



PL.12 14/15
<b>Planning Committee</b>
<b>21 January 2015</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Derek Lawrence,  
Planning Team Manager  
01427 676640

Purpose / Summary:

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

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

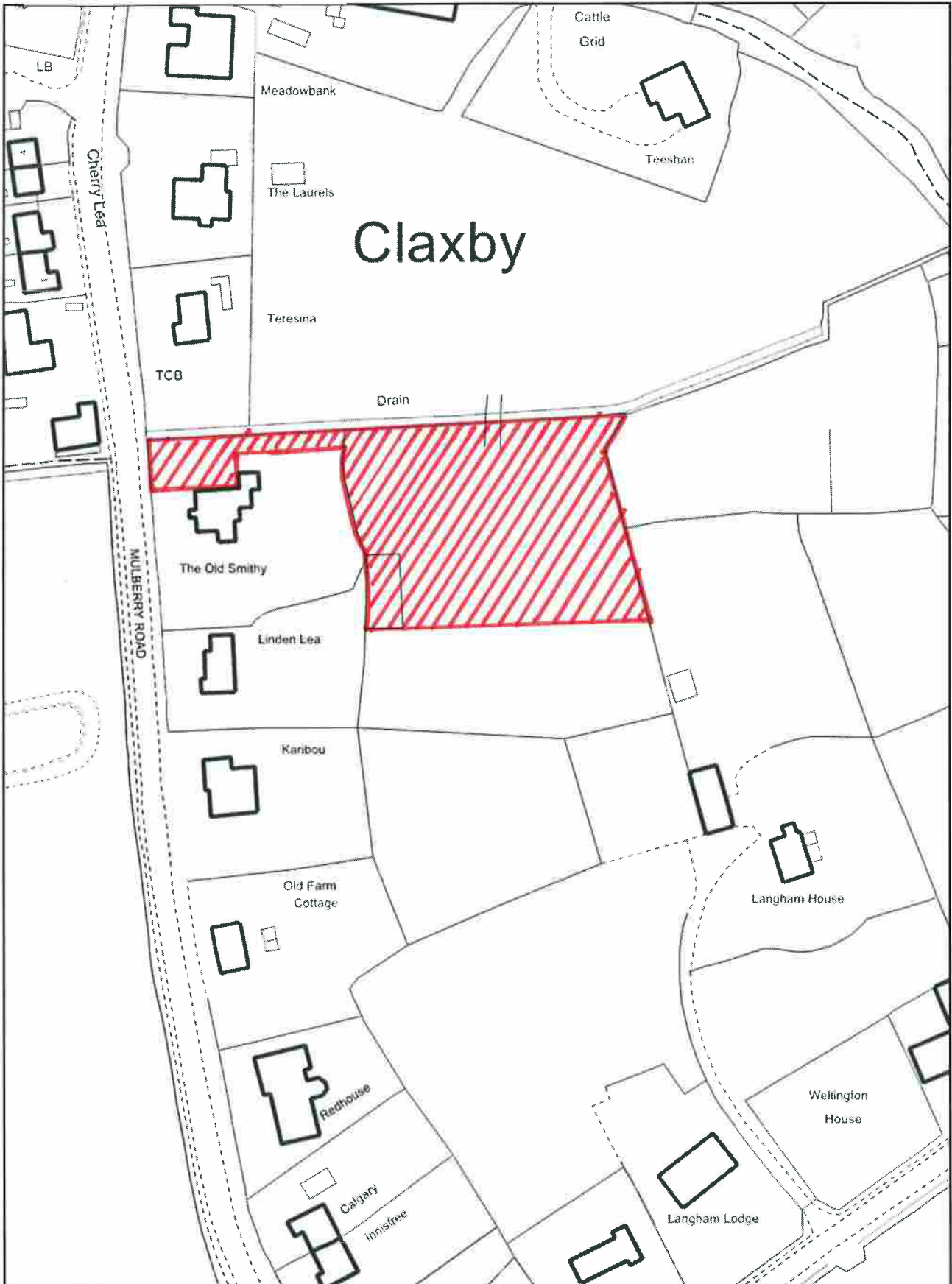
**No**

**Key Decision:**

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

**Yes**

**No**



## **Officers Report**

### **Planning Application No: 131591**

**PROPOSAL:** Planning application for a glamping-camping site.

**LOCATION:** Land to the rear of The Old Smithy Mulberry Road Claxby  
Market Rasen, Lincolnshire LN8 3YS

**WARD:** Wold View

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

**APPLICANT NAME:** Mr Jackson

**TARGET DECISION DATE:** 26/09/2014

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Grant permission

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The application was deferred at the Committee Meeting of December 2014, to enable the Committee to undertake a site visit.

**Description:** The application site comprises a parcel of land to the rear of The Old Smithy in the small village of Claxby. The land is currently grassed with a public footpath running along the north boundary of the site.

Directly to the north of the site is a vineyard, to the east of the site are the grounds to Langham House, to the south of the site is land in the applicants ownership beyond which is the rear garden of The Birches (formerly Karibou) and to the west of the site is The Old Smithy and Linden Lea.

The site is located within an AONB.

The application seeks permission to change the use of the site to a glamping-camping site which involves the siting of two canvas tents with the existing access and driveway used for parking at The Old Smithy.

#### **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 to original plans:**

**Chairman/Ward member(s):** Cllr Regis requests the application be determined by the Planning Committee, the reasons given are; 'The AONB, further to discussions with Stephen Jack of Lincs AONB we feel the site is not

suitable for these purposes and do not fall within the remit of how the Lincs Wolds want to embrace boosting the local economy; Parking, access and egress are also of concern for this facility and now the application may affect the existing right of way/footpath and immediate roadways adjacent to the site; With the site so close to existing dwellings in a quiet rural village there are also concerns with regard to noise and disruption of privacy overlooking residents.'

**Parish/Town Council/Meeting:** Object to the proposal on the grounds that 'It is backland/tandem development which is not permitted under RES3; The site is in the centre of the village surrounded by at least five properties. If permission is granted these will be overlooked, resulting in loss of privacy; noise and disturbance resulting from use, particularly as the topography of the land is bowl shaped with ascending land on three sides which will amplify the sound; cooking smells and fumes; Adverse impact on nature. Close proximity to nesting owls and bats/request biodiversity survey; Inadequate landscaping and boundaries; Visual impact on surrounding properties; Insufficient information in application: occupancy? Seasonality? Intensity of site? Position/details of cesspit? Water disposal? Car parking?'

**Local residents:** six e-mails of support, seven letters of objection and one letter of comments have been received.

Letters of support have been received from addresses in 3 Sisters Vineyard, Claxby; North Owersby and Surrey.

Seven letters of objection received from The Birches, Mulberry Road, Claxby; Linden Lea, Mulberry Road, Claxby; 1 Mulberry Road, Claxby; Sunnyside, Normanby Rise, Claxby; Swallows Barn, St Marys Lane, Claxby; 42 Kenwood Road, Sheffield, 4 Cherry Lea, Mulberry Road, Claxby. Comments mainly relate to noise and disturbance from people, dogs, electrical equipment, generators, BBQs, vehicle movements, grass cutting, light pollution; Dog mess; Danger from uncontrolled dogs; Impact on wildlife; Difficulty of access to the village due to narrow roads; Financial viability of proposal; Lack of prior disclosure to and discussions of the proposal with residents; Additional costs to neighbours having to screen the site; Security issues for residents and campers; Lack of facilities within Claxby; Impact on the character of the AONB; Increased traffic; Flooding; Intrusive and inappropriate change of use in the middle of the village; Loss of light/overshadowing; Effect on PROW. One letter of comments received from Crossways, Mulberry Road, Claxby.

**LCC Highways:** Requested further information be submitted including a small Transport Statement and drawings indicating a formal layout for the car park.

**Archaeology:** No objections

**LCC Footpaths Officer:** No objections

**Lincolnshire Wolds Countryside Service:** 'Usually we would not comment on applications of this nature due to the scale of the development proposal.

However we have been approached by a number of concerned residents...In principle we would welcome small additional small scale camping facilities that could help to widen the opportunities for visitor stays across the AONB, whilst still ensuring that the development proposals are at a location that would minimise and indeed enhance the special qualities of the designation. The proposed application is however a concern owing to its close proximity to a number of residential properties within the settlement of Claxby and the lack of seclusion for both visitors and residents alike. I have further concerns with the limited information supplied in terms of supporting services, for example water supply, waste and effluent disposal, car parking, basic environmental information for the current site, and the market evidence to demonstrate the need and viability for a facility of this nature. In respect of the latter, the site is very close to an existing visitor facility, The Viking Way centre, with a range of further camping/caravan touring provisions at locations near Walesby, Binbrook and Caistor and further afield. On balance I have concerns with the proposed development at the site, which is in the heart of the village of Claxby. To my mind glamping-camping sites work best at scheduled locations where facilities can be developed sustainably and promoted in tandem with additional tourism/recreation facilities. The development proposed would appear to offer none of these benefits and would conflict with the very open landscaped character of this area of Claxby, within the nationally protected AONB.'

**Lincolnshire Wildlife Trust:** Consider the application to be low risk as there are no works proposed to any existing buildings or trees on site and no bright lighting proposed or any major ground works proposed and therefore they do not expect any significant impacts on bats or other protected species.

**Environmental Protection:** 'Whilst I have no objections in principle to this application I am concerned that potential nuisance impact from glamping activities appears to have been located to the rear of the neighbouring property and as such more likely to go unnoticed or unmanaged by the applicant and more impacting upon the neighbour.'

**Representations to amended plans:**

**Chairman/Ward member(s):** As above.

**Parish/Town Council/Meeting:** 'Whilst council acknowledges some of previous concerns have been addressed by the applicant, the objections of tandem development and inappropriateness of site in centre of village still stand as amplification of sound remains due to topography of land and disturbance to surrounding properties.

**Local residents:**

One further e-mail of support received from The Laurels, Mulberry Road, Claxby stating that the revised plans appear to address the concerns raised by some villagers regarding privacy and safety issues.

Letter of Support from Sandhills, Boggle Lane, Claxby. In summary, consider scheme will benefit Claxby, with tourism features such as St Marys Church,

The Three Sisters Vineyard and Viking Way. Visitors keep the village sustainable.

Two further letters received from Linden Lea, Mulberry Road, Claxby with supplementary comments to their original letter and from The Birches, Mulberry Road, Claxby. Comments/objections relate to; Correction of errors regarding property boundaries; New red line still overlaps the eastern boundary of our property; No indication of any hedge/fence to be placed along red line and whole paddock will still be accessible to occupants of campsite; No information as to the routing of sewerage pipes or water supply; Cannot imagine any camper being remotely attracted by proposal; The lack of mains electric will mean residents will encounter significant hazards from uneven ground.

**LCC Highways:** No objections, request conditions

**Archaeology:** No further comments received

**LCC Footpaths Officer:** No further comments received

**Lincolnshire Wolds Countryside Service:** No further comments received

**The Ramblers Association:** 'It has come to my attention that there will probably be no boundary hedge or fence erected between the footpath and the car park area. However, photographs indicate that it is very likely that some vehicle parking or at the very least manoeuvring could occur on the public footpath. Can you assure me this will not happen? If you cannot then, on behalf of the Ramblers Association I must formally oppose this planning application.'

**Environmental Protection:** 'Much improved.'

**Tourism Development Officer:** 'In principle, and subject to normal planning considerations, West Lindsey Growth Team is supportive of the above application from both an economic and tourism viewpoint.'

Tourism is a major sector in West Lindsey bringing into the area around £101m in revenue and supporting c1653 full time jobs (STEAM data 2013). The provision of quality accommodation for visitors is an important element for future sustainable development within the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper. In this application it is important to acknowledge the provision of quality accommodation as a support facility for visitors, which will undoubtedly aid in the economy of the district for local businesses and the quality of life for its residents.'

### **Relevant Planning Policies:**

**National policy**

- **National Planning Policy Framework 2012**  
<http://planningguidance.planningportal.gov.uk/wp-content/themes/planning-guidance/assets/NPPF.pdf>
- **National Planning Practice Guidance 2014**  
<http://planningguidance.planningportal.gov.uk/>

## Development Plan

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

The site is in the countryside. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

STRAT1 – Development requiring planning permission

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

STRAT12 – Development in the open countryside

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

NBE9 – The Lincolnshire Wolds – Area of Outstanding Natural Beauty

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe9>

NBE14 – Waste water disposal

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

NBE18 – Light pollution

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe18>

- **Central Lincs Local Plan Preliminary Draft (LPG)**  
LP6 – A sustainable visitor economy

NPPF paragraph 216 states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.



**Main issues:**

- Principle of tourist use in this location
- Residential amenity
- Access and highway safety
- Drainage and flooding
- Visual impact (including impact on AONB)
- Protected species
- Impact on PROW
- Other matters

**Assessment:****Principle of tourist use in this location**

The central theme of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development with para 28 addressing development in rural areas. There is a strong emphasis on assisting economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. This includes supporting sustainable rural tourism and leisure developments. Whilst it has now been cancelled the Good Practice Guide on Planning for Tourism did acknowledge that planners need to recognise that the wide variety of developments that are inherent in the tourist industry means that there are some developments (eg camping sites) that are car dependent. In this case, it is thought that the majority of users will first arrive at the site by car. Once at the site, it is acknowledged that there are no facilities within Claxby and most if not all trips from the site will be by car, not only to access tourist attractions but also to get basic provisions. However, there is a Public Footpath which runs directly from the site connecting it with the surrounding countryside and villages like Tealby which offer additional facilities like tea rooms and public houses and the market towns of Market Rasen and Caistor are only 4 miles away.

The “Visit Lincolnshire” commissioned report ‘Generating Strategic Insight for Lincolnshire: Current and Potential Visitor Profiling (2009)’ found that Lincolnshire is attracting the older independent minded leisure visitor who like their holidays at a more relaxed pace. They do value the personal service they receive at smaller more independent accommodation sites and tend to go for holidays in more rural locations. The report also found that one disadvantage Lincolnshire has is that scenery is important for rural holidays and the scenery is not seen as being impressive in Lincolnshire, so the product offer and the activities that are available need to be enhanced to give people a reason to visit. In this context, the proposal offers a small independent site in a rural location. In this regard, it is considered that the proposal has the potential to contribute to the rural economy and respond to the market identified in the 2009 report and be different to the existing tourist accommodation offered in the locality.

