Inward facing valleys with woodlands, pastures and hedgerows contrast with exposed farmland. Small villages and farmsteads are located within valleys and almost invisible in views from the ridge top roads. This is typified by Rothwell to the north and Thoresway to the south which are located within valleys and from which no views of the proposed turbines will be available.

The turbines are located on a relatively flat plateau between the two valleys with mature tree belts to the north, east and south. The closest public view point would be from the access to Northwold Farm, between 3-4 metre high hedgerows either side at a distance of 300 metres. The turbines will be partially visible but this is not considered to be a negative impact. It is considered that the two structures proposed which are simple in form and not excessively high will not detract from the landscape. It should be noted that there are no other wind turbines in the vicinity so concern in relation to cumulative impact is not relevant.



The long distance views from Caistor Road/Rothwell Road (2.9 kilometres) to the north, due to the topography and trees would be limited to the tips of the blades if visible at all.

South of Thoresway from Smithfield Plantation (2.5 kilometres) the turbines would be visible but not prominent against the backdrop of tree belts and agricultural buildings within the landscape.

To the east views from Croxby Top (1.7 kilometres) would be seen through the filter of a line of telegraph poles that crosses the landscape in the foreground. The closer proximity of the poles to Croxby Top means that they would be a more prominent feature of the landscape than the turbines further away.

Views are available 2.2 kilometres to the west from High Street, Mount Pleasant, but due to distance separation and natural vegetation they will not be a prominent feature of the landscape.

Accordingly notwithstanding the concerns of the LWCS, officers are of the opinion that the two turbines for the reasons outlined above will not detract or devalue the Area of Outstanding Natural Beauty.

**Noise** - PPS22 advises that wind development should be considered against the Good Practice on Controlling Noise from Wind Turbines, itself derived from 'The Assessment and Rating of Noise from Wind Farms' (ETSU for DTI 1997). As the title suggests, this specifically deals with wind farm developments but can be used as a basis for individual turbines such as the ones under consideration here.

The only dwelling that will be affected by the proposals is the bungalow within the farm holding. Thoresway Grange is sheltered by trees and 800 metres away so noise from the turbines will not be perceptible.

In low noise environments such as for the current application the advice is that wind farm noise should be limited to an absolute level within the range of 35-40dB(A). At night time (defined as 11pm to 7am) 43 dB(A) is recommended in the PPS22 Companion Guide (this is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through an open window and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min).

The sound pressure level for the proposed turbines (a 50Kw with 19.2m diameter blade) assuming a wind speed of 8m/s at hub height is 42.6 dB(A). Such a wind speed is considered to be an acceptable standard given that the operational limit for the turbine is 9.5m/s and the wind speed database (DECC 2010) estimates an average speed of around 6-7m/s. The 42.6 dB(A) is the sound pressure created at a distance of 100 metres from the turbine. The dB(A) rating reduces as the distance from the turbine increases.

ETSU for DTI 1997 advises that where the dwellings are occupied by persons with a financial stake in the wind turbine development that a higher limit of 45

dB(A) can be applied. On this basis the noise impacts are judged to fall within acceptable levels.

### **Other Issues**

**Air Safety** - The MOD and NATS have no safeguarding objections to the proposal.

**Impacts on Protected Species** - The siting of the turbines has followed guidance prepared by Natural England to avoid any adverse impacts on protected species.

### **Conclusion and reasons for Decision**

This is a proposal that is not considered to devalue or cause harm to the Lincolnshire Wolds Area of Outstanding Natural Beauty, or to the living conditions of nearby dwellings and will positively contribute to meeting national and regional targets for reducing carbon emissions and the development of renewable energy sources. Accordingly it is considered to comply with PPS1, its supplement on climate change, , PPS7, PPS 9, PPS 22, policy 40 of the East Midlands Regional plan and Policies STRAT 1, STRAT 12 and NBE 9 of the West Lindsey Local Plan First Review 2006.

**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 is commenced:**

None

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

None

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

2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

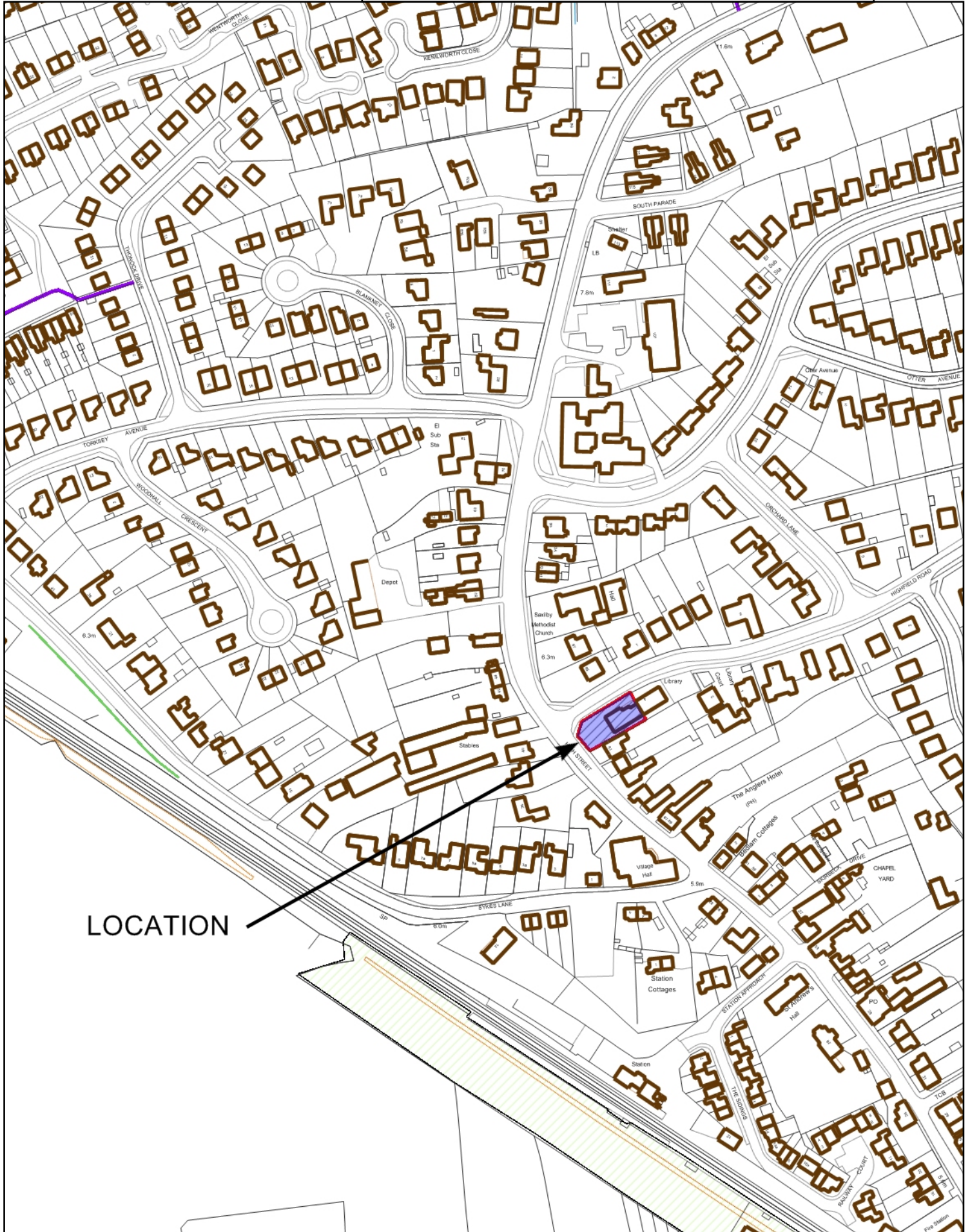
Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

3. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

4. The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



LOCATION

## ITEM 2

### Officers Report

### Planning Application No: 127450

**PROPOSAL:** Planning application for demolition of former health centre and proposed erection of new restaurant and flat.

**LOCATION:** Health Centre Highfield Road Saxilby Lincoln LN1 2QP

**WARD:** Saxilby

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

**APPLICANT NAME:** Mr R Page

**TARGET DECISION DATE:** 30/08/2011

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Vicky Maplethorpe

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

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#### Description:

The site is on the corner of Highfield Road and High Street. It occupies half of a single storey prefabricated building that has been used by the NHS as offices and storage but is currently vacant. The other half of the existing building houses Saxilby Library, which is still in use.

To the south of the site is No. 81 High Street, a Victorian two storey house with a dovecote built into the gable end. The kitchen window looks over the application site.

The application seeks permission to erect a restaurant with flat above. The proposal has been amended twice during the processing of the application.

#### Relevant history:

**125532** - Planning application for 4no. ground floor commercial units and 2no. residential first floor flats, Refused.

#### Representations on original plans:

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

**Parish/Town Council/Meeting:** Saxilby Parish Council express concerns regarding:-

- loss of trees and green space;
- disturbance in terms of smells and noise;
- lack of parking.

**Local residents:** Representation received from Nos. 3, 5 Highfield Road, No. 3 Library Court, No. 8 Oakfield and No. 79 High Street expressing following concerns:-

- parking and highway safety;
- smells;
- increased rubbish;
- overlooking;
- type of restaurant.

A representation has also been received from LCC Estates Team (on behalf of the library):

'LCC remain concerned over the potential impact of this development may have on the convenient use of the library and there is potential for overlapping hours which may cause problems in terms of conflicting use of what is a very small car park.'

**LCC Highways:** No objections, conditions requested.

**Environment Agency:** No comments

**LCC Archaeology:** No objections

**Economic Development:** Supportive of application

**Upper Witham IDB:** No objections, advice given

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 1 Regional Core Objectives

[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

Policy 3 Distribution of New Development

[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

Policy 19 Regional Priorities for Regeneration

[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

Policy 48 Regional Car parking Standards

[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

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

STRAT1 Development requiring planning permission

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

STRAT6 Windfall and infill housing development in Primary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

SUS 7 Building materials and components

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

RES1 Housing layout and design

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

RES15 Residential uses above shops

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

RTC3 Retailing and village centre uses in Primary Rural Settlements

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

RTC9 Restaurant and cafes, drinking establishments and hot food takeaways

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

### **Other policy guidance**

- Draft National Planning Policy Framework  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS1: Delivering Sustainable Development  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS3: Housing  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS4: Planning for Sustainable Economic Growth  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS25: Development and Flood Risk  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- West Lindsey Corporate Plan 2011-15  
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/council/council-committee-reports/council-committee-reports-september-2011/107037.article>

This plan identifies Saxilby as a priority village.

### **Main issues**

- **Principle**
- **Parking and highway safety**
- **Impact on neighbours – overlooking, overshadowing, noise, smell and odour.**
- **Flood risk**

## **Assessment:**

**Principle** - The site is located within one of the defined village centre boundaries. Policies RTC3 and RTC9 supports new restaurant uses (class A3) within village centre boundaries subject to a number of criteria assessed in this report. The policy predates the publication of PPS4, but policy EC13. of this document provides broadly similar support. It is also noted that the application site is vacant, but health services are provided from a centre in Sykes Lane in the village and a new use for this prominent village centre site is desirable.

The use of the site for a non A1 (shop) use is considered acceptable given that the a shop use is not being lost and there remain a number of shops within the village centre. A café/restaurant is a complimentary use to shops and is best located in a central, sustainable location, in this case on a bus route and within 3 minutes walk of the railway station. The proximity to other shops and services also foster the potential for linked trips.

Furthermore, the use has the potential to create employment.

Finally, a survey of commercial uses in Saxilby undertaken by a West Lindsey officer on 8<sup>th</sup> October 2011 appears to indicate that there is one other café/restaurant in the vicinity (other than a public house); Scrummies is located further along High Street and appears to trade as a cafe and takeaway. The introduction of a further café/restaurant would not result in an over proliferation of such uses given that the population of Saxilby is in excess of 3,000 inhabitants, or undermine the shopping function of the village centre. In fact, it is suggested that the use will compliment the overall variety of services and facilities and offer and contribute to the vitality an viability of the centre.

The type of restaurant is not a material consideration.

**Parking, accessibility and highway safety** - The plans show just two off street parking spaces proposed, although the owner does have the right to use the library car park. Policy CORE 1 of the Local Plan Review (referring to appendix 9) used to provide the parking standards for proposals in the district, but it was not “saved.” Reference is therefore made to policy 48 of the Regional Plan, but this in turn only refers to PPG13, which itself only has standards for major proposals (which excludes the application under consideration here). However, assessing the proposal on its own merits, one can concur with LCC Estates that there is potential for overlap of the restaurant and library opening hours and it would certainly be unreasonable to restrict the restaurant use by condition to outside of the library opening times; daytime opening being potentially a substantial source of revenue.

In the absence of any public car parking within the vicinity, the judgement therefore has to be made as to whether there is adequate on-street parking within the vicinity taking into account the potential for non-car trips to and from the site due to the sustainable location and the fact that the existing use as a health centre would also be likely to generate visitor and employee trips by car. In this context, it is noted that a significant level of on-street parking is



available on High Street and surrounding streets. It is acknowledged that there was always demand for spaces throughout the day and week at the time of an officers visit. Nevertheless, there always appear to be spaces available.

**Impact on neighbours – noise, smell and odour** - To the north east of the site is the library. The rest of the site is surrounded by residential properties. Concerns have been raised regarding overlooking and noise and smells, which all have the potential to adversely affect neighbouring properties.