It is considered that the principal of the proposal is accepted and supported; however, its acceptability rests in part on detailed consideration in particular the impact on the character and appearance of the existing countryside and AONB and on the residential amenities of neighbouring properties.

### Residential amenity

It is noted that there are a number of properties in close proximity to the site, Linden Lea and The Birches, and that these neighbours (along with others) have raised objections to the application.

Objections from the neighbours have raised concerns with respect to noise and nuisance from people, dogs, electrical equipment, generators, BBQ's, vehicle movements, grass cutting, light pollution; Dog mess; Danger from uncontrolled dogs; Security issues from for residents and campers; Loss of light/overshadowing.

Concerns have been raised with respect to noise and disturbance from campers. The proposal involves the siting of 2 tents within a field to the rear of the applicants dwelling. The field extends up to the boundaries with Linden Lea and The Birches but has been reduced in size following concerns with regards to the proximity to neighbouring gardens. In order to protect the amenities of the neighbouring properties a condition will be attached to any permission requiring some boundary treatment to be erected along the southern boundary of the site to ensure the use stays within the application site.

Furthermore the applicant has indicated the 2 tents will sleep 4 people in each giving a maximum of 8 people on site at any one time. This is not considered to be a significant number considering that the tents are located 30 metres from the rear boundary with The Birches and 60 metres from their rear wall and 20 metres from the side boundary with Linden Lea and 47 metres from their rear wall and they are to be sunk into the ground with a 1.5 metre half-moon grass bank surrounding them to provide further screening/seclusion. A condition will also be attached to any permission restricting the number of tents on site to 2.

It is accepted there may be more maintenance of the site, with regards to grass cutting but it is not considered that it will have an undue adverse impact on neighbouring properties in terms of noise and disturbance.

The environmental protection officer has viewed the amended plans and does not raise any objections.

Concerns have also been raised by the occupants of The Birches with regards to loss of light/overshadowing. Due to the size, scale and location of the tents they will not result in any loss of light or overshadowing to neighbouring properties.

### Access and highway safety

Concerns have been raised with regards to increased traffic, the difficult access to the village, vehicle noise and parking arrangements.

The highways officer requested additional details with regards to a small transport statement indicating potential numbers and a drawing indicating a formal layout for the car park. The applicant predicts there will be a maximum of 4 cars at any time, but the driveway can accommodate up to 8 vehicles. Highways have no objections to the proposal but request conditions.

Claxby is reached via a country road just off the A46.

The provision of 4 parking spaces is considered appropriate to serve two tents and, even if the cars used Mulberry Road in the same period of the week (such as on Friday evening arrival for a weekend break), this level of flow is not considered to be detrimental to highway safety. Specifically, whilst Mulberry Road is lightly trafficked, the flow to and from the site is not going to be continuous throughout the day given the small scale of the proposal and the fact that tourists are likely to spend much of the time away visiting the area rather than making multiple trips to and from the site during a single day. Vehicle noise is also less likely to be an issue as parking is to be on the existing driveway of The Old Smithy, which is considered to be of adequate size to accommodate the visitors to the site, and due to this location it will limit impact on the neighbouring properties.

#### Drainage and flooding

Concerns have been raised with regards to drainage for the proposed tents and flooding at the site. The site is located within floodzone 1 which, according to the Environment Agency, has a low probability of flooding. Therefore the proposal is not considered to be at risk from flooding. To ensure there is adequate drainage at the site a condition will be attached to any permission requiring details of foul water drainage.

#### Visual Impact (including impact on AONB)

The site is located within the centre of this rural village to the rear of The Old Smithy which fronts on to Mulberry Road. It is surrounded by gardens and a vineyard which are very rural in nature. Concerns have been raised by residents and The Lincolnshire Wolds Countryside Service Manager that the tents will have an adverse impact on the character of the surrounding landscape. The tents measure 5 metres by 5 metres with a 2.4 metre by 5 metre veranda to the front and are 3.55 metres in height. The proposal involves sinking the tents slightly into the ground and creating a grass bank at 1.5 metres in height around the tents. Due to the low key nature of the proposal and the size and scale of the two tents and given their backdrop against existing dwellings, it is considered that they will not harm or de-value the natural beauty of the landscape or AONB. Furthermore the “construction” of the tents also means that they will leave no permanent footprint if moved or removed.

As stated above car parking for the site is to be on the existing driveway of The Old Smithy. This ensures that the car parking area does not visually intrude into the space where the tents are to be sited.

#### Protected species

Concerns have been raised with regards to wildlife habitats on site. No wildlife survey has been carried out on the site. However as there are no works planned to existing buildings or trees and given the proposal is only for the siting of 2 tents (with no major ground works proposed) and no bright lighting installed it is not expected that there will be any significant impact on protected species. Lincolnshire Wildlife Trust have been consulted and they state that the application is relatively low risk.

Impact on Public Right of Way

Public Right of Way (PROW) Clax/106/1 runs along the north and east boundary of the site. The Ramblers Association have expressed concerns regarding vehicle manoeuvring on the public footpath. The proposal does not change the existing situation with the footpath. The Lincolnshire County Council Footpaths Officer has stated 'the Definitive Map and Statement shows Definitive Footpath (Claxby) no.106 skirting the site although this would not appear to affect the proposed development.' It is also considered that due to the low key nature of the proposal it would not affect the setting or amenity of the PROW.

Other matters

Lack of prior disclosure to and discussions of the proposal with residents, additional costs to neighbours having to screen their site, residents encountering uneven ground and the proposal being a fire hazard are not material planning considerations.

Potential danger from uncontrollable dogs and dog mess in the surrounding area are also not material planning considerations as this is always possible and fall outside the scope of planning legislation and considerations.

Conclusion

The probability that occupiers of the tents will usually travel to and from the site by car does not count towards its sustainability. Nevertheless, given the small scale nature of the proposal, smaller in fact than a certificated exempt site, it is considered that it is acceptable. It provides a different type of holiday accommodation that will respond to the identified need for accommodation in countryside locations and therefore should contribute to the rural economy. The size, scale and location of the tents minimises the impacts on residential amenity, visual impact and highway safety. Therefore having considered the proposal against the provisions of saved policies STRAT1, STRAT12, NBE9, NBE14 and NBE18 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (NPPF) as well as against all other material considerations including Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) it is considered that the proposal is acceptable.

**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:**

2. A scheme of landscaping including details of the size, species and position or density of all trees to be planted shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the tents.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 policies STRAT 1, NBE9 and NBE18.

3. Full details of the amenity embankment shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the tents.

Reason: To protect the residential amenity of occupiers of The Birches and Linden Lea in accordance with West Lindsey Local Plan First Review 2006 policies STRAT 1.

4. Notwithstanding the submitted details no development shall until, a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent water pollution of the water environment in accordance with West Lindsey Local Plan First Review 2006 policies STRAT1 and NBE14.

5. Before the site is first brought into use, details of boundary treatment of the southern and western boundaries of the site shall be submitted to and approved in writing by the local planning authority. The approved treatment shall thereafter be retained.

Reason: To define the site boundaries and protect the residential amenity of occupiers of The Birches and Linden Lea, specifically in terms of noise and disturbance in accordance with West Lindsey Local Plan First Review 2006 policy STRAT1.

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

6. No more than 2 tents shall be pitched within the site in accordance with the approved layout drawing received on 23<sup>rd</sup> September 2014 and they shall be occupied for holiday purposes only, not be occupied as a person's sole, or main place of residence and the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual tents on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The occupation of the tents unencumbered by such a condition would result in an unsustainable form of development that would neither contribute to the rural economy nor would result in sustainable travel patterns

to and from services and facilities. The acceptability of the proposal is dependent upon its contribution to the rural economy through tourism. As such the condition is necessary to accord with policies STRAT1 and STRAT12 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:**

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE9.

8. The tents shall only be occupied from the 1<sup>st</sup> March to the 30<sup>th</sup> September.

Reason: The occupation of the tents unencumbered by such a condition would result in an unsustainable form of development that would neither contribute to the rural economy nor would result in sustainable travel patterns to and from services and facilities. The acceptability of the proposal is dependent upon its contribution to the rural economy through tourism. As such the condition is necessary to accord with policies STRAT1 and STRAT12 of the West Lindsey Local Plan First Review 2006.

9. Within 1 week of the end of the season (no later than 7<sup>th</sup> October) the tents shall be removed from site and shall only be erected 1 week in advance of the season starting (no earlier than 22<sup>nd</sup> February).

Reason: The tents are temporary structures and should be removed from site outside of the camping season in accordance with policy STRAT1 and STRAT12 of the West Lindsey Local Plan First Review 2006.

10. The minimum width of the access shall be 4.5 metres.

Reason: To ensure safe access to the site in the interests of convenience and safety and in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

11. The arrangements shown on the approved plan showing the parking layout received 23<sup>rd</sup> September 2014 shall be available at all times when the camp site is in use.

Reason: To enable calling vehicles to wait clear of the carriageway of

Mulberry Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

12. No external lighting scheme shall be installed at the site other than in accordance with details that have been submitted and agreed in writing with the local planning authority.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with West Lindsey Local Plan First Review 2006 policy STRAT 1.

13. No motor generators shall be used on site in association with the use hereby permitted.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with West Lindsey Local Plan First Review 2006 policy STRAT 1.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

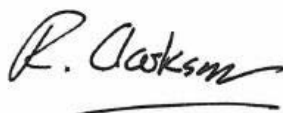
Standard Letter  Special Letter  Draft enclosed



Prepared by :

Date : 21/11/14

Signed: .....



Authorising Officer

Date: 27 November 2014

Decision Level (tick as appropriate)

Committee





1:1500



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## **Officers Report**

### **Planning Application No: 131784**

**PROPOSAL:** Planning application for change of use from B1 business and B8 storage to housing with the erection of four new houses

**LOCATION:** A Grice & Son Ltd 40 Lincoln Road, Fenton, Lincoln, LN1 2EP

**WARD:** Torksey

**WARD MEMBER(S):** Councillor Mr S Kinch

**APPLICANT NAME:** Mr S Kinch

**TARGET DECISION DATE:** 16/10/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Russell Clarkson

**RECOMMENDED DECISION:** Approve subject to conditions

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#### **Description:**

This application has been referred to the Committee as the applicant is the Ward Member, Councillor S Kinch.

The application seeks planning permission, in full, to erect four dwellings. This would comprise three 4-bedroom dwellings and one 5-bedroom dwelling. Access would be taken from Lincoln Road (A156) via an existing accessway. A 10m wide landscaping strip is proposed to the eastern boundary of the site.

The site measures approximately 0.3ha and is located on the eastern edge of Fenton, defined as a small rural settlement in the West Lindsey Local Plan First Review. The site is developed with two single storey buildings and hard standing, used for commercial purposes.

The site is accessed from Lincoln Road which runs along the northern boundary of the site. Established hedgerows screen the site from the road. Residential properties are located on the north side of the road.

The eastern edge of the site is open and adjoins open fields in active agricultural use. To the south are former poultry units, no longer in use. To the west is a two storey residential property, 38 Lincoln Road.

The site is not subject to any specific allocation in the adopted Local Plan but is considered to fall within the undefined settlement boundary.

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

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

### **Relevant history:**

W28/1300/88 – Outline application for residential development. Refused 13/01/1989. Appeal dismissed 11/12/1989.

M01/P/1053 – Planning application to use land for the storage of materials and equipment. (Resubmission of M01/P/0192). Granted 26/04/2002.

98/P/0305 – Planning application to erect office building. Granted 01/06/1998.

128151 - Planning application for the construction of 3 rural business units - Use Class B1-B8. Approved 23/05/2012.

130564 - Planning application for demolition of existing workshop and office building and construction of seven new small business units. Approved 12/12/2013.

### **Representations:**

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

Fenton Parish Council: No comments received.

Local residents: No comments received.

LCC Highways: Recommend planning conditions to secure access and turning space; completion of the private drive; and to advise the applicant to be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas and that the roads will not be publically adopted.

Environment Agency: 19/09/14 – Object to grant of permission as Flood Risk Assessment doesn't meet requirements. Recommend finished floor levels 600mm above flood levels; 21/11/14 – Withdraw objections subject to a planning condition to carry out works in accordance with revised FRA and finished floor levels to be set no lower than 7.5m above ordnance datum.

LCC Archaeology: No archaeological input required.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework

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

Planning Practice Guidance

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

West Lindsey Local Plan First Review 2006

STRAT1: Development Requiring Planning Permission

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

STRAT3: Settlement Hierarchy

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

STRAT8: Windfall and Infill Housing – Development in Small Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat8>

STRAT9: Phasing of Housing Development and Release of Land

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

STRAT19: Infrastructure requirements

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

SUS4: Cycle and Pedestrian Routes in Development Proposals

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

RES1: Housing Layout and Design

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

RES2: Range of Housing Provision in All Housing Schemes

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

RES5: Provision of Play Space / Recreational Facilities in New Residential Developments

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

RES6: Affordable Housing

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

NBE20: Development on the Edge of Settlements

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

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF (paragraph 215) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Preliminary Draft Central Lincolnshire Local Plan (October 2014)

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP9: Meeting Housing Needs

The amount of 'weight' to be given to the content of this emerging plan in comparison with the amount of weight given to other plans, strategies and material considerations, will be a matter for the decision maker to decide and will vary depending on the specific elements of the proposal. However, at this early draft stage of plan preparation, the weight is likely to be very limited.

## Main issues

- Housing Need and Policy
- Sustainable Location
- Layout and Landscaping
- Residential Amenity
- Flood Risk
- Highway Safety
- Affordable Housing / Infrastructure

## Assessment:

### (i) Housing Need and Policy

Development is proposed on previously developed, or brownfield, land (PDL) on the edge of Fenton. Fenton is designated as a small rural settlement in the West Lindsey Local Plan First Review.

Policy STRAT8 will only permit individual dwellings, rural affordable housing or essential agricultural housing within small rural settlements. The development proposed is for four open market houses and is therefore contrary to policy STRAT8 of the adopted Local Plan.

It is allocated as a Small Village in the emerging Central Lincolnshire Local Plan (although the plan is at an early stage and this could therefore be subject to change). Emerging Central Lincolnshire Local Plan Policy LP2 states that “Proposals for 3 dwellings/0.1ha are anticipated to be the maximum acceptable for these settlements.”

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”* and that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”*

The latest Five Year Supply Assessment (September 2014) can only identify sufficient land to meet 3.5 years’ worth (4278 dwellings) of overall need (6458 including required buffer), a shortfall of over 2000 dwellings. The Authority is therefore unable to demonstrate a five-year supply of deliverable housing sites and the NPPF therefore advises that housing supply policies such as STRAT8 should not be considered up to date. The shortfall in housing land should be attached considerable weight.

The NPPF requires housing development to be considered against its presumption in favour of sustainable development which for decision-taking means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Local Plan policy STRAT9 prioritises previously developed land (PDL). This is consistent with the core principles of the NPPF (paragraph 17) to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

Development is proposed on PDL – the site is currently developed out with two red brick buildings and hard standing associated with a commercial business. This is a factor that can be attached significant weight in consideration of the application.

The site already has extant permission (application 130564) for the construction of seven new small business units. The principle of re-developing this edge of settlement site is therefore already established, which can be attached weight in consideration of the application.

#### (ii) Sustainable Location

Fenton is designated as a Small Rural Settlement in the adopted West Lindsey Local Plan and as a Small Village in the emerging Central Lincolnshire Local Plan due to its limited facilities (some small employment and a Public House). The 106/107 bus service serves the village with a two hourly service to Lincoln. Two buses a day run to Gainsborough.

Due to its limited facilities and public transport service, the village is not considered to be a sustainable location for new housing development.

It should be noted that the Preliminary Draft Central Lincolnshire Local Plan policy LP2 does not envisage prohibiting new residential development in such locations, although the proposal does exceed its anticipated maximum of 3 dwellings.

#### (iii) Layout and Landscaping

The layout proposes two dwellings to the front of the site and two dwellings to the rear. The existing hedgerow adjoining Lincoln Road (A156) is proposed for retention. A new 10m wide landscaping strip (planting specification to be agreed) is proposed along the eastern edge of the site.

At present, the site is occupied by two single storey commercial buildings and the site is also used for open storage. The hedgerow on the northern boundary offers some screening although the site is open to longer distance views from the east, particularly traffic on the A156 travelling from the Lincoln direction.

It is considered that redevelopment of the site for residential purposes, along with retained or imposed landscaping along its northern and eastern boundaries, would improve the appearance of the site and enhance the overall visual amenity of the village. This would accord with saved Local Plan policies STRAT1, RES1 and NBE20. This would accord with the NPPF core principle to “always seek to secure high quality design and a good standard of amenity...”

#### (iv) Residential Amenity

38 Lincoln Road sits to the west of the site. It is considered that the replacement of the existing commercial use with residential properties would overall offer an improvement to the neighbour's amenities. The occupant has not commented on the application.

At the rear (south) of the site are former poultry units. It was noted on site that these are no longer in use as intensive livestock units (ILU). Discussion with the Environmental Health Team indicates such buildings would be unlikely to meet modern standards and be appropriate for reuse as ILU, and would in any event require a new permit. Some of the units had now been let for some small enterprises. The nearest unit was not in any current use, and planning permission would be required for a material change in its use.

#### (v) Flood Risk

The site is located in flood zones 2 (medium probability) and 3 (high probability). Development would replace a less vulnerable (business) use with a more vulnerable residential use (vulnerability is classified in table 2 of PPG: Flood Risk and Coastal Change).

More vulnerable uses in zones 2 and 3 require evidence of a sequential approach towards locating development to areas at lower risk of flooding. More vulnerable uses in zone 3 are required to meet the “Exceptions Test” (table 3 of PPG: Flood Risk and Coastal Change) .

The applicant has provided evidence of a sequential approach within 5km area of Fenton. This does not identify any preferable sites at a lower risk of flooding. Planning Practice Guidance states that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. As the development proposed is not to meet an identified need in Fenton, but a district wide need for housing, then a wider search should be applied. It is considered that there will be land in flood zone 1 (low probability) in the 3.5 years land supply identified, although the Authority is unable to demonstrate enough land to meet its need over the five year period.

The Exceptions Test requires (i) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; (ii) and a site-specific flood risk assessment must

demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Sustainability benefits will arise as the site will reuse previously developed land to meet an identified shortfall in housing land, and will improve the visual appearance of the site. The Environment Agency has withdrawn their initial objection following the submission of a supplement to the FRA which proposes finished floor levels would be set at 7.5m above ordnance datum (AOD). This will raise floor levels approximately 1m above site ground levels.

A planning condition to secure this, as advised by the Environment Agency, is recommended.

#### (vi) Highway Safety

The development would use an existing access point off Lincoln Road. The Highways Authority raises no objections on safety grounds but recommends planning conditions to secure the private drive, access and turning points are completed prior to the occupation of the dwellings. Subject to such conditions, development would accord with saved policy STRAT1 in this regard.

#### (vii) Affordable Housing / Infrastructure

Local Plan Policy RES6 requires the provision of affordable housing for sites with 2 or more dwellings within such locations. Following discussions, affordable housing is not proposed by the applicant and development is therefore contrary to RES6.

However, as the applicant notes, new national Planning Practice Guidance (PPG) was issued in November 2014 setting out circumstances when contributions through planning obligations should not be sought from developers. It states (Planning Obligations – Paragraph 012 Reference ID: 23b-012-20141128) that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Paragraph 020 makes clear that for sites where a threshold applies, planning obligations should not be sought to contribute to affordable housing.

In his Ministerial Statement of 28th November, the Minister of State for Housing and Planning explained the new guidance is “to support small scale developers and help hard-working people get the home they want by reducing disproportionate burdens on developer contributions.”

#### *Other matters*

The site is developed and in commercial use – its ecological value is considered to be limited. The offer of a landscape strip along the eastern edge offers the opportunity for potential biodiversity gain.



## Overall balance and Conclusions

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

Development of this site would be contrary to saved policy STRAT8 which only permits housing in accordance with strict criteria in small settlements. No affordable housing is proposed which is contrary to saved policy RES6. Development is therefore contrary to the West Lindsey Local Plan First Review.

However, the Authority is unable to demonstrate a five year supply of housing land and the NPPF (a material consideration) states that housing supply policies such as STRAT8 should not therefore be considered as up to date. The need to meet the housing shortfall should be attached considerable weight.

Whilst no affordable housing is proposed, contrary to policy RES6, the latest Planning Practice Guidance says such contributions should no longer be sought on sites of 10 or fewer units – this is a material consideration that can be attached weight.

Development is proposed on Previously Developed Land (PDL). The effective reuse of PDL accords with policy STRAT9 and a core principle of the NPPF – this can be attached considerable weight.

Redevelopment of the site and improved landscaping would improve the appearance of the site to the benefits of overall amenity – this can be attached weight.

Due to its limited facilities and public transport availability, Fenton is not recognised as a sustainable location for new housing development. However, the application seeks the development of only four houses on previously developed land (PDL) – this small settlement would not be physically extended.

There is considered to be land at a lower risk of flooding in the 3.5 years identified supply of housing land – the development does not meet the NPPF sequential test. It has however shown that development can be made safe from the risks of flooding and is considered to meet the required NPPF Exceptions Test.

Overall, it is considered that the adverse impacts of development do not significantly and demonstrably outweigh the benefits and that the development therefore meets the NPPF presumption in favour of sustainable development. It is therefore recommended that planning permission is granted, subject to conditions.

**Human Rights Implications:**

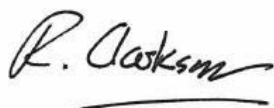
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

**Legal Implications:**

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

**Prepared by :** Russell Clarkson

**Date :** 06/01/2015



**Signed:**

**Authorising Officer** ..... **Date:** .....

**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 and the development shall only be carried out using the agreed materials.  
**REASON:** To safeguard the character and appearance of the buildings and surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.
3. No development shall take place until, a final scheme of landscaping including details of the size, species and position or density of all trees and hedgerows to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1, CORE 10 and RES1.

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

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

2624-L Location Plan;  
 2624-105 Revision A House Type 4 Plans;  
 2624-106 Revision B Block Plan;  
 2624-107 Revision A House Type 1 Plans;  
 2624-108 House Type 2 Plans;  
 2624-109 House Type 3 Plans; and  
 4982/100 Rev P2 General Arrangement and Details: Surface Water Drainage.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**REASON:** To ensure the development proceeds in accordance with the approved plans and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT1.

5. The development shall be carried out in accordance with the approved Supplement to Flood Risk Assessment Report by George Shuttleworth Ltd, dated October 2014. Finished floor levels shall be set no lower than 7.5m above Ordnance Datum.

**REASON:** To reduce the risk of flooding to the proposed development and future occupants in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and the National Planning Policy Framework.

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 2624-106 Revision B and retained for that use thereafter.

**REASON:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on drawing number 2624-106 Revision B.

**REASON:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**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 required by condition 3 shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**REASON:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10 and RES1).

**Notes to the Applicant**

Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

**Reasons for granting permission**

Development would be contrary to saved policies STRAT8 and RES6 of the West Lindsey Local Plan First Review. However, the Authority is unable to demonstrate a five year supply of housing land and the National Planning Policy Framework (NPPF) states that housing supply policies should not be considered as up to date. The need to meet the housing shortfall should be attached considerable weight. Up to date Planning Practice Guidance says contributions should no longer be sought on sites of 10 or fewer units.

Development is proposed on Previously Developed Land in accordance with STRAT9. Redevelopment of the site and improved landscaping would improve the appearance of the site to the benefits of overall amenity.

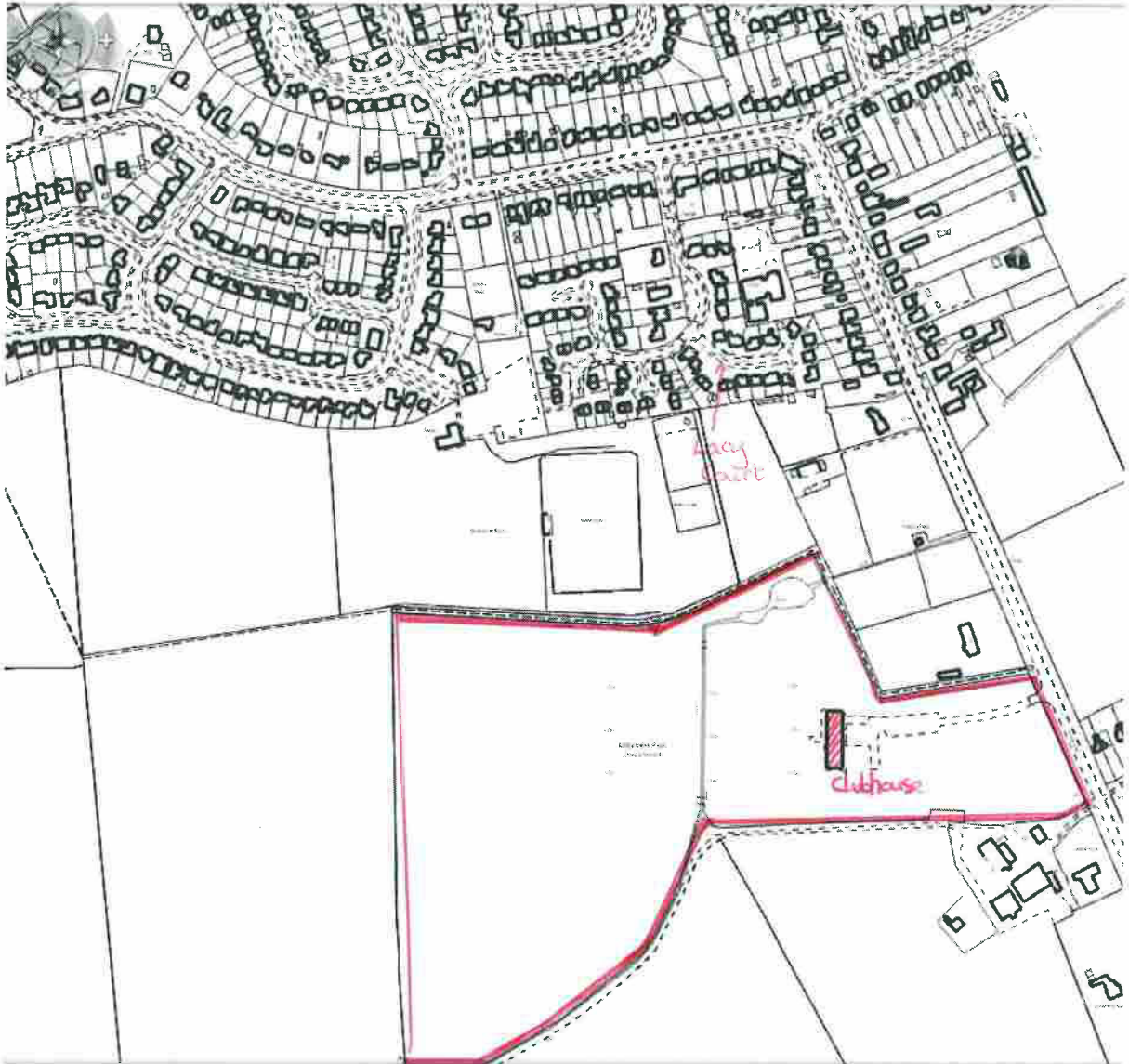
Whilst the development does not meet the NPPF sequential test. It has been shown that development can be made safe from the risks of flooding and is considered to meet the required NPPF Exceptions Test.

Overall, it is considered that the adverse impacts of development do not significantly and demonstrably outweigh the benefits and that the

development therefore meets the NPPF presumption in favour of sustainable development.