No 81 High Street is the nearest dwelling to the site. It has 1 ground floor window and 1 first floor window facing the site. It is accepted the building will restrict some light to No. 81, however the main aspect of this house and location of habitable rooms face north east/south west (front and rear). There are 6 windows proposed along the elevation facing No. 81, however 3 of them are to serve the toilets and will be obscure glazed.

The restaurant is located at ground floor level with a flat and office at first floor level. The flat will be served by windows in the principal elevation (facing High Street) and rooflights in the rear roof slopes. Due to the position of the rooflights within the roof they will not result in overlooking of the neighbouring properties.

With regards to smells, the proposed southeast elevation shows a “zone for kitchen plan & extract” within the roof slope correlating with its location above the proposed kitchens. This location has the advantage of any extraction equipment being largely screened from view from public vantage points, but does mean that it will adjoin the boundary with No. 81 High Street, which does have windows facing the site. The Environmental Protection regulations require that a flue is 1m clear (in excess) of the ridge height of the building. This would result in the flue being able to take fumes an acceptable distance away from No. 81’s windows. The details of such equipment can be agreed by condition.

Turning to issues of noise and disturbance, it is noted that the application is for a restaurant/cafe use rather than a hot food takeaway (a separate use in the amended Use Classes Order). Restaurant and cafe uses, by their very nature, are not likely to have the same number of comings and goings as a takeaway use; short term waiting of vehicles outside a premises are not a characteristic of a cafe/restaurant, nor are pockets of people congregating outside of the premises consuming food and then needing to dispose of packaging.

Members are advised that any principal and not incidental use of the premises as a hot food takeaway would constitute a material change of use that would currently require a separate planning application.

Nevertheless, given the potential for late night opening and some people congregating outside of the site following a meal, it is considered necessary to restrict the opening hours given the number of residential properties in the area.

**Appearance and visual impact** - The proposed restaurant will replace a vacant pre-fabricated building. The scale and design of the restaurant has been amended to create a new build with traditional form and massing but

with a contemporary appearance to the fenestration. The principal elevation of the building faces High Street and there is a single storey protrusion at the rear (with office space contained within the roofspace) with 2 restaurant windows facing on to Highfield Road.

The building is lower than number 81 Highfield and is set slightly further forward. It is considered that the building is well designed and does not detract from the character and appearance of the area. Specifically, the use of a multigabled form of facing red brickwork which successfully turns the corner from High Street into Highfield Road, with a roof clad in natural clay pantiles will ensure that the building does not appear incongruous nor over dominant despite the roof height being proposed in excess of 14m.

Concerns have been raised regarding loss of trees and green space. There are currently 3 trees on site and grass to the front and sides of the building. Only 1 small tree is to be removed from the front of the site which does not have high amenity value and is not worthy of protection

**Flood risk** - The application site lies within Flood Zone 2. PPS25 sets out national government policy on appropriate development in different flood zones via a sequential test. It states that uses should be located, where possible, on land at least risk of flooding. In this instance, the proposal includes a flat and there are known to be sites available in flood zone 1 elsewhere in the district (and locality) which are available for such a use. However, there are a number of important other policy and other material considerations that need to be taken into account. Firstly, policy RES15 is proactive in its stance with regard to flats above commercial premises as is PPS4 and the draft National Planning Policy Framework. Indeed, if the proposal had been for a shop, the creation of the first floor flat would have been permitted development.

Finally, the submitted Flood Risk Assessment states the finished floor levels shall be 6.6m ODN and the building is adequately protected against the risk of flooding due to flood defences to both the River Trent and the Fosdyke Canal. The EA have no objections.

## **Conclusion**

The proposed restaurant is an appropriate use in this location. It will not harm the character of the surrounding area and will, subject to conditions, not have an adverse impact on the residential amenity of neighbours. The proposal therefore complies with policies STRAT1: Development requiring planning permission, STRAT6 Windfall and infill housing development in Primary Rural Settlements, RES1 Housing layout and design, RES15 Residential uses above shops, RTC3 Retailing and village centre uses in Primary Rural Settlements and RTC9 Restaurant and cafes, drinking establishments and hot food takeaways of the West Lindsey Local Plan First Review 2006.

**Recommendation: Grant permission 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 take place until the details of the external facing materials and the colour finishes and framing of the external doors and windows to be used in the development have been first submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area, given the prominent position and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1, PPS3 and PPS4.

3. No development shall take place until a scheme for the extraction and filtration of all cooking fumes has been submitted to and approved in writing by the district planning authority.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy STRAT1 and RTC9 of the West Lindsey Local Plan First Review 2006.

4. No development shall take place until a scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material, including details of any sound-insulating enclosure, mounting to reduce vibration and transmission of structural borne sound and ventilation or extract system, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy STRAT1 and RTC9 of the West Lindsey Local Plan First Review 2006.

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

5. The approved extraction and filtration system referred to in condition 3 shall be completed before the hot food takeaway is brought into use and retained as such thereafter.

The Reason: To safeguard the residential amenities of nearby residents in accordance with policy STRAT1 and RTC9 of the West Lindsey Local Plan First Review 2006.

6. The approved scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material as referred to in condition 4 shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any other plant or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters should be submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the development is first used.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy STRAT1 and RTC9 of the West Lindsey Local Plan First Review 2006.

7. Prior to the building being brought into use details shall be submitted to and approved in writing by the local planning authority of a scheme for the obscure glazing and limiting of the opening of the three windows serving the toilets in the south east elevation. The windows shall be installed as per the approved scheme and retained thereafter.