### **Working Practice Statement**

The Local Planning Authority has acted positively and proactively in determining this application by negotiating with the Applicant on matters such as affordable housing and flood risk. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## **Officers Report**

### **Planning Application No: 131923**

**PROPOSAL:** Planning application to remove condition 17 of planning permission 125006 granted 3 August 2010, change of opening hours of clubhouse.

**LOCATION:** Longdales Park, Lodge Lane, Nettleham, Lincoln, LN2 2RS

**WARD:** Nettleham

**WARD MEMBER:** Cllr M Leaning & Cllr G McNeill

**APPLICANT NAME:** Lincoln Rugby Club

**TARGET DECISION DATE:** 18/12/2014

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** Temporary consent for one year subject to conditions.

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#### **Description:**

This application seeks permission to vary condition 17 attached to planning permission 125006 to allow the opening hours of the club house to be extended on a Friday and Saturday (only) to 01:00. Later opening would be applied for on an individual basis for no more than 20 times per calendar year. The current opening hours on a Friday and Saturday are until 23:30. No other modifications are proposed to the opening hours.

Longdales Park is the base for Lincoln Rugby Club at Lodge Lane, Nettleham. The site is positioned on the edge of Nettleham and is surrounded on three sides by agricultural fields/a farm and grazing paddocks. To the north east is 40 Lodge Lane a detached dwelling in a substantial garden, whilst to the north are further playing pitches for football and then residential dwellings. To the south is Lodge Farm. Running along the eastern and northern boundary of the site is a public footpath.

The site comprises a number of playing and training pitches (some with lighting), a single storey brick club house and a dedicated 140 space car park with access from Lodge Lane. Within the site is a significant landscaped belt of trees which have been planted to the northern, eastern and southern boundaries of the site. Such planting is immature at this stage but will grow up to form a significant screen to the site.

#### **Relevant history:**

125006 Erection of proposed rugby club pavilion and club house and creation of new rugby pitches with associated parking facilities and access road.

Approved 3 August 2010 (condition limiting use of the club house until 23:30 each night)

127852 Compliance with conditions 2, 4, 5 and 6 attached to permission 125006. Conditions discharged 12 Oct 2011

128556 Non material amendment to permission 125006 – change in design of club house and phasing of construction of car park. Deemed approval 7 Jun 2013

129449 Compliance with conditions 3 & 4 attached to planning permission 125006. Conditions discharged 16 Apr 2013.

### **Adjoining sites**

#### **40 Lodge Lane**

132116 Outline planning application for the erection of 10no. residential dwellings with access considered. **Awaiting determination**

130890 Planning application for residential development of 26no. dwellings. Refused 30 April 2013 (reasons drainage access and unsustainable location)

#### **Land off Lodge Lane (to the north eastern corner of application site)**

132063 Outline planning application for erection of up to 40no. dwellings and commercial development to include Class B1-Offices and D1-Non- residential institutions-access to be considered and not reserved for subsequent applications. **Awaiting determination**

130375 Outline planning application for proposed commercial development to include Classes B1-offices and D1-non-residential institutions-access to be considered and not reserved for subsequent applications. Approved 15 Oct 2013

### **Representations:**

Chairman/Ward members: Request application be determined by the committee due to noise and nuisance concerns.

Parish Council: Object. Proposals amount to events being held up to twice a month over the playing season. Village has a population with 40% over 60. Number of events have occurred over the last 18 months where noise has become an issue including the use of a marquee in the grounds. Proposals would create competition for other venues within the village. High density residential areas are within 300m of the site, trees planted are very small at this stage (1m) in height and will take 10 years to grow to create any screen. Traffic also causes nuisance at 1 am with vehicles either turning away from the village or straight through the village which causes significant nuisance. There are already events taking place until 1 am. A further review of the situation in 12/ 24 months should be undertaken before granting further extensions.

Local residents: 31a Lodge Lane, 4, 25, 76 Sudbrooke Lane, 18, 20 Lacey Close, 58 Washdyke Lane, 9 Greenlands, 9 Greetwell Lane and one other response from an objector who asks that their name and address be withheld: Objects on the grounds that: the current opening hours already lead to noise



and nuisance from training, matches and operation of the club house. Noise can be heard at the Old School nearly a mile from the application site. This includes singing, music and drum beats from music after 11.30pm at least 7 times over the summer. To increase opening hours will increase residents stress levels, reduce their wellbeing. Noise will be from doors banging, vehicles starting and an increase in traffic. The site would also generate increased levels of anti social behaviour. People will have to shut their windows in summer and those who leave for work early on Saturday or Sunday or have children would be particularly affected. The Noise Act of 1966 was introduced to deal with such issues between the hours of 11pm and 7am the following morning which indicates the concerns of amending these conditions. Neighbours within Nettleham expect significant levels of peacefulness due to the village location. The human rights act applies to maintain respect for private and family life and home. People moving to the village can decide whether they want a major sporting club in their village but existing residents did not have that option. Things will be worse if fireworks are let off.

The landscaping and trees will take many years to create a meaningful screen.

How can the club control patrons noise when they have overindulged in alcohol? The application is simply about financial gain leaving residents to deal with untold noise and nuisance. Not even the public houses are open that late

The tree planting and nature area has not been opened to the public and is an eye sore. Drainage is an issue and conditions were only complied with following complaints.

Support: 42 High Street, Reepham and Toad Abode, Aisthorpe, Lincoln. The proposals will support the survival of the Rugby Club and continue to allow all age groups to participate in sport in a controlled and positive atmosphere. Funds are needed to support this important sporting venue and club.

LCC Highways: No objection

Lincolnshire Constabulary: No objection

**Environmental Protection:** I have reviewed the club history with Environmental Protection and find no record of noise complaint but would suggest you double check with Licencing.

Additionally I have reviewed the objections, the nearest of which would suggest a distance in the region of 270m and the furthest over 1.5km away.

For noise to be an issue warranting Statutory Nuisance action during noise sensitive hours at the closest objector it would need to equate to something akin and in excess of that experienced 5m from a busy kerbside. Whilst noise may well be heard it is unlikely to be a nuisance especially if simply management expedients are followed, e.g.:

- Closed windows and doors policy

- Appropriately placed and actively managed 'quiet upon leaving' notices

I have no objection to the proposal

Licensing: Have one complaint relating to music from an outdoor marquee not the use of the clubhouse.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)

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

Chapter 1: Building a strong competitive economy

Chapter 3: Supporting a prosperous rural economy

Chapter 8: Promoting healthy communities

National Planning Practice Guidance (NPPG)

Chapter: Noise

<http://planningguidance.planningportal.gov.uk/blog/guidance/noise/>

#### West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

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

RTC9: Restaurants, cafes, drinking establishments and hot food takeaways

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm#rtc9>

### **Central Lincolnshire Local Plan (Preliminary Draft) 2014**

The policies of this plan are relevant to the determination of this application but policies can only be afforded very minimal weight, in accordance with advice within the NPPF due to the early stage of preparation that the plan is at.

LP1: Development in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP13: Community facilities

LP21: Design principles

LP22: Open space, sports and recreation facilities

### **Main issues**

- *Principle of extending the hours of operation (STRAT1 & RTC9)*
- *Residential amenity (STRAT1 and RTC9)*

## Assessment:

- *Principle of extending the hours of operation (STRAT1 & RTC9)*

Lincoln Rugby Club is affiliated to the Rugby Football Union (RFU) and provides a focus for both rugby union training and matches within the Lincoln area. Teams and activities are available to young and old alike with a youth and senior sections. As with most clubs, the clubhouse is a focus for social activities as well as facilities directly relating to sporting activity (changing rooms/ classrooms/ offices etc). Such facilities are also available for renting for private functions and purely social events. Such activities are a vital source of revenue and funding for sports clubs.

In this instance, the clubhouse is currently available for club events and renting out but is restricted by condition 17 attached to the original permission which limits use of the club house to 23:30 each night. Such a limitation was imposed to protect neighbours from noise and activity late at night.

The NPPF seeks support for the rural economy along with the creation and retention of sporting/ community facilities (paragraphs 70 and 73 of chapter 8). Whilst not directly increasing access to sporting facilities the use of the clubhouse for social activities would assist to support to the club financially and provide the area with a further community facility. The applicant has provided detailed evidence to support the role of the clubhouse in the on going financing of the club's operation.

In addition to this, saved Policy STRAT1 seeks to support such development subject to safeguarding and improving of the quality of life of residents whilst Saved Policy RTC9 indicates that proposals will be granted for restaurants, cafes and drinking establishments provided that (amongst others): iv) there are no unacceptable implications for nearby residential amenities by way of traffic, noise or odours, v) the environmental character and appearance of the area is not harmed and vi) the hours of operation and ancillary activities are strictly controlled and a means to restrict and control litter is provided.

In principle, therefore, it is considered that the extension of hours of use of the clubhouse is acceptable in planning terms subject to an examination of the impacts upon the character of the area and residential amenity.

- *Residential amenity (STRAT1 and RTC9)*

As noted noise nuisance is a material consideration which should be assessed and balanced in equal measure with other planning merits when determining applications. The NPPG chapter on noise outlines that Local planning authority decision taking should take account of the acoustic environment and in doing so consider:

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

The majority of the objections to the application are from residents within the general vicinity of the clubhouse (the closest garden boundary of an objector is at Lacy Close some 260m from the clubhouse). Some residents in the Close have outlined concerns relating to general noise from sporting activities but also specifically the club house with music (particular base beats), revelry and patrons leaving the site being heard sometimes later than the specified times.

In this instance, the applicant is seeking to utilise the clubhouse later into the early hours of the following morning on Saturdays and Sundays. The nuisance outlined by residents and the Parish Council has been detailed and is in certain cases specific. Extension of use of the site outside the clubhouse is not sought and as such noise experienced from outside events (i.e. a marquee) is not a material consideration in this application and can be controlled through existing conditions under 125006.

The clubhouse is located in a relatively isolated position some 114m from 40 Lodge Lane and 260m (approx.) from the closest properties at Lacy Lane. It is considered therefore that, in general, activities within a building, even with respect to disco music should be suitably controlled. The impact of amplified music, however, is increased where doors or windows are left open particularly in summer. This is true both of the clubhouse and the sensitive receptors of houses within the general area. As attested to by the letters received such activity does cause nuisance in the surrounding area during summer months. This nuisance is increased due to the overall quiet residential environment of this residential area at night.

The operation of the club has only led to one complaint to the Environmental Protection team to date which related to an event in a marquee outside. Similarly, whilst there have been some complaints relating to the construction of the club's facilities no complaints have been received by the Planning Enforcement Team relating to noise. As has been outlined above this is not a matter for consideration under this application. Similarly, no complaints have been received by the Planning Enforcement Team with respect to noise. It is considered therefore, and despite the advice from one objector to his neighbour to call the Environmental Protection Team that no one felt strongly enough to complain about the noise. As such, therefore, it should be considered that the current level of noise is less than severe and should not be considered harmful to residential amenity. It is also noted that no objections to the scheme have been received from the immediate neighbours to the club at Lodge Lane Farm and no. 40.

The NPPF also indicates that the planning system should not seek to replicate controls available under other policy regimes. Indeed the NPPG, Noise, para 006 indicates that when proposed developments could include activities that would be covered by the licensing regime, local planning authorities should consider whether the potential for adverse noise impacts will be addressed through licensing controls (including licence conditions). Local planning authorities should not however presume that licence conditions will provide for

noise management in all instances and should liaise with the licensing authority.

The licencing authority has also granted an entertainment and alcohol licence to 12:30am on the Saturday and Sunday morning and later on Christmas Eve and New Years Eve. To grant such a licence requires consideration of the impacts on noise and nuisance and the anti social /criminal activity. The use of powers under Environment Act 1990 to react to impacts as a statutory nuisance are quicker than those available under the Planning Acts. Similarly there are also powers available to review the licence granted. In granting the entertainment and alcohol licence the Environmental Protection Team have also been involved to assess the use of the clubhouse and the impact on housing areas. This includes the requirement to keep windows and doors closed when live or amplified music is playing. In response to the planning consultation the Environmental Protection team have not raised any objections to marrying the licence and planning conditions.

Clearly, however, some nuisance has occurred and this needs to be considered. The granting of this application in an open manner would not therefore provide sufficient control and as a result it is recommended that a temporary consent to use the clubhouse to 01:00 on a Saturday and Sunday morning be limited to one year, with amplified music being limited to 12:30am by the licence, to gauge impacts. Similarly, conditions are recommended to require the applicant to submit a revised management plan for the clubhouse would be required to outline how the venue would be managed particularly in terms of patrons leaving. Such measures would help to limit the impact on residential areas in accordance with Saved Policies STRAT1 and RTC9.

Noise from traffic leaving the site is an issue but users have the option to travel directly to the main road to the south of the site, this allows easy access to the Lincoln conurbation limiting impact on the village. It is accepted, however, that a proportion of traffic heading north would turn left increasing impact. The applicant has sought to limit these impacts with signs within the car park and entrance requesting traffic turn right only when leaving the site and secondly to request that patrons be mindful of neighbours amenities and act accordingly. As such therefore it is considered that these impacts can be adequately mitigated.

#### *Other matters*

Approval of this application will create a full new permission for the club. For this reason the original conditions will be imposed again.

#### *Conclusion*

The use of the clubhouse for events is a valuable source of income to assist the on going development of Lincoln Rugby Club. The approval of this application would allow the clubhouse to operate more competitively as a venue. It would also consolidate the Licensing and Planning regimes making enforcement easier. The powers of the licencing regime and those available

under the Environment Act 1990 are deemed more suitable to control nuisance, than those available under the planning acts due to the potential speed of response to an impact. Clearly, however, there have been concerns raised and it is deemed proper to recommend approval on a temporary basis to fully assess the impacts of the extended hours of operation on the wider area. If the extended use can operate with minimal complaint then a further full application can then be assessed in light of the findings. The proposal is therefore deemed to accord with Saved Policies STRAT1 and RTC9 of the West Lindsey Local Plan (First Draft) and the provisions of the National Planning Policy Framework.

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

1. The use of the clubhouse for the extended hours of operation outlined in condition 5 and hereby permitted shall be discontinued on or before 21st January 2016 following which the clubhouse shall be used in accordance with the hours of use stated within Condition 17 of planning permission ref. no. 125006, unless a planning application to vary this condition has been submitted to and approved in writing by the Local Planning Authority on or before 2nd January 2016.

Reason: To enable the impact of the extended hour to be assessed before permanent permission is considered to protect residential amenities in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review.

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

2. Before the extended hours of use commences the Events Management Plan (agreed by the Local Planning Authority under condition 14 attached to planning permission Ref. No. 125006) shall be updated to take account of the additional use of the clubhouse and be submitted to and agreed in writing by the Local Planning Authority (details should include the management of the clubhouse, measures to reduce noise and nuisance both from amplified music and general activity, proposals to utilise the car park area and measures to react to complaints from neighbours). The approved Event Management Plan shall be brought into use by the club as soon as the extended hours of operation commences.

Reason: To ensure such events are managed adequately to minimise their impact on the local environment in accordance with STRAT1 of the West Lindsey Local Plan First Review 2006

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

3. The access from Lodge Lane, the car park, cycle parking, disabled parking facilities and the overflow parking area shall all be completed and available for use before the development is brought into use following which they shall be kept free of all permanent obstruction.

Reason: To ensure the timely provision of the facilities and their retention in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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

4. None of the pitches nor the floodlights shall be used after 21:30hrs.

Reason: To prevent undue light pollution and unreasonable impact on the local environment in accordance with policies STRAT1 and NBE18 of the West Lindsey Local Plan First Draft Review 2006.

5. The clubhouse shall be closed and vacated no later than 11:30 Sundays to Thursdays and 01:00hrs the following morning on Fridays and Saturdays.

Reason: To prevent unreasonable impact on the local environment in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

6. Any trees or other elements of the approved landscaping (agreed under planning permission ref. no. 125006) which die or are removed within 5 years from the date of planting shall be replaced in the following planting season with species of the same variety.

Reason: To ensure the scheme is established in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

7. Otherwise than in an emergency, no amplified sound shall be broadcast in the open unless it is arranged and managed in accordance with the Events Management Plan required under condition 14 of the 125006.

Reason: The arrangements in the Plan agreed under the requirements of condition 2 shall be implemented under on all such occasions to protect residential amenities.

8. The arrangements in the Events Management Plan agreed under the requirements of condition 14 of planning permission 125006 shall be implemented on all such occasions.

Reason: To ensure the agreed standard of management is in place for such events.

9. The Travel Plan approved under condition 21 of planning permission 125006 shall be implemented in accordance with the timescales identified and shall remain in force until such time as the Travel Plan is amended or replaced following the review required by condition.

Reason: To ensure sustainable transport elements are promoted to reduce the overall traffic impact of the development in accordance with policies STRAT1 and SUS2 of the West Lindsey Local Plan First Review.

10. A full review of the Travel Plan shall be carried out and submitted to the local planning authority no later than 12 months after the date the initial plan was agreed in writing by the Local Planning Authority and following written agreement to its contents the actions in the reviewed Travel Plan shall be implemented in accordance with the timescales specified.

Reason: To ensure the sustainable transport elements contain in the Plan are implemented to reduce the overall traffic impact of the development in accordance with saved Policies STRAT1 and SUS2 of the West Lindsey Local Plan First Review.

11. Following implementation of the reviewed Travel Plan required by condition 10 it shall be monitored on an annual basis for a further three years from the date it is agreed in writing by the Local Planning Authority. A written report on this monitoring shall be submitted annually to the local planning authority and any further amendments to the Travel Plan identified as a result of the monitoring process shall be implemented in accordance with policies STRAT1 and SUS2 of the West Lindsey Local Plan.

Reason: To ensure the sustainable transport elements contain in the Plan are implemented to reduce the overall traffic impact of the development in accordance with saved Policies STRAT1 and SUS2 of the West Lindsey Local Plan First Review.

### **Reasons for approval**

The proposed extended opening hours would allow the club to use the club house in a more competitive manner attracting additional use which would increase funding for the club supporting the provision of quality sports facilities within the area. The temporary extension approved, however, recognises that the proposal could have detrimental impacts on neighbours and provides a test period to assess the full impacts of the proposal on the surrounding area. Such a decision would accord with Saved Policies STRAT1 of the West Lindsey Local Plan First Review and the provisions of the NPPF.

### **Human Rights Implications:**



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

**Legal Implications:**

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

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

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Jonathan Cadd      **Date :**

**Signed:** .....

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

**Decision Level** (tick as appropriate)

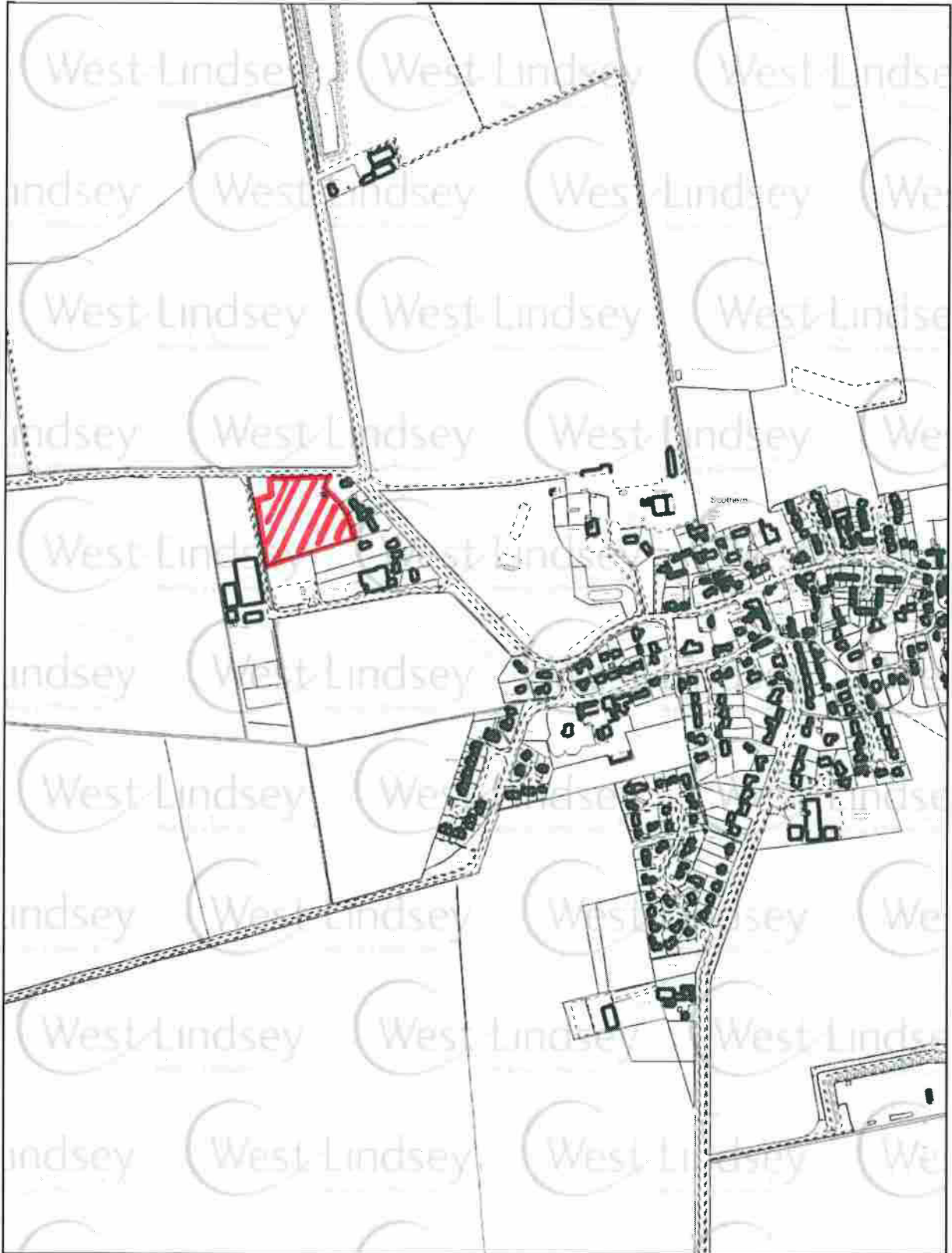
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Committee X



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## **Officers Report**

### **Planning Application No: 132027**

**PROPOSAL:** Planning application for the erection of 30 dwellings - 16 open market houses and 14 affordable homes.

**LOCATION:** Land At Heath Road, Scothern, Lincoln, LN2 2UD

**WARD:** Sudbrooke

**WARD MEMBER(S):** Cllr S. Curtis

**APPLICANT NAME:** Chestnut Homes

**TARGET DECISION DATE:** 27/01/2015

**DEVELOPMENT TYPE:** Small Major - Dwellings

**CASE OFFICER:** George Backovic

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

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

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#### **Description:**

**Site** - The application site which is roughly square in shape consists of cleared fields, believed to have formerly been in use as a garden nursery, and is located on the north western fringes of Scothern, south of Heath Road, close to its junction with Dunholme Road to the east. The site's northern boundary is formed by Heath Road beyond which are open fields. The eastern boundary runs along the rear garden areas of numbers 16 to 22 Dunholme Road. Part of the site's southern boundary abuts the existing side boundary of 14 Dunholme Road. The remainder of the site's southern and majority of the western boundary is with the Scothern Nurseries Plant Centre. The remainder of the western boundary is with a rectangular section of land to the north western edge of the site.

**Proposal** – Erection of 30 dwellings accessed from a new access created off Heath Road. These are as follows:

eight detached houses for market housing (plots 1 to 5 and 28 to 30)  
eight semi-detached houses for market housing (plots 6 to 12A)

four semi-detached houses for social housing (plots 21 to 24)  
 two semi-detached bungalows for social housing (plots 14 and 15)  
 three two storey houses and two apartments in a terraced block for social housing (plots 16 to 20)

**Relevant history:** This was subject to pre application discussions with housing and planning officers as can be seen from the detailed consultation response from the housing and communities' team below

**Representations:**

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

**Scothern Parish Council:** This planning application was considered at Scothern Parish Council meeting held on Wednesday 3 December 2014 when councillors resolved to **oppose** the application for the following reasons:

- **Location:** This proposed development is situated on the periphery of the village preventing full integration of residents encouraging the formation of an isolated settlement. Policy NBE20 states that developments on the edge of settlements should enhance the distinctive characteristics of the settlement - this development, particularly in view of the density and remoteness of the site is insensitive and will not preserve the characteristics of this rural village.
- **Highways:** The transport statement incorrectly states that Heath Road is a single carriageway, two-lane road – this road is a single lane road and has no passing places, has myriad potholes and decaying grass verges. It is currently used as a “rat run” from the A15 and A46 to the A158 and reverse, and although a weight restriction is in place it is still used by HGVs. A development of 30 properties with an average of 2 cars per household will create 60 vehicles leaving the site into this poor road and either travelling along a single track road to the A46 (being the main route to Lincoln, Welton and the Market Rasen area) or to Dunholme Road (a fast, busy road at peak times) to access the A46 or the rest of the village. A well used (24/7) childcare facility is located on Heath Road which generates considerable traffic movements. When examined, the statistics quoted in the traffic movement survey are not accurate. It is noted that the applicant proposes to reform the Heath Road/Dunholme Road junction which will serve to further increase the amount of traffic using the Heath Road as a “rat run”, and whilst it is noted that there is an intention to create a 5 metre wide carriageway, having regard for the fact that regular vehicles are around 2 – 2.5 metres wide this would seem to be insufficient.
- **Affordable Housing:** The housing needs survey carried out at the end of 2013 was commissioned and financed by the applicant and carried out by Community Lincs – this survey was not therefore carried out independently, as was thought by the residents of Scothern. 10 affordable homes only were identified as being needed from this survey – 3 of the additional properties were people already on the WLDC housing list and included in the survey total. Policy RES 6 states that in

the region of 25% affordable housing is an optimum figure when calculating affordable housing as part of a development - this development equates to almost 47%. There is evidence of local properties, which fall into the affordable housing category have taken some considerable time to sell. Indeed properties on an existing "affordable" homes development, the subject of a Section 106 agreement making provision for them to be available to local people or those having a family or business connection in Scothern have been sold on the open market.

- Traffic: The distance from the centre of the village is such that cars will be used to access the facilities in the village, adding to the congestion particularly at peak times in the morning and afternoon when, ie school opening and closing.
- Parking: Council considers that insufficient parking is provided on this proposed development of 30 properties offering only 7 visitor spaces, necessitating visitors parking on the development roads.
- Drainage: The ditch in the nearby Dunholme Road is frequently full to the top of the banks during periods of moderate rainfall, as it is at the time of writing (13 January 15). Reports commissioned by the applicant highlight the difficulty in carrying out full observations because of the overgrown nature of the site, emphasising a flaw in the proposals for the management of surface water. Foul water from the development is to discharge, by gravity into a manhole in Dunholme Road at the northern limit of the sewer. It is a well-known fact in Scothern that the sewer system is inadequate and that there is no surface water drainage system.
- Health: Scothern is served by two medical practices, one in Nettleham and one in Welton. With the potential developments in Scothern and the immediate surrounding areas of Nettleham, Sudbrooke, Langworth, Welton and Dunholme all of which are served by the above two medical practices assurances should be sought from the practices directly (not through the National Health Service) that there is capacity for the additional potential patients. North Greetwell is also to increase by some 2000+ properties and some of those residents could wish to register with these two practices, particularly Nettleham.
- Education: Scothern has a successful community academy (Ellison Boulter's Church of England Academy) serving the communities primarily of Scothern, Sudbrooke, Langworth and Stainton although it is known that there are pupils from Nettleham, Lincoln and other nearby (and not so nearby) communities attending the academy. A planning application has recently been approved for an extension to the school, which is to provide further accommodation for the existing pupils – this demonstrates the lack of accommodation for a large influx of pupils from the communities stated above. There will be an impact on pupil numbers at the nearby William Farr Church of England Comprehensive

School should any / all of the known or likely developments be approved. Confirmation should be sought directly with the education establishments above (not with the Local Education Authority) that there is sufficient capacity to admit a likely considerable number of new pupils.