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

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

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

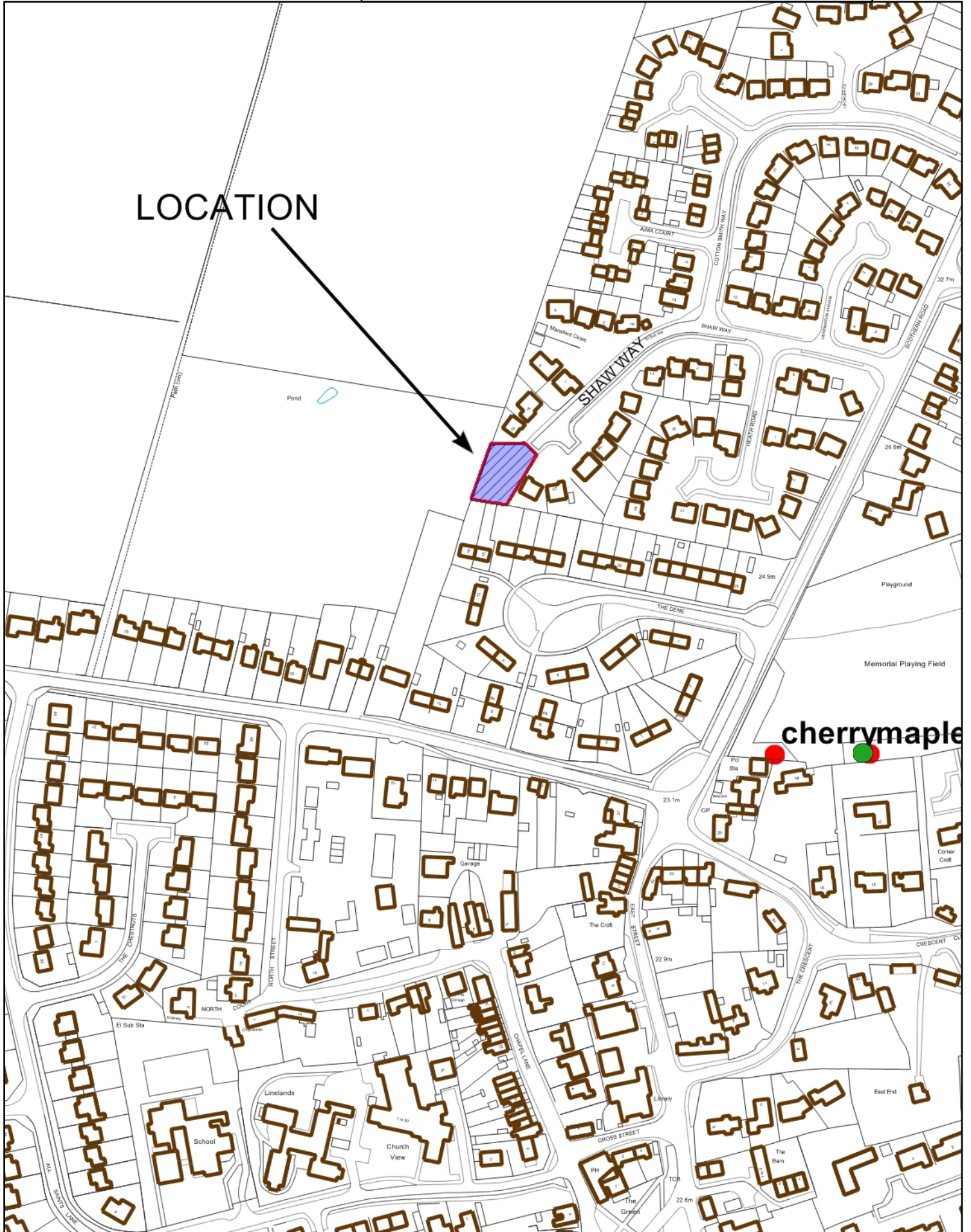
**Conditions which apply or relate to matters which are to be observed following completion of the development:**

9. No deliveries shall be made to the site outside the hours of 8:00 until 18:00 hours Monday to Friday; 8:00 until 13:00 hours Saturday, and at no time on Sundays, Bank or Public Holidays.

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

10. The premises shall only be open for the sale of food or drink between the hours of 9:00am to 11:30pm Mondays to Saturdays (inclusive) and between the hours of 10:00am and 11:00pm on Sundays, Bank or Public Holidays.

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



## ITEM 3

### Officers Report Planning Application No: 127592

**PROPOSAL:** Planning application for a replacement dwelling - resubmission of 127296

**LOCATION:** Land at Shaw Way Nettleham LINCOLN LN2 2XS

**WARD:** Nettleham

**WARD MEMBER(S):** Cllrs Leaning and Sellars

**APPLICANT NAME:** Mr J Dixon

**TARGET DECISION DATE:** 21/09/2011

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Helen Marriott

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

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#### **Description:**

The application site is a vacant plot of land (Plot 115) located at the head of Shaw Way which is a cul-de-sac. It is the only remaining undeveloped plot which forms part of a larger residential development of 15 dwellings (Application Number W65-105-95). All of the dwellings other than the dwelling on the Plot 115 have been completed and occupied. As such, Plot 115 benefits from extant planning permission for the erection of a 5-bed two storey dwelling with integral double garage.

Shaw Way is residential in nature characterised by 1990's two storey detached dwellings of varying designs and layout. Two storey terraces and semi detached dwellings are located along The Dene to the south of the site. Open countryside is located to the west of the site.

The site comprises an undeveloped five sided shaped area with a topography which slopes towards the rear of the side in a north south direction.

The application seeks an amendment to the design approved house type on plot 115 and represents an amendment to the recently refused application 127296. This was for the construction of a dwelling in three phases resulting in a 5-bed two storey dwelling with integral double garage. The current application proposes the erection a 3-bed two story dwelling in two phases. The bulk of the house would be constructed in Phase 1 with a single storey rear extension constructed in Phase 2. The proposed dwelling would measure 11.7 metres deep (maximum), 10.8 metres wide (maximum) and 8 metres high. A single detached garage is also proposed and would measure 3 metres by 5.4 metres by 4.4 metres high.

Amended plans were submitted by the Applicant unilaterally on 21 September 2011 revising the design of the proposed house type in response to comments received from Nettleham Parish Council. Amendments include an alternative window and bay window design to be more in keeping with the style and design of adjacent properties.

**Relevant history:**

127296 Planning Application for a replacement dwelling design on plot 115 of planning permission W65-105-95 approved 9th May 1995 – refused at Planning Committee July 2011

W65/105/95 Planning application to erect 15 dwellings and associated garages Plots 108, 108A and 109-121 inclusive – permission May 1995

**Representations:**

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

**Parish Council:** Comments received relate to plans received prior to amendment on 21 September 2011. Whilst acknowledging that the scale of the property has been reduced and is now more in keeping with other properties in the area, the Parish object to the application for the following reasons:

- the proposed design does not reflect the spirit and guidance in the Village Design Statement;
- Proposed elevations, materials and window designs are incongruous with the estate houses and adjacent properties in particular;
- The design is an architectural statement and out of place in this location.

**Local residents:** No representations received to date.

**Archaeology:** No objection.

**Highways:** No objection.

**Natural England:** No comment.

**Lincolnshire Wildlife Trust:** No objection

**Relevant Planning Policies:**

**Development Plan**

- East Midlands Regional Plan 2009  
Policy 13a Housing Provision

- West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring Planning Permission

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

STRAT 3 – Settlement Hierarchy

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

STRAT 6 - Windfall and Infill Housing Development in Primary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

SUS 7 – Building Materials and Components

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

RES 1 – Housing Layout and Design

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

### **Other policy**

- PPS 1 – Delivering Sustainable Development (2005)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 3 – Housing (2011)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS9 – Biodiversity and Geological Conservation  
<http://www.communities.gov.uk/publications/planningandbuilding/pps9>
- Nettleham Village Design Statement 2010  
[http://parishes.lincolnshire.gov.uk/Files/Parish/9/VDS\\_September\\_2010\\_low\\_res.pdf](http://parishes.lincolnshire.gov.uk/Files/Parish/9/VDS_September_2010_low_res.pdf)

### **Main issues**

- The Principle of Development
- Impact on Residential Amenity
- Impact on Visual Amenity
- Impact on Ecology
- Drainage

### **Assessment:**

**The Principle of Development** - Plot 115 benefits from extant planning permission for the erection of a 5-bed two storey dwelling with integral double garage. As such, the principle of developing a similar dwelling on site is already established and the effect on the housing land supply locally will be neutral. The proposal is for the erection of a similar sized dwelling to that



already approved. As such, the main issue for consideration relates to impact of the altered design and layout upon residential and visual amenity.