- **Site Density:** The proposed development contravenes Policy Strat 1 as the density is not appropriate to the locality, Scothern being a small village, and is not sensitive to the environment as the proposed development is situated on the edge of a rural village and **is not**, as stated within the application documents bounded by other residential or retail properties. There are only 4 residential properties bounding the site and a garden centre forms the retail outlet.
- **Consultation:** It is noted that the applicant believes that the lack of responses during/following the local consultation exercise in July 2013 indicates that there is no real opposition to the development. The lack of responses could also be because it was not made clear to the attendees of the consultation that there was an opportunity to comment – a number of residents of Scothern have indicated this and 15 comments from a village of 360 households is not representative.

**Local residents:** Representations have been received from 12, 18 and 20 Dunholme Road and 9 Vicarage Lane objecting to the proposals on the following grounds:

- **Highway Safety** - The single exit and entry on Heath Road is unsatisfactory. Contrary to the Transport Statement Heath Road is not a single carriageway two-lane road. At the immediate junctions with Dunholme Road and the A46 there are two lanes but definitely not in between. Simple visual observation and experience shows this. I have lived at this address for nearly 40 years and have had ample opportunity to observe the build up and behaviour of the traffic over the years. Pedestrian access is mentioned but not very helpful bearing in mind the layout of this site, its situation in relation to the village, and its emphasis on the use of the car; 52 parking spaces and so on. The theoretical figures in the Transport Statement have obviously been manipulated to come below government guidelines. Widening Heath Road will make little difference. It would need to be 6 metres wide to allow for vehicles to pass. The site is not within walking distance of the school and other facilities.
- **Drainage** - Living at this address for nearly forty years shows that there is a drainage problem with this site. At times of heavy rainfall water collects at the bottom of my garden and eventually floods across my garden and the runs off to the rear of nos 18 and 16 Dunholme Road. This is likely to be made worse as the site is compacted during construction and the extensive introduction of hard surfaces. The report recognises that there is a problem in that soakaways cannot be used nor can reliance be placed on infiltration. A complicated system of underground pipes and swales is to be constructed to eventually

connect with a roadside ditch in Dunholme Road. Several of the reports commissioned by the applicants remark on the difficulty of carry out full observations because of the overgrown nature of the site. I remember the site before it became overgrown with scrub when the various slopes could be seen. There is every chance that water is expected to run uphill with the proposed system of drainage.

Foul water from the 30 dwelling development is to discharge by gravity into a manhole in Dunholme Road apparently at the northern limit of this sewer.

- **Loss of privacy** – As the land is at a higher level my bungalow would be overlooked by houses.
- **Inadequate Parking** – 52 spaces for thirty houses is inadequate and in addition there will be visitors and delivery vehicles
- **Lack of need and contrary to RES 6 Affordable Housing** – The survey was a con as residents assumed that it was in connection with the Local Plan and it did not highlight that the survey was paid for by Chestnut Homes. RES 6 only requires 25% affordable housing whilst 47% is proposed. ACIS homes the preferred supplier of affordable homes for Chestnut has admitted that they cannot afford to maintain the existing properties in the village because of budget constraints. We do not want any more under their control. How will shared ownership of the properties be protected in the long term? The Planning Statement states that Scothern has failed to deliver the required number of affordable housing. This is not the case as Cade Close was developed over the last Local Plan Period with some of those sold on the open market,
- **WLDC Support** – Why have the council indicated support without any consultation with residents or the Parish Council?
- **Location** – This is not the right location for development as it is at the edge of the village and access to the school and other facilities will be by car. The site is not framed by existing residential development. It is ribbon development.
- **Contrary to STRAT 1** – Will be at too high a density and is inappropriate and not sensitive to its environment.
- **Contrary to NBE 20 Development on the edge** - does not enhance or complement the area
- **Lack of Five Year Housing Supply** – This can be discounted as Eric Pickles recently stated that this should not be a reason for approving planning on the edge of settlements
- **Lack of facilities to serve increased population** – Incorrectly categorized as a Primary Rural Settlement – It has not had a convenience store since 1999. Scothern is a level 5 Small Village as categorised by Policy LP2 in the draft Local Plan. It lacks a library, a post office or any kind of shop. Its school was designed to serve the existing population and several small outlying villages. It would struggle to serve the needs of a proportionally large influx of new residents.

A general observation has been received from Brook House, Scothern Lane:

- There is no Flood Risk Assessment or a plan to slow down surface water from the site which will drain into Scothern Beck and eventually Barlings Eau.
- A representation has been received on behalf of the Village Hall (Scothern Recreation Centre, a registered charity) requesting that a suitable contribution is made by the developer to the “Village Halls revitalisation fund” towards refurbishing or replacing the village hall in order that the “local community benefits”. They also seek to be involved in discussions on the matter.

**Heath Farm Day Nursery:** The existing road is narrow and often requires vehicles to mount the verge to pass each other. This is already a concern to us and our customers and any additional traffic will create even more of a problem. If the development does go ahead I would like to think that due to the increase in traffic and the nature of our business that consideration could be given to adding this road to the gritting route.

**Housing and Communities:** The Housing and Communities Team fully support the application for the delivery of a rural exceptions site providing 14 affordable dwellings cross subsidised by 16 open market houses at Heath Road Scothern.

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

Austerity measures in recent years have led to constraints in funding resources which in turn has led to a reduction in the delivery of affordable homes within the district. The Central Lincolnshire Strategic Housing Market Area published late 2012 identified a shortfall of 42800 homes by 2033 with a target of 17,120 affordable homes to meet a diversity of housing need in both urban and rural locations.

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

- Meet a variety of housing needs through the delivery of housing growth across Central Lincolnshire
- Promote Central Lincolnshire as potential for growth
- Deliver Urban and Rural affordable housing
- Deliver housing options for older people
- Deliver housing options to meet specific needs
- Promote innovation, high quality design and materials , in new developments
- Increase energy efficiency standards and sustainable use of resources

The vision for West Lindsey within The West Lindsey Corporate Plan 2014 – 2018 is for the district to be seen as a place where people want to live, work, invest and visit.



The 4th theme which is to address the wider determinants of health has an objective at 4.1.3 to increase housing options available across the District. One measure of this is to provide 50 affordable housing units by March 2015. It is with the above priorities in mind that West Lindsey have worked with landowners, developers and registered providers to deliver affordable housing schemes in settlements beyond the defined Local Plan Review Settlement limit using the principle of Policy Res 7 of the West Lindsey Local Plan 2006 first review. The aim is to deliver small scale affordable housing schemes in rural settlements where an element of market housing is permitted to enable the delivery of the affordable housing as per the National Planning Policy Framework para 54 which allows the principle of cross subsidy to be used on rural exceptions sites.

A number of applications have previously been granted at committee using this approach which has set a precedent for the delivery of rural affordable housing using this approach i.e. Waterford Lane Cherry Willingham (129269) Lincoln Road Ingham (130363) and The Eshings Welton (130995) Below is a chronological timeline of the process we have undertaken with Chestnut Homes in relation to the application at Heath Road Scothern

June 2011	Preliminary meeting held with developer to explain WLDC process in relation to delivery of affordable housing schemes using the principle of Policy Res 7 West (Lindsey Local Plan 2006)
June 2013	Approach from applicant to start to process
November/December 2013	Housing Needs Survey carried out by Community Lincs. Call for land carried out concurrently
January 2014	Housing Needs Survey published
January/February 2014	Required mix confirmed by Housing and Communities Officer
February 2014	Community Lincs fed back to Parish Council
February 2014	Sites brought forward in call for land assessed by Planning Officer and Housing and Communities Officer
Spring 2014	Landowners/developers informed of assessments
July 2014	Public consultation held
November 2014	Application submitted

An initial meeting was held with the applicant in 2011 where the Council's approach and the process relating to the delivery of rural affordable housing were explained both in terms of identifying the need by means of a parish survey and also in establishing the most appropriate location for an exceptions site within the settlement. The meeting also gave officers the opportunity to discuss the potential for an element of cross subsidy to finance the affordable housing in light of the lack of public subsidy.

A further approach was made in June 2013 and as a result an independent parish housing needs survey, which is required to evidence a need for

affordable housing, was commissioned by the applicant. It is not unusual for an applicant to commission a survey. It is always made clear that once the results of any such survey are published that the document is made public and any landowner is able to bring forward land which can be made available to meet any identified need.

The call for land, which ran alongside the survey both of which were administered by Community Lincs, brought forward two sites. Both sites were assessed by a Planning Officer and the Housing and Communities Officer and the outcome of the assessments were fed back to landowners. This purpose of this assessment is to identify any major constraints which may prevent the site from delivering the affordable housing.

The application site was assessed as being suitable for the development of affordable housing and deliverable. A site is only deliverable when there is a willing land owner, a developer and a Registered Provider on board as is the case with this application.

The survey which received a healthy 25% response rate (20% being the accepted norm) identified a need for 10 units of affordable housing. When the findings were cross referenced with households registered on the Council's Housing Register a specific mix of 14 units was requested. The proposal will provide an exact mix to those 14 units identified through the survey and the housing register. The survey also evidenced a strong support for a scheme of affordable housing for local people with 74% of the respondents being in favour of a development.

Extensive pre application meetings have taken place between the Council and the applicant which has resulted in the submitted plans for 14 affordable units and 16 market houses. Policy Res 7 allows for no more than 50% of site to be delivered as market housing however a robust viability appraisal has shown that in this instance it is necessary for 16 market houses to be delivered. It is worth noting that one of the previous permissions granted in Ingham (reference 130363) also has more than 50% market housing.

The Housing and Communities Team are satisfied that the proposal will meet the evidenced need from the Parish Housing Needs Survey and will provide much needed affordable housing in a sustainable location where there are currently limited housing options for those households in need of affordable housing and are therefore fully supportive of the proposal.

**LCC Highways:** The Drainage Feasibility and Flood Risk Statement states that Sustainable Urban Drainage Systems can be incorporated into the design. Please be aware that LCC will only adopt systems that are accepting highway drainage only, with no private connections and approved outfall. Any features that accept private surface water drainage will require adoption via the Water Authority.

A Residential Travel Plan is required. LCC's street lighting engineer has raised concerns about the planting on the site which is likely to be in conflict with columns that are required to light the footway.

I have concerns that there will be issues with on street parking due to the remoteness of some of the parking spaces to the properties they serve.

The proposed adoptable frontage footway is proposed to be located behind a ditch and a hedge that falls within private ownership. The highways authority is concerned that this will become a future maintenance liability. To overcome any future issues in this respect I would advise that either the footway is moved so that it is adjacent the existing highway with the hedge and ditch reprofiled so that it sits behind the footway. Or that a condition is placed on the frontage properties to ensure that the title deeds state that the frontage plots are responsible for the maintenance of the hedge and ditch. If the first option is adopted, it will be necessary for Heath Road to be widened by a further 0.5 metres to ensure that any visitors to the frontage plots which may park on Heath Road, do not obstruct the free passage of vehicles.

**Environment Agency:** The proposed development will be acceptable if a planning condition is included requiring the following drainage details:

**Condition:** No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that surface water run off generated up to and including the 100 year plus climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: Details of how the scheme will be maintained and managed after completion and who will adopt the surface water system and detailed calculations of the surface network design based on the allowable discharge rate of 5 l/s.

**Reason:** To prevent the increased risk of flooding, both on and off the site.

**Public Protection:** Comments resulting from Multi Agency Group (MAG) meeting: I note in this application that whilst watercourses to the north and west have been dismissed in terms of value to the drainage plans for the development they still exist, have value, and need to be maintained. Advice given at the MAG for this site regarding not fragmenting riparian responsibility has been heeded in part but the western boundary has not been fully incorporated. Recommendations:

- That a maintenance strip is required along the length of the western boundary and that it includes riparian responsibility for the watercourse.
- That retention and maintenance of the watercourse along the northern boundary is assured.

**Witham Third District Internal Drainage Board:** The applicant should apply to the Board for Land Drainage Consent for the surface water outfall into the road crossing culvert on Dunholme Road.

**NHS England:** Request consideration of a contribution of £12,750 based on £425 per dwelling.

**Lincolnshire County Council (Education):** The development would result in a direct impact on local schools. In this case both the primary and secondary schools. The level of contribution sought in this case equates to £96,080. The County Council seeks a Section 106 agreement to be entered in to, noting the significant cumulative impact of this application alongside other developments currently proposed in Scothern and surrounds. Without a capital contribution the education infrastructure will be unable to match pupil numbers and an objection considered otherwise.

**Natural England:** The proposal is unlikely to affect any statutorily protected sites or landscapes.

**LCC (Archaeology):** No further archaeological input required.

### **Relevant Planning Policies:**

#### **National Guidance**

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>
- West Lindsey Local Plan First Review 2006 (saved policies - 2009).  
The site is outside of the settlement limit for Scothern and is therefore defined as being open countryside. The following policies are considered applicable:-

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

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

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

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

SUS4 – Cycle and pedestrian routes in development proposals

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

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>

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and are considered to be compliant with the National Planning Policy Framework.

### **Main issues**

- Principle
- Sustainability of location
- Flood risk and drainage
- Design landscaping and visual impact
- Highway safety
- Impacts on adjoining residential amenities

### **Assessment**

#### **Principle**

The West Lindsey Local Plan First Review was drafted in 2003 and adopted in 2006. It remains part of the development plan and contains a suite of strategic (STRAT) and residential (RES) policies that, together with national planning policy, is designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's growth objectives. These strategic policies together with policy RES6 of the Local Plan Review were originally designed to deliver the majority of open market and affordable homes through allocated sites identified in the same Plan. Other sites would be permitted within settlement limits in the towns and larger, so called Primary Rural Settlements, but there were and still are policies designed to permit housing outside of settlement

limits. These include where there is a local need for specific housing, where a countryside use such as farming has identified a functional need and in other exceptional circumstances where material considerations could justify development in locations deemed to be unsustainable. Policy RES7 was included to acknowledge that there would be a need to deliver “exceptions sites” for affordable housing in small and subsidiary rural settlements (as defined by policy STRAT3) to respond to an identified need for such housing in these settlements. Towns and Primary Rural Settlements such as Scothern were explicitly excluded from the provisions of policy RES7 as the allocations included within policy STRAT2 were designed to deliver not only the open market housing to meet the Council’s housing strategy but also affordable housing to meet local need. This is because policy RES6 required the Council to seek delivery of around 25% of the total number of dwellings within each allocated site to be affordable homes.

The failure of this framework to deliver affordable homes to respond to specific need in many, although by no means all settlements in West Lindsey is outlined in the comments from Housing and Communities above. The delivery of affordable housing to meet a specific need beyond the defined settlement boundary has previously been accepted and supported. The chronology outlined above and procedure followed in agreement with officers reflects those of similar exercises undertaken.

In summary, despite the site being beyond the settlement limit and on greenfield land, it is considered that the principle of the proposal can be supported as the proposal responds to an identified need and that the number of market houses proposed is necessary to enable the delivery of the affordable units. The overall mix provides opportunities for both first time buyers and those looking to move up the property ladder as well as providing much needed affordable housing for those households who are unable to access the housing market without assistance.

### **Sustainability of location including proximity to existing services and facilities and level of accessibility by means other than the car**

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

The site is located on the north western fringes of Scothern beyond the main built form of the village. The existing footpath which culminates at 22 Dunholme Road will be extended along Heath Road to provide access to the site. Scothern itself contains some services and facilities including a Village Hall, the primary school, a garden centre which includes tea rooms and the Bootle and Glass Public House. It also benefits from a regular bus service connecting it to Welton and Lincoln. These are services 11 and 11A. The earliest service to Lincoln leaves at 0645 with the latest departing at 1820. There are 11 scheduled daily departures, from Mondays to Saturdays, with no Sunday Service. The earliest service to Welton leaves at 0939 with the latest at 1839 with 10 scheduled daily departures from Mondays to Saturdays with no Sunday service. The nearest bus stops to the site are on both sides of

Dunholme Road opposite 6 Dunholme Road approximately 300 metres from the site.

In terms of the potential to access the existing facilities on foot the case officer timed himself walking from the site to the Glass and Bottle public house at the centre of the village. This involved crossing the entrance to Scothern Nurseries, and Church Street to get access to the public house. It is possible to make this journey along a pedestrian footpath provided Dunholme Road is crossed as the segregated footpath runs along at various sections and on both sides of Dunholme Road. There is a tactile dropped kerb on both sides of the road at the nearest bus stop to enable level access. The journey was undertaken at a pace to reflect people of varying abilities and the carrying of a shopping bag and accompaniment by children including the pushing of a pushchair and took 10 minutes. The return journey took slightly longer. Therefore, despite being beyond the settlement limit the site is considered to be in a sustainable location.

Concerns have been raised about the lack of shopping and other facilities to cater for the development. This is noted however the actual demand for the affordable housing is specific to Scothern itself and the existing public transport provision is considered sufficient to be able to access other facilities within Lincoln and Welton.

Concerns have been expressed by some residents about the ability of the infrastructure serving the village to take new development. Specific concerns relate to overstretched medical facilities, education and drainage. The NHS Property division has confirmed that there would be a reasonable requirement for capital infrastructure for health services arising from the development. This is a reasonable request that complies with the Community Infrastructure Regulations 2011

With regards to education, the County Education Authority have requested a contribution in relation to the provision of capital infrastructure for primary and secondary schools serving Scothern. This is also a reasonable request that complies with the Community Infrastructure Regulations 2011. However, members are reminded that this development is an affordable housing led scheme and a viability appraisal has indicated that it would not be viable for the development to contribute to the required additional infrastructure.

There is a finely balanced judgement to be made here, but the delivery of the affordable housing is considered to outweigh the lack of education and health contributions.

### **Flood risk and drainage**

The site is located within Flood Zone 1 as indicated on the Environment Agency Flood Maps categorising it at low risk of flooding. Infiltration tests have been completed and although soakaway drainage is not feasible, limited infiltration can be incorporated within the proposed SUDS system. The surface water will be dealt with by a combination of infiltration (permeable paving structures), drainage channels (swales) and existing drainage ditches

which ultimately discharge into the existing IDB maintained watercourse at an attenuated rate restricted to the current greenfield run off rate, plus 30% climate change. The Environment Agency raise no objection to the proposal subject to suggested planning conditions which will be imposed.

The comments from public protection in relation to riparian ownership have been taken on board and it is now proposed to make this the responsibility of the Management Company that will also be required to maintain the area of open space. A condition will be imposed to ensure that the watercourse along the northern boundary remains open in the interests of flood prevention.

It is the intention that the swales and open drainage will be adopted, however, in the interim this will be the responsibility of the Management Company secured by a Section 106 which will allow for its adoption.

Foul drainage is proposed to connect to the existing mains sewer in line with

### **Impact on the character and appearance of the area including design, landscape and layout**

The site is located on the fringes of the village and the closest dwellings are to its east and are a mix of houses and bungalows in various designs facing Dunholme Road. Scothern itself has a range of architectural styles and types. These range from small workers cottages to typical farm house style dwellings through to larger Georgian, Edwardian and Victorian dwellings. Throughout the village are a large number of newer dwellings from the 1960s and 1970s

As the site is currently undeveloped any buildings will by their nature have a visual impact. Taking this into account the scheme as designed ensures that the dwellings are set back within the site particularly but not limited to the western boundary on the eastern approach to the site. The existing hedgerows and trees are retained to soften the edge of the development. This can be supplemented by additional planting including strengthening and reinforcing the existing hedgerows and making good any gaps which can be secured by the use of a landscape condition.

The existing hedge along the frontage with Heath road has already been lowered and laid. The frontage onto Heath Road will be formed a row of five individually designed detached houses with small front gardens enclosed by metal railings with a new hedge behind. It respects the existing built line established by 22 Dunholme Road and as the houses are set back from Heath Road a minimum distance of 7.6 metres rising to 9.8 metres. This allows it to be framed by a large expanse of grassed verge that is not untypical within the village. The access to the wider site is from Heath Road and this is 5 metres in width although the distance between the side elevations of the houses either side of the access is 13 metres. This helps to create a sense of openness at the entrance and continues through the wider site. This has been achieved through the use of open swales that run along the access road and lead to an area of open space at the centre of the development designed to be overlooked. This represents approximately 5% of the site area as required by RES 5. The future maintenance of this will need



to be the subject of a section 106 agreement. There will be a green natural edge to the boundaries of the site although it will be necessary to prohibit the use of fencing along the western boundaries unless it is set behind the hedgerows to ensure that a hard edge is not provided.

The parking courts and garage block have been laid out so that vehicles do not dominate the street scene.

There are a mix of house types and styles throughout the development ranging from a terrace of small bungalows to detached large farm house style detached dwellings that add visual interest and variety. This is helped by the palette of materials specified including stone, buff and red brick. The design and detailing reflects similar styles and features found on dwellings within Scothern village. The mix of scale and form helps to provide a “rural” feel to the development. On balance therefore it is considered that the development subject to the imposition of the conditions above in relation to landscaping is appropriate to its setting and can be supported.

### **Highway Safety**

There are no objections raised on the grounds of highway safety and the main concerns appears to be the perceived remoteness of some of the parking spaces and the houses they serve together with issues of maintenance and adoption and conflict with street lighting. In relation to the parking spaces further information has been submitted showing areas of shared access that provide more direct connections to the rear of the houses they serve and so this is not considered to be an issue. In relation to conflict with street lighting this can be resolved by the imposition of a landscaping condition. The concerns in relation to maintenance are noted although the area in question is intended to be vested with the Management Company.

There are no objections on the grounds of lack of parking spaces to serve the development. This has been designed as a combination of on plot parking and dedicated parking courts providing parking provision for residents and visitors. Dedicated visitor spaces are to be delineated on site and parking spaces have been allocated as follows: - at least 1 parking space for 1 and 2 bed dwellings and 2 parking spaces for any 3+ bed dwellings. There are 7 visitor spaces proposed with visitor parking available in all 3 openly accessed parking court areas. This is considered an acceptable level of provision

### **Residential Amenities**

Concerns have been raised about potential overlooking of dwellings facing Dunholme Road. There are only three plots whose rear elevation is eastward facing, these are plots 5, 6 and 7. Their rear gardens range from a minimum depth of 10.5 metres rising to a maximum of 15.5 metres. This is considered sufficient in terms of distance separation to avoid seriously unacceptable impacts by way of overlooking and loss of privacy.

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework and National Planning Policy Guidance which has been afforded significant weight especially the presumption of favour of sustainable development.

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

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review and therefore policy STRAT12 applies and that the site constitutes greenfield land (the lowest category for land release defined by policy STRAT9, however in the absence of a five year of supply of housing policy STRAT 9 would not be relevant), the site is still considered to an appropriate location for a development which enables affordable housing to be delivered to respond to a specific outstanding need .The site location on the edge of the village is considered sustainable in terms of it being approximately a 10 minutes' walk from the village centre which provides a range of services and facilities. It is also within reasonable walking distance of regular bus services providing access to Lincoln and Welton.

**RECOMMENDATION : That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of an agreement under the amended s106 of the Town Planning Act 1990 that delivers:-**

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

### **Time commencement condition**

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

**Reason** - To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and to seek a deliverable development within five years.

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

2. No development shall take place until a sample of the walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development preserves the character and appearance of the area and to accord with Policies STRAT 1 and RES 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

3: No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that surface water run off generated up to and including the 100 year plus climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: Details of how the scheme will be maintained and managed after completion and who will adopt the surface water system and detailed calculations of the surface network design based on the allowable discharge rate of 5 l/s.

**Reason:** To ensure that a satisfactory surface water disposal scheme is implemented to prevent the increased risk of flooding, both on and off the site in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.

4. No development shall take place until a scheme for the disposal of foul sewerage has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policies STRAT1, RES1 and NBE14 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

**5.** Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval.

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

**6.** No development shall take place until a soft landscaping scheme including details of the size, species and position or density of all trees to be planted, and measures for the protection of trees to be retained has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance.

**Reason:** To ensure that, an appropriate level and type of soft landscaping is provided within and framing the development on this edge of settlement location and to accord with the National Planning Policy Framework and Policies STRAT 1, RES 1, CORE 10 and NBE20 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

**7.** Notwithstanding the submitted plans, the use of screen fencing along the western boundary is not approved as shown on drawing No. HRS/001 REV D dated 23.12.2014.

**Reason:** This is not considered an appropriate boundary treatment on this edge of settlement location.

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

HRS/001/Rev D, 12A, 13, 14A, 15, 16, 17, 18A, 19A, 20A, 21, 22A, 23, 24A, 25, 26A, 27, 28A, 29, 30A, 31, 32A, 33, 34, 34A, 35A, 36, 37A, 38, 39, 40, 41A, 42, 43A, 44A, 45, 46, 47, 48, 49A, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 dated Sept 2014

HRS/05 Rev B dated Mar 08

HRS/60 Rev A dated October 2014

AS1592/1 dated Nov 2009

Agents letter dated 23<sup>rd</sup> December 2014

**9.** The development shall be carried out using the external walling and roofing materials and details as agreed by the Local Planning Authority and referred to in condition 2 above.

**Reason:** To ensure that the development preserves the character and appearance of the area and to accord with policies STRAT 1 and RES 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

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

**10.** The development hereby approved shall not be brought into use until the access details agreed in writing by the Local Planning Authority as referred to in condition 5 have been fully completed and shall thereafter be retained in perpetuity.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

**11.** The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 3 has been fully completed and it shall thereafter be retained in perpetuity.

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

**12.** The development hereby approved shall not be brought into use until the foul water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 4 has been fully completed and it shall thereafter be retained in perpetuity.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policies STRAT1, RES1 and NBE14 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

**13.** All planting, seeding or turfing comprised in the approved details of soft landscaping referred to in condition 6 above shall be carried out in the first planting and seeding season following the bringing into use of any part of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation and shall thereafter be retained in perpetuity.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in a speedy and diligent way and that initial plant loss is overcome, in the interests of helping to integrate the approved development within its setting in accordance with Policies STRAT 1 and CORE 10 of the West

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

14. Prior to the occupation of the 15<sup>th</sup> dwelling a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the travel plan shall be implemented prior to the completion of the development and complied with at all times

**Reason:** In the interests of sustainable development to accord with the National Planning Policy Framework and policy STRAT 1 of the West Lindsey Local Plan first review 2006gv



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## **Officers Report**

### **Planning Application No: 132215**

**PROPOSAL:** Planning application for the erection of 14no. dwellings.

**LOCATION:** Land South of Corringham Road between Rosefields and Redman Close, Gainsborough, Lincolnshire

**WARD:** Gainsborough East

**WARD MEMBER(S):** Cllr M Binns, Cllr M Tinker, Cllr R Doran

**APPLICANT NAME:** Mr Nick Ethelstone, West Lindsey District Council

**TARGET DECISION DATE:** 10/03/2015

**DEVELOPMENT TYPE:** Small Major - Dwellings

**RECOMMENDED DECISION:** Grant with conditions.

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#### **Description:**

This application seeks planning permission for the erection of fourteen bungalows on land to the south of Corringham Road, Gainsborough.

The site is roughly rectangular with a public footpath running north – south through the length of the site. The site is grassed and has a number of trees on the eastern side within the site and a number of larger more established trees just outside the site in neighbouring residents' properties to the west of the site. The trees on the western side are protected by Tree Preservation Order.

There are trees at the access point but these are smaller more spindly trees of lesser amenity value.

Trees within the site would need to be felled to make way for the development, but the proposals account for and are designed to not adversely impact upon the trees to a significant amount.

The land appears to be popular with dog walkers and others but is not designated as recreational land or for any specific purpose within the Local Plan.

The site is bounded to the east by Redman Close and Bramley Court and to the west by Rosefields, both Redman Close and Rosefields are typified by large detached properties on large plots. The properties on Redman Close are set well away from the boundary; however the properties on Rosefields are much closer to the boundary and look over the site.