**Impact on Residential Amenity** - Policy STRAT1 states that development must reflect the need to safeguard and improve the quality of life for residents. Policy RES 1 states that permission will only be granted for new residential development provided that impact on the amenities of nearby residential properties is satisfactory.

No. 20 Shaw Way, is a detached two storey dwelling located immediately to the north of the application site. Due to the topography of the land, the level of No. 20 is higher than the application site and a 2 metre high (approx.) close boarded fence form a boundary between the two sites. The proposed detached garage would be located 2.3 metres from the boundary with No. 20 between the two dwellings. Two windows are proposed on the west facing side elevation of the application dwelling. One of these would serve a bathroom and a condition would be imposed to ensure that this window is obscurely glazed and non-opening to ensure no overlooking towards the side garden area of No. 20. The second window is a secondary bedroom window and would be located 14.8 metres away from the boundary with No.20. A landscape scheme would be required by planning condition to increase levels of screening between the two sites. Due to the separation, oblique angle of the window and subject to a landscape condition, it is not considered that any material increase in levels of overlooking, overbearing impact or loss of privacy upon the occupiers of No. 20 would result.

No. 25 Shaw Way is a detached two storey dwelling located immediately to the east of the application site. Its side elevation contains no windows and a 2 metre high (approx.) close boarded fence forms a boundary between the two sites. The proposed dwelling would be built at approximately the same level as No. 25. Two windows are proposed on the east facing side elevation of the application dwelling. One of these would be a secondary bedroom window and a condition would be imposed to ensure that this window is obscurely glazed and non-opening to ensure no overlooking towards the rear garden area of No. 25. The second window would serve a study/bedroom and would predominately face the blank side wall of No. 25. As such, it is not considered that any material increase in levels of overlooking or loss of privacy upon the occupiers of No. 25 would result.

The amenity of the occupiers of the dwellings to the rear of the site along The Dene would not be adversely affected by the proposed development as their rear elevations are located some 20 metres from the rear boundary of the application site with the rear elevation of the proposed dwelling located approximately 8 metres from the shared boundaries. Existing trees and shrubs located along this boundary would be retained and enhanced as part of a landscape scheme to be required by planning condition.

**Impact on Visual Amenity** - Policy RES1 (supported by STRAT1) requires new residential development to have regard to the local environment in terms of siting, layout, density, scale, massing, materials and the provision of key features to enhance the character of the locality.

Nettleham Village Design Statement states that the surge in growth over the twentieth century has resulted in an eclectic mix of architectural styles, representing progressive developments in house design, construction materials and building technology. It also states that new buildings should be of similar proportions to houses in their vicinity and buildings should reflect design styles and features of nearby houses. Individuality and innovation should be welcomed where this sits well within the overall context.

The main impact upon the character of the locality relates to the acceptability of an altered design and layout of dwelling on this plot. The proposed dwelling is of a similar size to the approved dwelling with an extant planning permission on the plot. This Plot would be viewed in the context of the other detached two storey dwellings in Shaw Way which contain a mix of design styles and features. The design of the proposed dwelling has been amended to be in keeping with the scale or design of dwellings in the immediate vicinity.

Overall, the alteration to the house type of Plot 115 is in keeping with other dwellings in the immediate vicinity and would not be detrimental to visual amenity in accordance with Policies RES 1 and STRAT 1.

**Impact on Ecology** - PPS9 and Policy STRAT 1 refer to the maintenance of the ecological value of sites. An Ecology Survey has been submitted with the application but does not raise any issues in relation to the presence of any protected species including bats or great crested newts.

**Drainage** - Policy STRAT 1 of the Local Plan requires new development to have regard to the availability and capacity of infrastructure. Foul sewage would be disposed of via the mains sewer. Surface water would be discharged of by way of soakaways and the proposal represents the replacement of a dwelling which already benefits from extant planning permission. The proposal would not directly affect any ditch to the rear of the site. As such, the proposal is unlikely to result in any additional drainage issues in accordance with the aims of Policy STRAT 1 of the Local Plan.

### **Conclusion and reasons for decision:**

The proposed dwelling is of a similar size to the approved dwelling with extant planning permission it replaces. Subject to conditions, the alteration to the house type on Plot 115 would not be detrimental to nature conservation or residential or visual amenity. The proposal is therefore considered to comply with the objectives of PPS1, PPS3, PPS9 and would accord with Policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review June 2006.

**Recommendation: Grant, subject to the following conditions;**

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

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

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

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

2. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policies SUS 7 and STRAT 1.

3. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees and plants to be planted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of a landscaping scheme to enhance the development and to enhance screening along the boundaries of the site in the interests of residential and visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT 1, CORE 10 and RES1.

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

4. The development shall not be carried out otherwise than in accordance with the following drawings:

JH1216-04B Site Section and Garage

JH1216-03A Site Layout

JH1216-01B Plans and Elevations

JH1216-02C Elevations

Reason: To define the terms of the planning permission for the avoidance of doubt, to ensure an acceptable quality of design and to avoid the development having an adverse impact on the living conditions of the neighbouring dwellings in accordance with West Lindsey Local Plan First Review Policy STRAT1.

5. Prior to the occupation of the dwelling, the en-suite window in the first floor west facing elevation shall be fitted with obscure and non-opening glazing, which shall be retained as such for the life of the development.

Reason: To avoid overlooking, in the interests of the residential amenities of adjoining occupiers in accordance with West Lindsey Local Plan First Review Policy STRAT1.

6. Prior to the occupation of the dwelling, the study window in the first floor east facing elevation shall be fitted with obscure and non-opening glazing, which shall be retained as such for the life of the development.

Reason: To avoid overlooking, in the interests of the residential amenities of adjoining occupiers in accordance with West Lindsey Local Plan First Review Policy STRAT1.

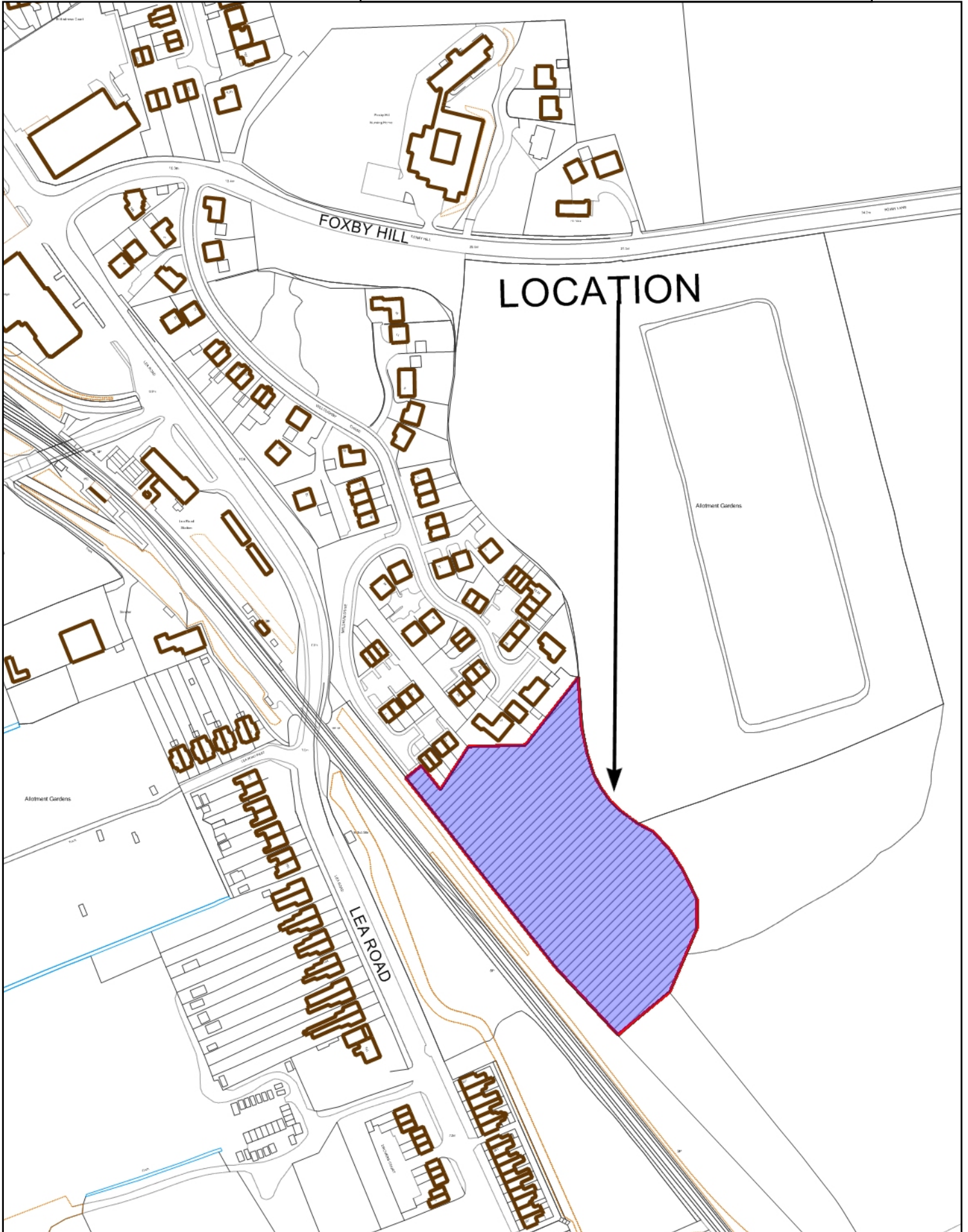
7. The development shall be carried out in accordance with the materials approved under condition 2 of this approval.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policies SUS 7 and STRAT 1.

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

8. 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 completion of the development, 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 Policies STRAT 1, CORE 10 and RES11.



## ITEM 4

### Officers Report

### Planning Application No: 127509

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

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

**WARD:** Gainsborough South West

**WARD MEMBER(S):** Councillors Mrs Rainsforth and Young

**APPLICANT NAME:** Chestnut Homes

**TARGET DECISION DATE:** 04/10/2011

**DEVELOPMENT TYPE:** Large Major - Dwellings

**CASE OFFICER:** Simon Sharp

#### RECOMMENDED DECISION:

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

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

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#### Description

- **Site** – Greenfield land, albeit with evidence of some clearance and regrading which is likely to have occurred at the time of the development by the applicant of the residential area to the north. The Gainsborough to Lincoln railway line runs along the western boundary beyond which is Lea Road. To the south is scrub land and to the east, farm and woodland which forms part of the area with the benefit of outline planning permission for a new neighbourhood (see history).
- **Proposal** – Amended plans were received for part of the site on 21<sup>st</sup> September 2011. The following plans therefore apply and propose an adopted highway serving a mix of detached, semi-detached and terraced houses (all 2 storeys in height and brick faced), three bungalows and two flats, associated public open space and landscaping as well as a pedestrian and cycle link to Lea Road from Meldrum Drive and an electricity sub-station:-

FCG/05 Rev D, FCG/10 Rev B, FCG/11 Rev A, FCG/14, FCG/16, FCG/17, Type 1G (2010)/02, Type 42A (2020)/01, FCG/Blocks A & B (2010)/02 Rev A, FCG/Blocks A & B (2010)/01 Rev A, Garage D(D)/01, FCG, Type T2A (2010)/01, Type S (2010)/01, S1Ldg (2010)/01, Type T1 (2010)/01, Type P (2010)/01, Type L (2010)/02, Type G2A(2010)/02, Type 1G(2010)/01, Type £N (2010)/01, Type G2A(2010)/01, FCG12, FCg/06 Rev B, Detail 6 Rev F and Garage E/01 Rev A,.

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

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 relevant to the site but planning permission has been granted for 2500 dwellings, commercial uses and public open space for the land which borders the eastern boundary of the application site (our ref 125020)

### **Representations**

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

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

**Parish/Town Council/Meeting:** No comments received.

**Local residents:** Representations received from Nos. 17, 19 and 21 Meldrum Drive relating to the original submission:-

- There will be insufficient distance between the rear of their houses and the rear of the proposed dwellings to the south-east which will cause disturbance to their privacy and residential amenity.
- Due to a natural slope of the land there is a concern that the proposed dwellings will be at a higher level than existing buildings and therefore cause overlooking and loss of privacy.
- Due to the existing narrow road infrastructure which currently serves 11 dwellings, there is worry that there will be increased congestion and noise pollution when serving the additional 35 dwellings.

Representations also received from Nos. 56, 150 and 158 Lea Road relating to the original submission:-

- As the proposed dwellings would be in an elevated position, during the winter months their privacy would be infringed upon, specifically overlooking into front rooms and bedrooms of properties along Lea Road due to loss of leaves on trees.
- The development could result in sand and soil being washed away and block the drains under Lea Road bridge which happened after the first development was built (Meldrum Drive/Willoughby Chase) resulting in driveways and paths down as far as No. 156, Lea Road being flooded.
- Concerned about the wildlife which resides on the land and the effect this development would have on their natural habitats and the surrounding environment.

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

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

**LCC Highways:** No objection subject to conditions relating to completion of access and parking arrangements, linkage to Lea Road and agreement of surface water drainage arrangements.

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

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

Environment Agency:

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

## **Relevant Planning Policies**

### **The Development Plan**

- East Midlands Regional Plan 2009 (RSS8)

Policy 13a – Regional housing provision

[http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

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



STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

SUS 7 Building materials and components

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

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

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

NBE 14 Waste Water Disposal

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

### **Other policy documents**

- Gainsborough Regained – The Masterplan (2007)  
<http://www2.westlindsey.gov.uk/upload/public/attachments/1242/GainsboroughRegainedExecutiveSummary.pdf#>
- West Lindsey Corporate Plan 2011-15  
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/council-committee-reports/council-committee-reports-september-2011/107037.article>
- Draft National Planning Policy Framework (2011)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 Delivering Sustainable Development (2005)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

- PPS 3 Housing (2011)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS 9 Biodiversity and geological conservation (2005)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- PPG 13 Transport (2001, updated 2011)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>
- PPS 25 Development and flood risk (2010)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>

### **Main issues**

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

### **Assessment:**

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

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

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

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

The development of the application site has the potential to an important linkage between the existing developed areas of the ward and the planned new neighbourhood. The latter will still be a sustainable and comprehensively planned are of the expanded town, but the development of the application site has the following benefits:-

- The ability to provide a range of additional dwelling types in a comprehensively panned and mixed community on an area of land lying adjacent to other planned growth and directly abutting existing residential areas on land which is not farmed and has little public amenity value.
- The provision of a more direct pedestrian and cycle link from the railway station area of Lea Road through the site to the new neighbourhood and the proposed public access woodland such as Warren Wood. This brings the existing population nearer to these recreation opportunities (and via a shallower gradient and more traffic free environment than Foxby Hill) and connects the new neighbourhood by the same shallow, more traffic route to Lea Road railway station.
- The existing development to the north currently ends abruptly and is marked by a series of domestic 2m close boarded fences. This results in a rather hard and inappropriate transition between the urban environment and the open countryside to the south. Such a view is currently in the public domain as it is visible form passenger trains and will become more prominent through the development of the new neighbourhood. The application site development will enable a more appropriate transition between countryside and existing neighbourhoods (as discussed in greater detail later in this report) and provide a enhanced visual connectivity between the western boundary of the new neighbourhood and the existing development off Willoughby Chase and Meldrum Drive.

Given these benefits, it is considered that the principle of the development can be supported.

**Housing mix and affordable housing** – The surrounding areas are characterised by a rich mix of housing types; Willoughby Chase includes bungalows, semidetached and detached houses, whilst Lea Road includes terraced, semi-detached and detached houses. The proposal includes a similar, if not more varied again mix of dwelling types. The bungalows include two and three bedroom variants, whilst the housing types include terraced, semi-detached and detached and a minimum of two bedrooms and maximum of four. There are also two two-bed flats. In the context of policy RES2, this mix can therefore be supported and will, to a certain extent, foster a mix of ages and socio-economic groups within the new community of residents. However, there is also an identified and currently unmet need for affordable

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

**Urban design, character and appearance** – The site is not near any listed building, conservation area or scheduled ancient monument, but adjoins a designated Area of Great Landscape Value (AGLV), policy NBE10 of the Local Plan Review being applicable. This AGLV covers the land to the east, now with the benefit of permission for the new neighbourhood. It is noticeable that the AGLV designated falls short of covering the application site, but a clear differentiation can be made between the rather rough scrub and rubble of the site and the farm and woodland of the AGLV itself. Development of the site would not detract from this landscape value and, if anything, would actually enhance its setting by providing planned development that includes large areas of public open space and views into this adjoining land. Furthermore, weight must also be afforded to the fact that the adjoining site is the subject of the extant permission for the new neighbourhood and is likely to be developed in the next five years.

In the context of policies STRAT1, RES1 and CORE10 of the Local Plan Review, the overall layout, in its amended form, successfully proposes a legible hierarchy of spaces; the linear public open space, characterised by soft landscaping, will provide a focal area for the community by being lined by dwellings that overlook it. In most cases these dwellings have semi-private front gardens bordering this public space, the dwellings themselves providing a physical buffer between the public areas and the private rear gardens. Where this is not the case for all plots, such as at Nos. 24, 29, 30, 31 and 35, sensitively designed brick walls have been proposed to provide a boundary feature that will not deteriorate at the rate that, say, a close boarded fence might and will not detract from the overall quality of public open space. A condition is suggested to ensure that the walls are implemented and remain in place after occupation of the dwellings. A condition is also suggested to require suitable native species to be used within the public open space, that not only provide habitat for wildlife (as recommended by the Wildlife Trust), but also provide the appropriate softening of the landscape and will not grow to such heights that they will come under threat for their removal from future residents on the grounds of overshadowing or damage to foundations.

It is also noted that dwellings have been carefully positioned to provide view stops to the views across the public open space, the bungalow at plot 12a being an example. The topography of the escarpment has also been used to

provide a varied roofscape and gaps between the houses (the detached housing on the eastern boundary being an example) which will allow views of the woodland beyond the site to still be visible from Lea Road.

The area of public open space proposed accords with the standard detailed in policy RES5 (5% of total area). It does not include formal play space or built facilities but policy RES5 of the local Plan Review states that it should be either informal recreational space or formal play space. Furthermore, a Neighbourhood Equipped Area for Play (NEAP) is being proposed within the new neighbourhood on land directly abutting the application site and is likely to be delivered in the next 5 years.

The massing, scale and layout of each plot of the proposed development is also considered to compliment the existing urban areas to the north and west. The density proposed is just under 29 dwellings to the hectare. Lea Road has higher densities, the terraced housing on the eastern side and south of the railway bridge being characterised by a density of over 50 dwellings to the hectare and the existing Willoughby Chase development to the north being calculated as having a density of 30 dwellings to the hectare. With a minimum density threshold now absent from national policy, the proposed density is considered to be appropriate in the context of its surroundings. Likewise, plot ratios (building footprint expressed as a percentage of the plot size) is also considered to be appropriate, echoing again the average ratio of around 25% for Willoughby Chase.

The architectural styles and massing of each dwelling also take their cues from existing development, although this is not surprising as the applicant developed the Willoughby Chase development and only completed it in the last ten years. The architectural language is conservative and inoffensive in approach, lacking modernity but not over elaborate and the simplicity is a key feature of the local Lincolnshire vernacular as are the proposed use of brick (prevalent in the South West Ward) and the traditional gabled forms.

**Accessibility and highway safety** – The inclusion of the pedestrian access to Lea Road from Meldrum Drive will ensure that every dwelling will be within 400m of the nearest bus stops on Lea Road, served by bus services including the 100 service to Lincoln and the town centre, as well as Lea Road railway Station. 400m is the maximum reasonable distance for walking advised by the Department for Transport assuming relatively level walking. In this instance all the public pavements and footpath links have also been aligned so that the maximum gradient is no more than 1 in 12 which will assist wheelchair users and those people with pushchairs. Conditions are suggested to ensure these walkways are completed before first occupation of any of the houses and thereafter retained.

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

these negotiations and secure the relevant obligations and complete the agreement.

Finally, the proposed use of Meldrum Drive and Willoughby Chase for vehicular access is considered acceptable in terms of highway safety; the visibility eastwards up Foxby Hill at its junction with Willoughby Chase is adequate due to the wide pavement and the width of Willoughby Chase and Meldrum Drive are again adequate to serve an additional 35 dwellings (the impact on residential amenity of the additional traffic is considered in the next section). Given the alternative sustainable means of transport available, the sustainable location near to shops and services such as the Aldi supermarket on Lea Road and the limited number of dwellings being proposed, it is not considered that permission should be withheld on the grounds of congestion.

**Residential amenity** – This issue is detailed in policies STRAT1 and RES1 and further advice is provided in PPS3. The considerations of impact of construction, the overlooking and overshadowing of dwellings on Willoughby Chase and Meldrum Drive, the impact of noise and disturbance from traffic on the existing residents and noise from trains on future residents are considered separately below. There is not a detailed assessment of the impact of dwellings on Lea Road as they are all at least 65m from the site and in most cases over 80 m away and a maximum of two storeys in height is being proposed.

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

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

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

*c. Overlooking and overshooting of dwellings on Meldrum Drive* – The existing dwellings on Meldrum Drive are two storey houses, the rear elevations of which face towards the application site across their rear gardens. The plans have been amended as it was considered that the original submission created the potential for unacceptable levels of overlooking. The new plans now propose two house and two flats for plots 1 to 4. The separation distance between the existing houses and the two houses at plots 3 and 4 is 16m, whilst there is 8m between the new houses and the nearest garden area of these existing houses. There is no doubt that overlooking will be possible from the first floor windows of plots 3 and 4 and it is finely balanced as to whether this degree of overlooking is excessive. However, following careful consideration, taking into account that there is only one bedroom window being proposed on the rear elevation of each dwelling, it is considered acceptable.

The issue has been completely resolved with regard to plots 1 and 2 (where the building is closer to the existing dwellings) by proposing two flats with no first floor windows facing towards these houses. The massing of the building that incorporates these flats, along with the separation distance and the fact that the area to the west and southwest will remain unobstructed, will ensure no significant overshadowing despite being to the south of the existing houses.

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

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

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

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

- *Fluvial flooding* – The site is within flood zone 1 as defined by the Environment Agency's flood zone maps. This is the sequentially preferred location for more vulnerable uses such as the dwelling proposed. The proposal therefore passes the sequential test detailed in annex D of PPS25.

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

**Biodiversity** – The submitted ecological survey and later addendum on badgers have concluded that no protected species were present within the site but evidence of such species including bats and badgers was recorded on adjoining land to the east and within the site in the past. The application site also currently provides some limited habitat opportunities for protected species and, therefore, in accordance with national policy contained within PPS9, a condition is considered necessary and reasonable, requiring opportunities for roosting bats and nesting birds to be provided within the site.

## **Conclusion**

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

In light of this assessment the proposal is considered acceptable. It will provide a beneficial link between Lea Road and the new neighbourhood quarter (land off Foxby Lane), enhancing the sustainable linkages in the area and the transition between the urban and rural environments. Therefore, whilst being outside of the settlement limits and on greenfield land, the principle of the proposal can be supported.



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

### **Recommendation**

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

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

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

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

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

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

2. No development shall commence until a scheme for surface water disposal for the whole development reflecting the principles detailed in the AECOM letter dated 16<sup>th</sup> September 2011 (ref CH\_Foxby\_EA le01) referenced in an e-mail received from the applicant dated 20<sup>th</sup> September 2011 has first been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of Planning Policy Statement (PPS) 25 (2010).

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

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

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

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

Reason: To ensure that a landscaping scheme to enhance the development and provide an appropriate mix of the natural and built environment is provided in accordance with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006.

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

5. The dwellings hereby approved shall be completed in accordance with external materials specified in the Brick, Tile and External Finishes Schedule dated and received on 6<sup>th</sup> October 2011 unless any variation to this schedule has first been submitted to and approved in writing by the local planning authority.

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

6. The finished floor levels for the ground floors of the dwellings hereby approved shall be as per drawing FCG/05 Rev D received on 21<sup>st</sup> September 2011

Reason: To ensure a satisfactory relationship with the adjoining development to the north and given the prominent escarpment position visible from Lea Road and to accord with policies STRAT1 and RES1

of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement (PPS) 5.

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of Planning Policy Statement (PPS) 25 (2010).

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

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

9. None of the dwellings hereby approved shall be occupied until the highway shaded green on the approved drawing FCG/11 Rev A, including the pedestrian link between Meldrum Drive and Lea Road has first been completed to an adoptable standard. The said areas shall thereafter retained to this standard until formally adopted by the County Highways Authority.

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

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

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

11. The development shall be carried out in accordance with drawings FCG/05 Rev D, FCG/10 Rev B, FCG/11 Rev A, FCG/14, FCG/16, FCG/17, Type 1G (2010)/02, Type 42A (2020)/01, FCG/Blocks A & B (2010)/02 Rev A, FCG/Blocks A & B (2010)/01 Rev A, Garage D(D)/01, FCG, Type T2A (2010)/01, Type S (201)/01, S1Ldg (2010)/01, Type T1 (2010)/01, Type P (2010)/01, Type L (2010)/02, Type G2A(2010)/02, Type 1G(2010)/01, Type £N (2010)/01, Type G2A(2010)/01, FCG12, FCg/06 Rev B, Detail 6 Rev F and Garage E/01 Rev A,.

Reason: In the interests of the visual amenity of the area given the prominent escarpment position visible from Lea Road and the need to

harmonise with the existing development to the north on Willoughby Chase and Meldrum Drive and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within PPS1 and PPS3.

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

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

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

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

14. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 2005, or any Order revoking and re-enacting that Order, the boundary brick walls to plots 1, 2, 7, 8, 9, 29, 30, 31, 32 and 35 and the 2 rail fence to the boundaries of plots 24 and 35 detailed on drawing FCG/05 Rev D shall be completed prior to the first occupation of the dwelling that they serve and shall thereafter be retained.

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

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

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

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

16. All planting, seeding or turfing comprised in the approved details of landscaping as referred to by condition 4 shall be carried out in the first planting and seeding season following the first occupation of one of the dwellings hereby approved or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a landscaping scheme to enhance the development and provide an appropriate mix of the natural and built environment is provided in accordance with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006.

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

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

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

18. Notwithstanding the provisions of Classes A, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking and re-enacting that Order, the dwellings marked as plots 3 and 4 on drawing FCG/05 Rev D shall not be extended and no buildings or structures shall be erected within their curtilage unless planning permission has first been granted by the Local Planning Authority.

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

**Notes.**

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