The application seeks full permission for fourteen bungalows which would be two bedroom properties of varying sizes, some with additional garage facilities. All the bungalows would be modest in size and scale and would be



set out in three blocks alongside the existing footpath which would be retained alongside the new road access required for the dwellings. At the northern end would be a block of six bungalows; further south into the site would be two further blocks each of four bungalows. There are no roof accommodation/roof lights or any other features other than ground floor accommodation. The bungalows would be of a simple design with the use of white washed render and timber cladding for external walls and simple grey roof tiles.

At the time of writing the report a number of representations were awaited and these will be verbally updated to Members at the Planning Committee.

**Relevant history:**

None.

**Representations:**

**Ward member(s):** Request from Councillor Tinker for application to be considered at Planning Committee.

**Town Council:** None received at time of writing report.

**LCC Highways:** None received at time of writing report.

**LCC Archaeology:** No archaeological input required.

**LCC Education:** None received at time of writing report.

**LCC Public Rights of Way:** The definitive map and statement shows Definitive Footpath (Gainsborough) number 8 crossing the site – comments made that the proposal necessitates the stopping up of Footpath no. 8 and sets out detailed comments for the developer and advises that there could be a considerable delay.

**Lincolnshire Police:** Comments regarding the detailed layout in relation to crime prevention and can be covered by conditions.

**NHS England:** Does not request funding.

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

**Local residents:** The application has been advertised by way of site notice and neighbours have been notified by letter. Objections have been received from; 1 Redman Close (x2), 8 Bramley court, 33 Highfield Close, and Oaktree House, Rosefields, 2a Rosefields, Bag End Rosefields, 10 Bramley Court :

- Garden will be blocked off.

- Issues with rain and flooding – the objector’s property is a lower level than the application site.
- The rain has nowhere else to go except objector’s garden.
- Will be looking at roof due to close proximity.
- Bungalow will be looking into their property.
- Light and sight will be blocked by all sides except one which is neighbours fence.
- Access is totally unsuitable. This part of Corringham Road has been identified as very busy and dangerous with risk of accidents. This applies to pedestrians and also road users. This development would only increase the safety risks that already exist.
- How long would the public right of way have to be closed – this would cause considerable inconvenience to a lot of members of the public.
- Ridiculous to choose this site when it is the only green site in this area.
- Why build next to one of the most prestigious developments in Gainsborough.
- Would be overdevelopment of the area.
- This would take away this pleasant open space that is badly needed for the community.
- The plans show the trees in the proposed area, which objector was told were protected, being cut down – there are also trees not shown.
- Some of the properties are within a metre of the objector’s property.
- Four bungalows will back onto the objector’s property and in total their garden will be surrounded by 9 properties – this is completely unacceptable.
- The area is the only open space for miles around (and a well used footpath used by many children) and exercise area for both humans and animals.
- How can you justify building on one of the only green spaces around here, which is constantly used by people to play with their children and walk their dogs.
- How can development improve quality of environment and respect local distinctiveness by building 14 houses on green space.
- Work already started
- Too few parking spaces
- Trees not adequately protected
- Development not in keeping with established developments
- Why the loss of this amenity area when so much land available
- Should be subject to independent scrutiny
- Noise would be created
- Development land is higher and there may be a problem with surface run off.

Comments which are not material to the determination of the application have also been made including comments relating to house values, the consultation process and the surveying of the site by the Council.

WLDC Environmental Protection: Drainage – Before any permission is granted it is recommended that the drainage strategy for the development be

revisited and proven to be satisfactory in terms of compliance with building regulations as well as being capable of dealing with a 1:100 +30% weather event so as not to impact elsewhere especially at Bramley Court

Lighting – A lighting plan is requested

Noise – noise report is recommended so as to ensure that orientation proximity and build is appropriate

Anti social behaviour – appropriate consideration for the impact of foot traffic through the proposed development is needed.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework 2012 (NPPF):

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

National Planning Practice Guidance 2014 (NPPG):

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

#### West Lindsey Local Plan First Review 2006

STRAT 1 – Development Requiring Planning permission

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

STRAT 3 – Settlement Hierarchy

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

STRAT 9 – Phasing of Housing Development and Release of Land

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

RES1 – Housing Layout

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

RES 6 – Affordable Housing

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

CORE 10 – Open Space and Landscaping within Developments

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

Preliminary Draft Central Lincolnshire Local Plan 2011-2036 (October 2014)

[http://parishes.lincolnshire.gov.uk/Files/Parish/94/141001\\_LocalPlanPrelimDraftOct14.pdf](http://parishes.lincolnshire.gov.uk/Files/Parish/94/141001_LocalPlanPrelimDraftOct14.pdf)

The first phase of public consultation for the draft local plan has only recently concluded therefore the draft local plan can only be given very limited weight at this stage, in accordance with paragraph 216 of the NPPF.

### **Main issues**

- Principle of development including loss of open space
  1. Housing Supply
  2. Sustainable Development
- Access and highway safety
- Impact upon trees
- Public Right of Way
- Amenity of neighbours
- Foul and Surface Water Drainage

### **Assessment:**

#### Principle of Development

The application site is within the development boundary for Gainsborough, the largest and most sustainable settlement within West Lindsey which has the full range of services needed for everyday living and as such the development is acceptable in principle.

The NPPF makes it clear that the supply of housing in England and Wales should be significantly boosted and the documents submitted with the application demonstrate that this type of development will meet local needs/demands, and that this type of property is let/sold very quickly within Gainsborough.

The most relevant local plan policy – STRAT 9 – Phasing of Housing Development and Release of Land – sets out a hierarchy for the release of land for housing development with greenfield land previously undeveloped being at the lower end of the hierarchy.

However, paragraph 49 of the NPPF states that ‘relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’. Therefore STRAT 9 cannot be considered up to date as West Lindsey District Council can currently only demonstrate a housing land supply of 3.5 years, this is exacerbated by the NPPF’s advice that areas which persistently fail to provide a 5 year housing supply should build in a buffer of 20%. It is considered that in relation to this planning application STRAT 9 falls silent and the proposals should be considered against the relevant part of the NPPF – paragraph 14 which states that:

“For decision-taking this means:

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this Framework indicate development should be restricted.”

This development will help to meet the housing needs of West Lindsey and would provide a type of property needed in Gainsborough and is in compliance with national guidance enshrined within the NPPF.

Objectors refer to the loss of the open space, however the site is not allocated as public space or recreation land within the local plan. The application details explain that there are other open spaces in a reasonable distance and that in any event the public right of way will continue to exist in its present form.

The site is extremely sustainable, would help to meet a local and national housing need, has access to all necessary facilities and there is no policy reason to resist the development.

The number of dwellings is below the threshold (15) at which an Affordable Housing contribution would be sought.

#### Access and highway safety

The site has an existing adopted public right of way and will continue to do so. The site would be accessed directly off Corringham Road with a new bell-mouth access point onto a relatively long straight stretch of road and there is unlikely to be any material impact upon road safety from the development of fourteen bungalows. The road is one of the main roads into Gainsborough and serves large housing areas of which this would be one small part. The likely traffic movements would not impact upon traffic flows or highway safety in any significant or material way.

#### Impact upon trees

There are a number of mature trees in and adjacent to the site. The most significant trees are just inside the gardens of the properties on Rosedale, and these trees are protected by way of Tree preservation Order. The plans have accounted for these trees and the root protection zones are annotated and are shown to be (with only very marginal infringements) outside of the construction areas.

There are also mature trees on the eastern side of the site and at the entranceway. These trees are smaller and less important specimens and are not protected. The loss of these trees to make way for the development would be acceptable.

#### Public Rights of Way

There are public rights of way across the site and LCC confirm that a stopping up order for Footpath no. 8 (Gainsborough) will be required, and that this may result in significant delays to any development. However, the main adopted footpath which runs through the site would be retained and access would continue as normal for local residents.

### Amenity of Neighbours

The proposed new dwellings would be purely single storey with no first floor accommodation and no roof lights or windows of any kind above ground floor level. Although the large detached properties on Rosedale are close to the boundary and there may be some obtuse and limited views down into the garden areas of the new bungalows there would be no overlooking to, or loss of privacy at, the existing established dwellings bordering the site.

The nearest properties on Bramley Court and Highfield Close are in quite close proximity to the proposed new development but again, due to the modest single storey design, there would be no overlooking or loss of privacy at those properties.

With regard to the properties on Redman Close, these are set well away from the boundary and there would be negligible impacts between the existing and new properties. Although the properties on Rosedale are much closer to the boundary and would have some potential for overlooking the site the relationship is acceptable and is not a reason to withhold planning permission. The existing trees will help screen the proposed development to a certain extent and as they are protected by Tree Preservation Order they are likely to be retained.

### Foul and Surface Water Drainage

There are mains pipes in Corringham Road and the foul drainage will be connected to those. The option of utilising soakaways to discharge the surface water runoff was originally considered for the drainage design, however it was subsequently discarded following completion of percolation tests. Two number soakaway tests were undertaken by Discovery CE as part of the ground investigation works. Both soakaways recorded very low infiltration rates due to the ground conditions comprising stiff Clays. Therefore the ground will not be suitable for soakaways or permeable paved areas due to the very low porosity.

In light of this the current surface water strategy is based on collecting all the surface water from roofs and impermeable driveways and discharge them into a main surface water spine drain running under the new access road. The spine carrier drain will discharge into the adopted surface water sewer within Corringham Road which is shown on Severn Trent's maps. Free discharge into the adopted sewer has been currently assumed however formal confirmation for both the foul water and surface water connection and allowable discharge rates will be required ahead of finalising the drainage design by Severn Trent and the Local Authority.

The comments of the Environmental Protection Officer are noted and the issue of surface water run off is an important one however the Environment Agency does not object and given the above information the issue can be controlled by the imposition of conditions.

Other matters

The issue of noise and lighting can be dealt with by means of a condition. Anti social behaviour would be a matter for the police.

Balancing evaluation and conclusion.

The application has been considered against saved policies STRAT1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, RES 1 Housing Layout, RES 6 Affordable Housing and CORE 10 Open Space and Landscaping Within Developments as well as the relevant parts of national guidance contained within the NPPF. The proposals are in compliance with local plan policy and national guidance and where there is any question of conflict the local plan policies must be considered to be silent as West Lindsey does not have a 5 year housing supply.

The proposals would contribute 14 dwellings towards the under supply of housing in West Lindsey and the application site is in a highly sustainable location with easy access to the full range of facilities. There would be no material loss of amenity to neighbours, the site is not designated as open space in the local plan and the adopted footpath would be retained in any event.

RECOMMENDATION: That planning permission be granted for the proposed development 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 comply with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2.  
No development shall commence until a scheme detailing the disposal of surface and foul water drainage from the site has been submitted to and approved in writing by the Local Planning Authority.

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

3.

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 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.

The development shall be carried out in strict accordance with the approved landscaping scheme which shall be implemented in its entirety within 12 months of the commencement of the development.

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

4.

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 and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the area and ensure the development uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan Policy STRAT 1.

5.

No development shall commence until full details of the treatment of all boundaries of the site, including where appropriate fencing to be retained, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety before the penultimate dwelling is occupied.

Reason: To ensure the provision of appropriate boundary treatments in the interests of the visual amenity of the area and the amenity of the occupiers of the hereby approved dwellings in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10, and RES 1.

6.

No development shall take place until details of the form and position of fencing for the protection of trees on the site have been submitted to and approved in writing by the Local Planning Authority and such fencing shall be erected in the agreed positions before the development is commenced and



thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered without the prior written approval of the local planning authority.

Reason: To safeguard the trees in the adjacent properties which are protected by way of Tree Preservation Order in the interests of the visual amenity of the area in accordance with West Lindsey First Review Policies STRAT 1 and CORE 10.

7.

No development shall take place until a plan showing the position and depth of all existing and proposed services has been submitted to and approved in writing by the Local Planning Authority. The installation of services shall be carried out in accordance with the approved details.

Reason: To ensure that trees are not affected by the installation of services in the interest of the visual amenity of the area in accordance with saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

8.

Before any development commences on site details and drawings relating to the vehicular access to the public highway. Turning and parking areas including materials, specification of works and construction method shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before the first dwelling on site is occupied.

Reason: To ensure that highway safety is fully considered and maintained in accordance with saved policies STRAT 1, RES 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

9. No development shall take place until details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the completion of the development

Reason: In the interests of visual and residential amenity in accordance with the National Planning Policy Framework and policy STRAT 1 of the West Lindsey Local Plan First Review

10. No development shall commence on site until a construction management plan (to include hours of operation during construction) has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details

Reason: In the interests of residential amenity and noise reduction in accordance with the National Planning Policy Framework and policy STRAT 1 of the West Lindsey Local Plan First Review

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

11.

With the exception of any detailed matters required by the conditions of this planning permission, the development hereby approved shall be carried out in strict accordance with the following drawings; NWK 140026/A2/00(00)017, NWK 140026/A1/00(00)100 Rev A, NWK 140026 A1 00(00)102, NWK 140026 A1 00(00) 105, NWK 140026/A1/00(00)110 (proposed Type 1 unit Plan, Elevation and Details), NWK 140026/A1/00(00)110 (Proposed Type 1, 2 & 3 Unit Roof Plans, NWK 140026/A1/00(00)111, NWK 140026/A1/00(00)112 NWK 140026/A3/00(00)115, NWK 140026/A2/00(00)116, R-10560/201, R-10560/202.

Reason: To ensure the development proceeds in accordance with the approved plans.

12.

Before any of the dwellings are occupied the agreed drainage scheme agreed under condition 2 above shall be completed in strict accordance with the approved details.

Reason: To ensure an adequate drainage system is in place.

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

13.

Notwithstanding the provisions of Classes A, B, C, E and F of Schedule part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking and/or re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no new buildings or structures shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the local planning authority.

Reason: To enable any such proposals to be assessed in terms of their impact upon the living conditions of adjoining dwellings/the resulting space around the dwellings/visual amenity of the area and to comply with saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006.

*Notes for developer:*

*The developer is advised to contact Mr Chris Marsh at Lincolnshire County Council to discuss the implications of the issues relating to the footpath on the site.*

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Zoe Raygen      **Date :**

**Signed:** .....

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

**Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee