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| PL.07 15/16               |
| <b>Planning Committee</b> |
| <b>21 October 2015</b>    |

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Derek Lawrence  
Interim Development Manager  
01427 676640

Purpose / Summary:

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

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

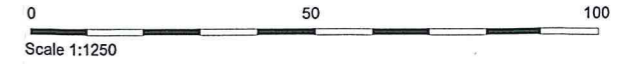
**Key Decision:**

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

**Yes**

**No**

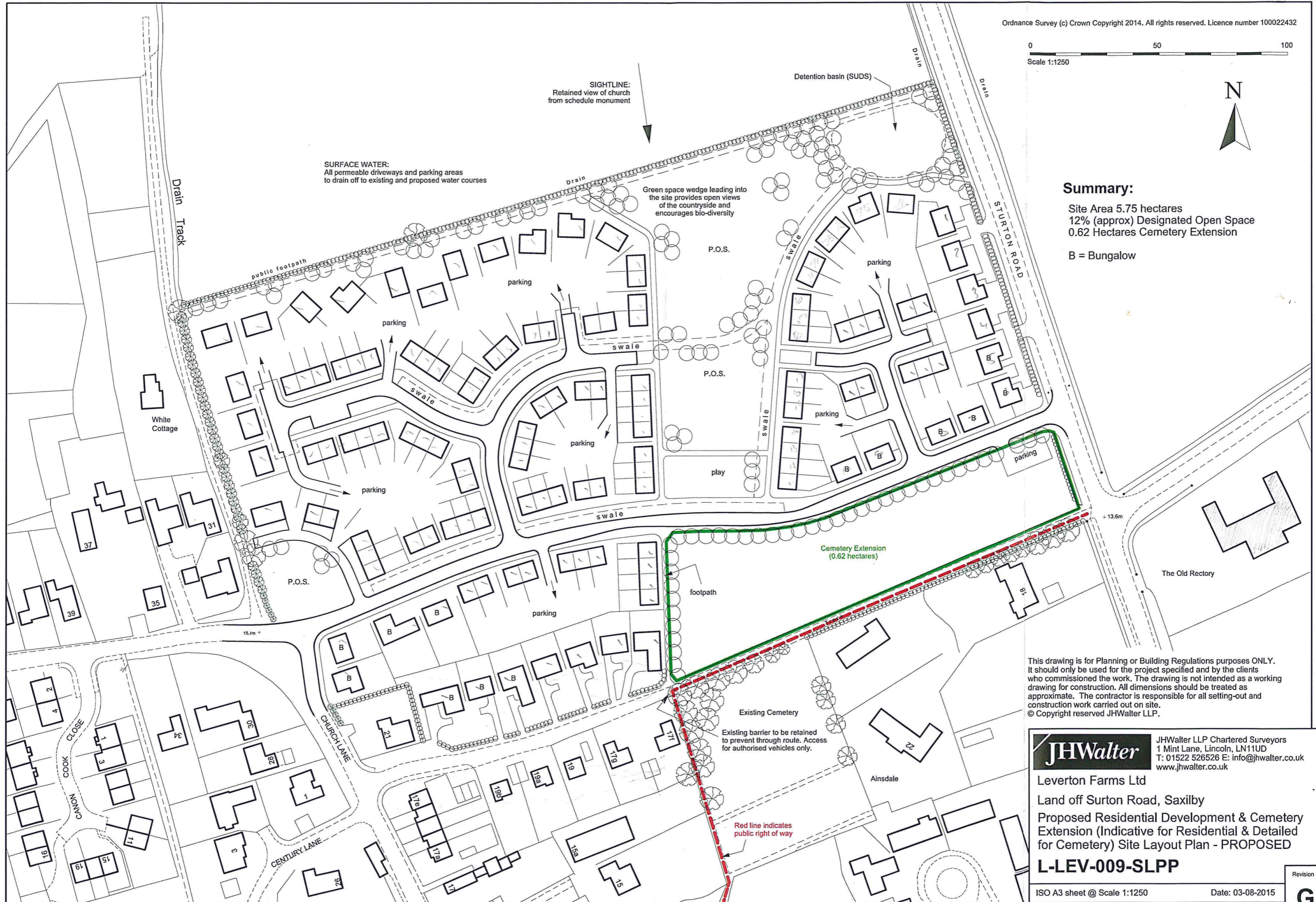




**Summary:**

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

B = Bungalow



**SURFACE WATER:**  
All permeable driveways and parking areas  
to drain off to existing and proposed water courses

**SIGHTLINE:**  
Retained view of church  
from schedule monument

Green space wedge leading into  
the site provides open views  
of the countryside and  
encourages bio-diversity

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Leverton Farms Ltd  
Land off Surton Road, Saxilby  
Proposed Residential Development & Cemetery  
Extension (Indicative for Residential & Detailed  
for Cemetery) Site Layout Plan - PROPOSED  
**L-LEV-009-SLPP**

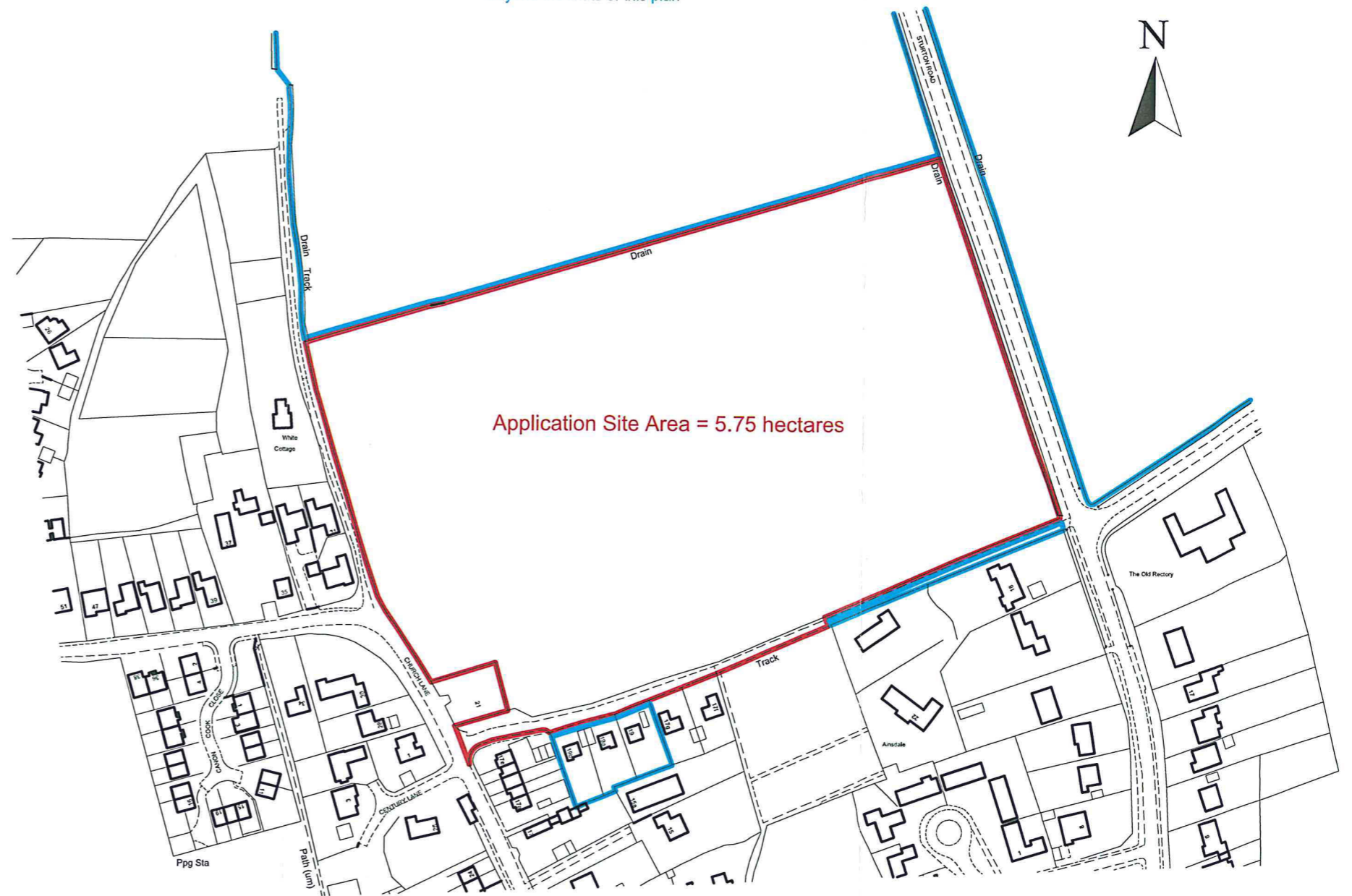
ISO A3 sheet @ Scale 1:1250 Date: 03-08-2015  
Drawn by: PAW Checked by: **G**





Photo courtesy of Google Earth - Not to Scale

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



Application Site Area = 5.75 hectares



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**SCANNED AND INDEXED**

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

**L-LEV-009-LP**

ISO A3 sheet @ Scale 1:2500

Date: 23-12-2014

Drawn by: PAW

Checked by:

Revision

**1**

## **Officers Report**

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

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

**LOCATION:** Land Off Sturton Road Saxilby

**WARD:** Saxilby

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

**APPLICANT NAME:** Mr S Myers

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

**DEVELOPMENT TYPE:** Large Major - Dwellings

**CASE OFFICER:** Jonathan Cadd

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

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

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

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#### **Description:**

The application site is an agricultural field to the north western corner of the village of Saxilby. The site has an area of 5.75ha and is roughly rectangular in shape. The site falls to the north east. Hedges exist to the eastern, northern and western boundaries of the site along with a section of the southern boundary to the private road at Church Lane. Public footpath also exists to the west, north and south. The current vehicular access to the site is from Church Lane and via a secondary access to Sturton Road.

Within the south western corner of the site is a bungalow and garden which does not fall within the applicant's control. To the south of the site are a row of

detached dwellings off a rough private road off Church Lane, these dwellings face the application site. Further along the southern flank is the village cemetery and further bungalows/ dwellings to the south east. To the east is Sturton Road, the B2141, beyond which is open fields. A highway junction to Sturton Road/Broxholme Lane is located almost immediately to the south east of the site. There are also open fields to the north whilst to the west is Church Lane and a number of residential dwellings. The grade 1 listed church of St Botolph's is to the south some 100m from the southern boundary of the site.

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

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

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

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

### **Relevant history:**

None

### **Representations:**

#### *Original scheme and first revision*

Chairman/Ward member(s): None

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

Upperwitham Internal Drainage Board: No objection but offer advice

Historic England: The revised plans seek to take account of the original comments by reducing the number of houses to the north of the retained green open space. Whilst welcomed we consider that there would only be a limited reduction of the impact on the setting of the St Botolph's Church (listed grade 1) as the views through to the church over open land compared to the views that currently exist would be limited and it would not maintain the

current open rural character of the foreground and middle ground in these views as advised in our letter of the 6<sup>th</sup> February 2015.

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

LCC Highways: Request amendments to TA.

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

Archaeology: No objections

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

Natural England: No objection

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

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

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

## **RESPONSE TO REVISED PLAN**

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

Parish Council: Awaiting response to the revised plans and additional information.

Historic England: Awaiting response to the revised plans and additional information.

Housing officer: Awaiting response to the revised plans and additional information

Environment Agency: Awaiting response to the revised plans and additional information.

Local residents:

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

Concerns are raised as to the level of traffic generated by the proposal approximately 266 cars plus service/ delivery vehicles. When added to the Lindum development that equates to an extra 460 cars plus service vehicles in the immediate area. The local highway network will not cope. People will drive to the shops it's easier to go along Church Lane/ Church Road not



Sturton Road. This road is narrow, congested and curves sharply. The church and nursery are also accessed off Church Lane which makes it busy and congested at drop off and pick up times or when large events at the church occur. HGV's use this area, particularly Church Lane and cars are parked on the road making it narrower. The cross roads nearby on Sturton Road would be over burdened by traffic. Proposals should consider traffic from the existing estates built in the last 20 years. HGV's also use the B1241 as a short cut between the A15 and A57. This will increase danger and congestion.

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

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

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

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

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

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

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

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

There are too many residential applications in Saxilby. 900 houses are proposed in total. The scale of development will detrimentally impact on the



character of the village contrary to West Lindsey's own interim housing statement. With the development by Lindum's there will be 363 houses built very close to this area of Saxilby which will overwhelm this part of the village. 1000 extra residents/ 20% increase in size of the village is not acceptable

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

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

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

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

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

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

Drainage problems in the area further down Church Lane will be exacerbated. The road leads to the lowest point in the village and will lead to drainage problem indeed it usually floods each year. Toilets already back up on a regular basis. The road on Church Lane immediately outside of the site access floods up to 10 inches.

Anglian Water state that there should not be any further development in the area due to capacity problems. This has led to surcharging to the centre of the

village and adjoining estates. Many houses on Sturton Road are on septic tanks. Tankers are removing sewerage from the treatment works. The new housing has not assisted this.

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

The impact on wildlife is unacceptable.

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

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

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

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

Loss of value of existing dwellings.

Loss of views.

Should include better broadband and sewerage provision for existing residents.

No public consultation has taken place.

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

### **Relevant Planning Policies:**

- National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practise Guide (NPPG)  
<http://planningguidance.planningportal.gov.uk/>

- Local Policies

West Lindsey Local Plan First Review 2006

STRAT1 Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT3 Settlement hierarchy  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT9: Phasing of housing development and release of land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT12: Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

STRAT19: Infrastructure requirements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS1: Development proposals and transport choice  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Cycle and pedestrian routes in development proposals  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

RES1: Housing layout and design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES5: Provision of play space/recreational facilities and new residential developments  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6: Affordable housing  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

CORE10: Open space and landscaping within developments  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

CRT2: Standards for open space sports provision  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt2>

CRT9: Public rights of way  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt9>

NBE14: Waste water disposal



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

NBE20: Development at the edge of settlements.

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

## **Central Lincolnshire Local Plan Further Draft Oct 2015**

In accordance with paragraph 216 of the NPPF the weight afforded to policies within this preliminary draft of the Local Plan is very limited. This is due to the early stage the Plan is at within the adoption process and the likelihood for change.

### **Main issues**

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

### **Assessment:**

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

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

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

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

Development would take place on agricultural fields in active arable use. The NPPF (paragraph 112) states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is

demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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

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

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

The new Further Consultation Draft Central Lincolnshire Local Plan (Oct 2015) has just been published and also contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Saxilby would be considered as a large village. Here policies indicate that development should be supported through appropriate growth. The majority if this growth should be through allocated sites but on an exceptional basis additional growth on non-allocated sites where the site is demonstrated to be sustainable some edge of development might be acceptable although this would be unlikely to be acceptable above 25 dwellings.

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

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

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

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

The Council is unable to demonstrate a five year supply of deliverable housing sites. The latest assessment (September 2014) can only identify a supply of 3.5 years across Central Lincolnshire.

The Local Plan does not have sufficient housing land to meet need - its strategic approach does not address need and national policy requires its housing supply policies be considered as out of date.

Consequentially, consideration must be given to greenfield sites on the edge of settlements can be deemed to be sustainable locations.

This approach is verified in the appeal for land west of Ryland Road, Dunholme (APP/N2535/A/13/2207053 – see:

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

Inspector Lyons found that *“The unmet need for additional housing becomes a consideration of substantial weight”* and that the *“spatial application of [Local Plan Policy] should be seen as out of date”*. He found that the second bullet point of NPPF paragraph 14 on decision making must apply - planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

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

For decision-taking this means:

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

Planning balance

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

Annex 1 of the NPPF explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption of sustainable development – arguments that an application



is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taken the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

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

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

### Sustainability

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is important to note from paragraph 37 of the Dunholme appeal decision that “the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension did not automatically render a proposal unsustainable.”

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

| Trip Attractor             | Route                       | Approx. Walking Distance (from the centre of the site) |
|----------------------------|-----------------------------|--|
| Sunflowers Nursery School  | Church Lane                 | 450m   |
| St Botolph's Church        | Church Lane                 | 500m   |
| Vicarage Veterinary Centre | Church Lane- Church Road    | 500m   |
| The Glebe Surgery          | Church Lane – ProW footpath | 1km  |
| Lincolnshire Coop          | Church Lane – Church        | 1.08km   |

|  |   |             |
|--|---|-------------|
|  | Road – High Street                                    |             |
| Saxilby CofE Primary School  | Sturton Road – Mill Road – Highfield Road             | 1.14km      |
| Saxilby High Street inc village hall, Post Office, Salon, Takeaway and convenience store | Church Lane – Church Road – High Street               | 1.3 – 1.4km |
| Saxilby Railway Station  | Church Lane – Church Road – High Street – The Sidings | 1.4km       |

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

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

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

NHS England advise that a financial contribution would be required to contribute to the capital cost of health care infrastructure. It is noted that the increase in population would add significantly to the workloads of the surgery to the extent that it would compromise the level of care given. To mitigate this impact a S106 Planning Obligation is sought to secure £56,525. This would be used to extend or reconfigure the consulting rooms to increase the ability to see patients in a timely manner. NHS England has not, however, objected to the proposal.

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

valid request compliant with legislation and would need to be secured through the S106 planning obligation.

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

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

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

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

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

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

The application site is located on an agricultural field that is located on the edge of Saxilby but outside the defined development boundary. The



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

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

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

The proposal would change the character of the entrance to the village by placing a large area of residential dwellings in the prominent location close to a well-used B road. The indicative layout however indicates that the proposal could be achieved in a sensitive manner which would provide quite a unique solution to the issue of creating an attractive village periphery. Subject to conditions and an s106 legal agreement requiring the open space areas to be provided it is deemed that the proposal is acceptable in terms of the impact on character of the entrance to Saxilby and would accord with Saved Policies STRAT1 and NBE20 of the West Lindsey Local Plan.

- *Historic Assets (STRAT1)*

The medieval church of St Botolph is a grade 1 listed structure. Whilst Saxilby has grown significantly in recent years the tower of the church is still visible in views from the north across the agricultural fields and trees which lie around the open ground immediately to the north of the church. Although housing is visible to the west, these surviving views of the church tower across this rural foreground and middle ground, which extends right up to the church when

seen from the north, contribute to the setting and significance of the church. These type of views do not survive elsewhere in Saxilby. Their contribution to the churches significance is increased by the historic spatial relationship between the medieval church (and village) of Saxilby and the medieval heritage assets in Ingleby to the north (including deserted village of North Ingleby and the unscheduled moated site/village to the south of Ingleby). The three sites lie along a line of slightly higher, and historically dryer, ground to the west of the lower lands bordering the River Till and views and open access between them form part of their historic settings. An example of this link is the now former footpath which existed between Ingleby and Saxilby which crossed the site of the proposed development.

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

The applicant has sought to follow this advice and has extended the open space to the northern boundary but also, following a second objection from Historic England widened this area to create the distinct layout now proposed. The layout proposed seeks to follow the advice of Historic England which has again been consulted but at the time of writing had not yet responded. Subject to a positive response being received by the time of the planning committee the recommendation will remain as stated.

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

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

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

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

It is projected that 81 two way vehicle trips would be generated by the proposal during weekday AM peak hours and 89 two-way vehicle trips during

the evening peak hour. Such levels have been assessed on their impact on road safety and junction capacity. The assessment of this proposal has also included the traffic projections from development of 230 dwellings at Church Lane by Lindum Homes within its calculations.

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

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

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

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

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

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

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

The site is located within flood zone 1 and is not at significant risk from flooding.

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

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

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

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

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

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

The site is an operational agricultural field with few features of interest except the field boundary hedges and trees. The applicant has sought to retain these areas and in principle has indicated that certain hedgerows would be strengthened. In addition to this, significant areas of open space proposed, includes the SUDs water features could, if properly designed and managed enhance biodiversity. It is considered therefore that the proposal would accord with Saved policy STRAT1 of the Local Plan.

### *Other matters*

#### Contributions

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

As already noted the applicant is willing to support local health and educational services within the area and will sign up to an s106 agreement. On these grounds. Such contributions are directly related to the impact of the proposal on the area and the application could not have been supported without them. The applicant is also willing to support off site highways and drainage works which have been identified and costed in a principle. Such works are reliant on a third party but these parties have outlined a willingness to undertake such works. Again without such works the development would be unacceptable.

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

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

- Necessary to make development acceptable in planning terms;

- Directly relating to the development; and
- Fairly and reasonably related in scale and kind to the development.

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

The developers are offering 10.5% affordable units which amounts to 14 units with 5 being created at the early stage of the development. The housing need for affordable units within West Lindsey is clearly documented and supported by Saved Policy RES6. The usual policy is for affordable provision is 25% of the houses constructed, but due to the provision of additional drainage, open space, cemetery area, health and education provision and sporting facilities the applicant has indicated that the full provision cannot be justified. At the time of writing the Council's officers were assessing the applicant's viability assessment and a verbal update will be provided at the Planning Committee as to the acceptability of this approach.

## Conclusion

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

The location of the development outside the settlement of Saxilby and its position to the north of a grade 1 listed building would have a significant impact on the character of the area at the village entrance and the listed building. The proposal would urbanise the open rural character of the site with 133 additional houses. This is balanced by the requirements of Historic England and the efforts to protect the visual link between the church and its yard and the open countryside beyond through a layout which incorporates a



large open wedge of open space through the development north to south. This in effect splits the massing of any development and provides a softer edge to the development which maintains the historic link to the countryside. This together with Suds basin and strengthened landscape boundaries would create a unique design providing an acceptable transition from countryside to village ensuring that the proposal could, subject to conditions, accord with the saved Policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan and the provisions of the NPPF.

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

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

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

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

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

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

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

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

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

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

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:

- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site, following the principles within the submitted Drainage Strategy dated 29<sup>th</sup> January 2015.
- Attenuation details and discharge rates to demonstrate that rates would not exceed 6.88 litres per second; and
- Details of the timetable for, and any phasing of, implementation of the drainage scheme;
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory

Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;

- Confirmation that the receiving downstream surface water system has been cleared and maintained to its original design standard.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details

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

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

Reason: As recommended by the Highway Authority to ensure the provision of adequate access and in the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1 and RES1

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

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

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

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

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

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

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

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

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

No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

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

The development hereby approved shall not exceed 133 dwellings.

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

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

None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by condition 3. The approved system shall be retained thereafter.

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

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

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

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

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

With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: NGH-P238-01, L-LEV-009-LP rev1 , L-LEV-009-CO, L-LEV-009-SLPX rev1, L-LEV-009-SLPP rev G (in relation to condition 7 only) and Documents Titled: Design & Access Statement, Drainage Strategy, Flood Risk Assessment, Revised Drainage Strategy, Transport Assessment and addendum to Transport Assessment and letter from JH Walter dated 20<sup>th</sup> August 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

None

**Advice notes**

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

**Reason for approval**

It is considered therefore that on balance the proposal would represent a sustainable residential development, which would assist to meet the housing need whilst maintaining: the character of the area, heritage assets, residential amenities, highway safety, local facilities, landscaping, wildlife and drainage capacity and would accord with saved Policies STRAT1, STRAT3, STRAT19,

RES1, RES5, RES6, SUS1, NBE20 and CORE10 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework (NPPF)

**Human Rights Implications:**

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

**Legal Implications:**

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

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

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

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

**Signed:** .....

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

**Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee





## **Officers Report**

### **Planning Application No: 132790**

**PROPOSAL:** Hybrid planning application for the erection of 33no. dwellings, associated hard and soft landscaping, including drainage provision, formulation of new vehicular access to Weir Farm Paddock. Outline permission is sought with all matters reserved for the erection of 2 no. self-build plots.

**LOCATION:** Land to the rear of Weir Farm Paddock Scothern Lincoln

**WARD:** Sudbrooke

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

**APPLICANT NAME:** Jackson & Jackson Developments

**TARGET DECISION DATE:** 08/07/2015 (Extension of time agreed until 25/10/2015)

**DEVELOPMENT TYPE:** Small Major - Dwellings

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

- Capital contribution (£400,000) towards affordable housing provision within a five mile radius, in lieu of an on-site provision (to be spent within five years);
- Capital Contribution (£67,658) in lieu of on-site education provision;
- Future management and maintenance of public open spaces (including elements of the SUDS drainage scheme) and footpaths through the site either through a management company or a commuted sum payment for maintenance to Scothern Parish Council if ownership is transferred.

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

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#### **Description:**

This application has been referred to the Committee at the request of the Ward Member and in view of the number of objections received.

Planning permission is sought for residential development, comprising 35 new dwellings, with associated landscaping and access.

It is a 'hybrid' application – planning permission is sought in full for the majority of the site and 33 of the dwellings. However, only outline permission is sought with all matters reserved (scale, layout, appearance, landscaping

and access) for subsequent approval, for plot's 16 and 24 which are labelled as "self-build" plots.

The site measures 1.98ha in area and is an agricultural field in arable use, accessed from Weir Farm Paddock, a residential cul-de-sac to the south. The field is on the northern edge of the village of Scothern. The southern boundary adjoins residential properties in Lime Tree Paddock, Weir Farm Paddock and the St Lukes private nursing home.

Mature trees run along the western boundary with playing fields associated with the Scothern Village Hall.

Agricultural fields neighbour the site to the north and east. A wooded copse runs along the northern boundary.

A Public Right of Way (PRoW), Scth/154/1 runs across the site. The alignment of the path on the Definitive Map commences in the south-western corner of the site and crosses diagonally to the centre of the site before directing directly northward. A worn path on the site does not follow the Definitive Map alignment and runs in a diagonal alignment across the site from the south-west corner before meeting the northern boundary approximately central.

The development proposes a mix of:

- 1no. two bedroom property;
- 18no. three bedroom properties;
- 6no. four bedroom properties;
- 7no. five bedroom properties;
- 1no. six bedroom property;
- 2no. self-build plots (scale and appearance are reserved matters)

The majority of the buildings proposed are "two and a half" storey (a second floor is served by dormer windows within the roof). Plot 11 at the site entrance would be a bungalow.

A central Public Open Space (POS) with pond is indicated, and another pond is shown on the southern boundary (between plots 6 and 7). A pedestrian route is shown crossing the site from the south-west to north-east corners. It should be noted this does not follow the alignment of the public right of way.

Vehicle access would be via Weir Farm Paddock and the existing field access. Pedestrian entrances are proposed from Lime Tree Paddock on the southern boundary and from the south-west corner of the site.

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

The development is not schedule 2 development following amendments made made by The Town and Country Planning (Environmental Impact

Assessment) (Amendment) Regulations 2015 and is therefore not 'EIA Development' under the regulations.

**Relevant history:**

165/89 – Outline application for residential development. Received February 1989. Application withdrawn.

**Representations:**

**Ward member Cllr S Curtis:** In view of the objections received, requests that the application is referred to the Planning Committee.

**Scothern Parish Council:** The Council opposes the application. In summary:

- (Un) sustainability – Scothern is a small village with very few amenities. Contrary to claims, it does not have a shop.
- Cumulative effect – four permissions equating to 73 dwellings, have already been approved, equating to a 20% increase in the size of the village, which would become 30% with the proposed development;
- Transport and Highways Issues – Many cars park in Weir Farm Paddock. Frequent closures of the Langworth railway crossing requires diversions through Scothern. Bus stop on Sudbrooke Road is not in use. Question use of bicycles;
- Education – Local establishments do not have capacity;
- Health – Health facilities in Nettleham and Welton are at capacity;
- Style and character – Three storey buildings are out of keeping with Scothern. One bungalow appears a mismatch.
- Drainage – Residents are concerned with existing drainage problems;
- NPPF Sustainability – Question claimed economic benefits, claim there is no longer a need for market housing in Scothern.
- Request the Committee undertakes a site visit.

**LCC Education:** Development will have a direct impact on local schools. 6 additional primary school places will be required as a result of the development as there is insufficient capacity available. A capital contribution (£67,658) is sought to create additional capacity at the Scothern Primary School.

**NHS England:** NHS England will not be requesting funding at this time.

**Lincolnshire Fire and Rescue:** Object to the application on inadequate water supply for firefighting purposes. Recommend installation of one fire hydrant at the site entry point to overcome objection.

**Public Rights of Way Officer:** The Definitive Map and Statement shows Definitive Footpath (Scothern) No.154 affecting the site and set to become obstructed by the development. Objection is raised until such time as a satisfactory diversion proposal is identified and progressed by the District Council. It is expected that there will be no encroachment, either permanent

or temporary onto the Right of Way. The Construction should not pose any dangers or inconvenience to the public using the right of way.

**LCC Highways:** Had initially raised concerns with the proposed surface water strategy and whether adequate turning provision was made for refuse vehicles. However, revisions have been made to address these concerns.

**Witham Third District Internal Drainage Board:** No objections. The FRA is thorough and raises no particular concerns.

**Anglian Water:** Wastewater treatment – Nettleham Water Recycling Centre has available capacity for foul drainage; The sewerage system at present has available capacity for these flows; Request agreed drainage strategy is subject to a planning condition.

**Natural England:** Has no comments to make.

**Trees Officer:**

- The proposals include the required tree Root Protection Areas' (RPA's), but the trees are not shown in the correct positions, and the layout does not give the RPA's adequate consideration with regard to space. Consideration for the tree's RPA's should avoid development within the tree RPA's. If development within the tree RPA's cannot be avoided, then suitable construction methods which would allow construction within tree RPA's with minimal impact on tree roots should be implemented.
- T11 sycamore meets the criteria for a TPO to be made.
- Checks should be made to ensure the correct route of the public footpath is represented in the development layout, as the straight line across the site could just be a worn desire line and not the actual route on the definitive map at LCC.
- A scheme of landscaping for the site should be required to provide details on species, sizes, and quantities/densities for trees, hedges, shrubs, and pond area. And management details should be provided for the public areas.
- Where the existing site boundary hedgerows would become garden boundaries, these hedgerows should be retained by condition.
- Any gaps in existing hedgerow should be infilled with locally characteristic, mixed native species to improve the boundary line. Species, sizes, density and planting details to be provided to approval.

**Lincolnshire Police:** Provides various advice to design out crime. Public footpaths should not run to rear of gardens. Where unavoidable, it should be wide and well lit, devoid of hiding places, and overlooked. Properties should be orientated to overlook streets and open space. Car parking should ideally be located within the curtilage to the front. Space should be clearly defined.

Where possible, rear gardens should lock into one another. In vulnerable locations such as entrances, low planting should not exceed 1m in height. Low cost / affordable housing should be pepper-potted for social inclusion.

**Environment Agency:** Does not wish to make comments. The Lead Local Flood Authority is now the statutory consultee on surface water drainage.

**Archaeology:** Finds the archaeology is a little uninspiring don't have any recommendations for any further archaeological input into this development.

**Spirit of Scothern:** Request a suitable contribution is made towards the village hall revitalisation fund. Village Hall was built around 60 years ago and is inadequate in terms of size and facilities. About to commence public consultation on needs of village, but already know facilities are inadequate. Many groups of people use the hall but facilities curb much wider use. Recent legislation reduces the ability to hold simultaneous events. Keen to broaden use of hall with more one-off social events. Strive to make as eco-friendly as possible. Wish to secure a capital contribution through S106 monies.

Local Residents:

Objections received from the occupants of **1 Cade Close, 1, 2, 3, 4, 6, 9, 11 Lime Tree Paddock, 37 Main Street, 12 Sudbrooke Road, 2, 5, 6, 7, 8, 9, 10, 12, 14, and 16 Weir Farm Paddock**. In summary:

- Development is outside the village curtilage on green field land;
- Taken cumulatively with other approvals will increase size of Scothern by 30%;
- Scothern has been categorised as a small village;
- Will increase traffic through village;
- Accuracy of Transport Assessment is questioned;
- Weir Farm Paddock access will adversely affect residents;
- Access conflicts with visitors and ambulances visiting the St Lukes Nursing Home;
- Weir Farm Paddock and Lime Tree Paddock already have plenty of on street parking from residents, visitors to the nursing home, and village hall;
- Question legal right of access off Lime Tree Paddock;
- Three storey properties are not in keeping with scale and character of village;
- Will dwarf, overshadow and overlook properties in Lime Tree Paddock and Weir Farm Paddock;
- Existing drains and sewers are at maximum capacity;
- Water will enter Scothern Beck which is prone to flooding;
- Concerns with water run-off into Lime Tree Paddock and Weir Farm Paddock;
- Pond will be a drainage sump collecting water and pollutants from driveways and will be a potential health hazard;
- Revisions to drainage strategy do not address concerns;
- Local school is oversubscribed;
- Scothern does not have a shop as is claimed;
- Concerns with impact on nature and ecology.



## Relevant Planning Policies:

### National guidance

#### **National Planning Policy Framework, March 2012 (NPPF)**

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

Planning Practice Guidance

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

Rights of Way Circular (1/09), DEFRA

<https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

### West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** (WLLP) remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- **STRAT1:** Development requiring planning permission;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- **STRAT3:** Settlement Hierarchy;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- **STRAT9:** Phasing of housing development and release of land;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- **STRAT12:** Development in the open countryside;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- **STRAT19:** Infrastructure Requirements;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- **SUS1:** Development proposals and transport choice;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>
- **SUS4:** Cycle and pedestrian routes in development proposals;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- **RES1:** Housing layout and design;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- **RES2:** Range of housing provision in all 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>
- **NBE10:** Protection of Landscape Character in development proposals;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- **NBE14:** Waste water disposal;

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

- **NBE20:** Development on the edge of settlements.

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

Although not forming part of the statutory development plan, the **West Lindsey Landscape Character Assessment (1999)** (<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/104847.article>) is a background document which forms a material planning consideration, particularly relevant to policies NBE10 and NBE20.

### Emerging Planning Policy

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

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

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

Scothern is identified as a “Medium Village” (Policy LP2).

### Main issues

- Principle of Residential Development
- Is Scothern a Sustainable Location?
- Highway Safety
- Drainage
- Public Right of Way
- Landscape and Visual Impact
- Character, scale and design
- Residential amenities
- Affordable Housing
- Local Infrastructure
- Ecology
- Archaeology

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

## Assessment:

### (i) *Principle of Residential Development*

Planning law requires applications to be determined in accordance with the provisions of the development plan, unless there are material considerations which indicate otherwise.

Saved policy STRAT3 of the West Lindsey Local Plan First Review (WLLP) identifies Scothern as a Primary Rural Settlement. Policy STRAT6 will permit limited small scale development within the confines of the settlement boundary providing it meets certain criteria. The site is not within the settlement boundary however and policy STRAT6 does not directly apply. STRAT12 comes into play which only permits certain compatible uses within the open countryside. Development of 35 market houses does not accord with the provisions of STRAT12 and development is therefore contrary to the provisions of the development plan.

Development is sought on previously undeveloped, or 'greenfield', land currently in active arable agricultural use. It therefore falls on the bottom rung of STRAT9's sequential approach towards prioritising previously developed land. Natural England's broad level maps indicate it is grade 3 (good to moderate) land on the Agricultural Land Classification.

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

A material consideration is that the Council is currently unable to demonstrate a supply of deliverable housing land to meet need over the next five years ('five year supply'). The last assessment (September 2014) could only identify a 3.5 year supply of housing land (land for 4278 homes out of 6458 homes needed).

The National Planning Policy Framework (NPPF)<sup>2</sup> 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*" and that housing applications should be considered in the context of the presumption in favour of sustainable development.

As the statutory development plan does not have sufficient housing allocations to meet need over five years, its spatial application cannot be seen as up to date. Consideration will have to be given to green field sites on the edge of sustainable settlements to meet need.

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<sup>2</sup> Paragraph 49

The application should therefore be considered in the context of the second bulletpoint of the NPPF presumption<sup>3</sup>, which is:

*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.*

(ii) Sustainable Location

Scothern is identified as a Primary Rural Settlement in the WLLP. Residents point out that it no longer has a shop as has been claimed.

The Further Draft CLLP categorises Scothern as a “Medium Village” where typically development proposals will be on sites of up to 9 dwellings, and exceptionally up to 25 dwellings where proposals can be justified by local circumstances. Draft policy LP4 states that in principle, small and medium villages will be permitted to grow by 10% in number of dwellings over the plan period (up to 2036). Appendix B sets out that this would equate to 32 dwellings within Scothern.

The Parish Council, and neighbours, point out that planning permission has been granted (or minded to grant) permission for a cumulative 73 dwellings in Scothern over the last year, as follows:

| <b>Application</b> | <b>Site</b>             | <b>Number of dwellings</b> |
|--------------------|-------------------------|----------------------------|
| 132275             | Land off Dunholme Road  | 33                         |
| 132027             | Land at Heath Road      | 30                         |
| 131757             | Land off Langworth Road | 8                          |
| 131584             | End of Back Lane        | 2                          |
| <b>Total:</b>      |                         | <b>73</b>                  |

The village and its facilities are within convenient walking distance of the site. The Bottle and Glass Public House is a 270m walk from the site entrance (less still if accessed via the proposed pedestrian exits); the Village Hall and facilities are on the immediately adjoining site; Scothern Primary School is within 400m walk; St Germans Church is approximately 350m walk from the edge of the site.

There are retail, health and other facilities within Dunholme less than 2.5km to the north, and Nettleham 3.5km to the south west. The NPPF states<sup>4</sup> that “*To promote sustainable development in rural areas, housing should be located*

<sup>3</sup> Paragraph 14

<sup>4</sup> Paragraph 55

*where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

Bus Services 11/11A begin at 6.45am and operate an hourly service to Nettleham (7 minutes away) and Lincoln (25 mins). Hourly buses to Welton (10 min journey) commence at 9.39am. The bus stop is on Main Street, within convenient walking distance of the application site (residents have pointed out that the Sudbrooke Road stop no longer operates).

It is concluded that Scothern has basic facilities within walking/cycling distance of the site, and retail, employment and health facilities are readily accessible by a frequent bus service. It is considered that Scothern is generally a sustainably accessible location for a development of the scale envisaged, without being reliant of over dependence upon private transport.

At 35 dwellings, the proposals are marginally greater than that envisaged by the Further Draft CLLP for Scothern, although the Plan is only at its second round of consultation and policy LP4 was not contained within the Preliminary Draft – it has not yet been publically tested. A development of this scale would not be expected to fundamentally undermine the strategic approach being envisaged by the emerging Plan and accordingly, only limited weight should be given to its provisions at this stage.

### *(iii) Highway Safety*

WLLP policy STRAT1 requires the *“The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems.”* This is compatible with the NPPF – paragraph 32 requires *“safe and suitable access to the site can be achieved for all people”*. Paragraph 32 nonetheless states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

The development proposes a new residential environment of 35 dwellings, accessed via an existing agricultural access leading from Weir Farm Paddock, a residential street.

Residents and the Parish Council cite that Weir Farm Paddock and surroundings are subject to residential car parking and visitors to the care home, and children play within the street.

A Transport Statement has been submitted with the application. It notes that visiting times to the care home do not coincide with peak traffic hours and estimates multi-modal trips (for 40 dwellings, not 35 as proposed), as follows:

| Mode        | Weekday AM Peak Hour |            | Weekday PM Peak Hour |            |
|-------------|----------------------|------------|----------------------|------------|
|             | Arrivals             | Departures | Arrivals             | Departures |
| Pedestrians | 2                    | 7          | 2                    | 1          |
| Cyclists    | 0                    | 1          | 0                    | 0          |

|                  |   |    |    |   |
|------------------|---|----|----|---|
| Public Transport | 0 | 0  | 0  | 0 |
| Vehicles         | 7 | 17 | 17 | 8 |

Whilst the development will undoubtedly increase traffic flow through Weir Farm Paddock onto Main Street, the scale of development and traffic generated is not expected to result in a severe cumulative impact. The Local Highways Authority has raised no objections on highway safety grounds.

*(iv) Drainage and Flood Risk*

The site is in Flood Zone 1 (low probability) and meets the NPPF sequential test to locating new developments to areas at lower risk of flooding.

The application proposes a full Sustainable Drainage System (SUDS). All adoptable highways are to be permeable block paving (originally proposed surface water pipework is removed). Roof drainage will discharge to private permeable driveways which will in turn discharge directly to the adopted permeable highway.

On site attenuation will be provided in the form of a central pond feature. The applicant proposes this will remain private and will be maintained by a private management company – this is proposed for inclusion within a S106 planning obligation.

Surface water that does not infiltrate will be collected in a control chamber at the site entrance and discharge to the surface water sewer in Weir Farm Paddock at a greenfield rate of 6.4 l/s. The surface water sewer in Weir Farm Paddock is to be put forward for adoption by Anglian Water under a Section 102 Agreement. The foul sewers for the development are to be put forward for adoption by Anglian Water under a Section 104 Agreement.

The applicant has revised and updated the drainage strategy at the request of the lead local flood authority and now proposes a full SUDS scheme, as given priority by the NPPF (paragraph 103).

*(v) Public Right of Way*

The site is traversed by a Public Right of Way (PRoW). Definitive Footpath (Scothern) No.154 runs across the site, from its south-western corner to the northern boundary.

The Definitive Map and Statement show the formal alignment of the path runs from the south-western corner in a north east direction, before directing northward approximately halfway across the site.

On site, the worn path does not follow the formal alignment and takes a more direct route – from the south western corner in a broadly north-east direction, meeting the northern boundary approximately halfway along.

The effect of development on a public right of way is a material planning consideration. The PRow will be obstructed by the development. The layout plan seeks to address this by making provision of a right of way across the site. This runs from the south-western corner to approximately the north-eastern corner in a direct line, crossing through public open space and two estate roads (and a shared accessway). It would cross the central SUDs balancing pond on a bridge. This alignment follows neither the formal Definitive Map alignment or the current trodden path. The applicant has been asked to consider following the definitive map route, but propose that their alignment offers a betterment.

It is noted that the desire line set by the trodden path also takes a more direct route, albeit the applicant's suggestion joins the northern boundary further to the east. This would suggest there could be an argument for betterment compared with the definitive map route which would appear to follow former field boundaries that are no longer evident. The applicant advises the field to the north is within their control and they can therefore re-join with the PRow.

It is considered that the development will affect only a small section of the PRow and the applicant has shown a practical means of diverting the PRow through the site, more in keeping with the current desire line established within the field. Whilst the diversion will cross two estate roads, traffic will only be that serving the development and can be expected to be very low.

It should be noted that the grant of planning permission does not entitle developers to obstruct a public right of way. To divert (or extinguish) a public right of way requires a separate statutory process. It cannot be assumed that the diversion or extinguishment of a PRow will invariably be made or confirmed because planning permission for development has been granted. An Order proposing to revise an affected Public Right of Way is subject to publicity. Where it is opposed, the Authority does not have the power to confirm the order and it must be referred to the Secretary of State. National Guidance<sup>5</sup> states:

*“An order made to divert or extinguish a right of way, made as the result of the granting of planning permission, that is opposed will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed and this will impose significant, unavoidable delays to the scheme.”*

Thus, even if planning permission is granted, for the development to proceed will be reliant upon a PRow diversion Order being made and confirmed, potentially by the Secretary of State. This therefore has implications for the delivery of the site. This has been brought to the attention of the applicant who nonetheless wishes to proceed as submitted.

The applicant intends to commence development once all planning matters (discharge of conditions) are resolved and anticipates a 24-36 month build

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<sup>5</sup> Paragraph 7.6, Rights of Way Circular (1/09), DEFRA (2009). See <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

out. It is considered that because the development will be dependent upon a PRow Diversion Order being confirmed, then the standard three years to commence development should be conditioned, rather than an earlier commencement condition.

*(vi) Landscape and Visual Impact*

WLLP policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District.”* Policy NBE20 states that *“Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.”*

The site falls within the Lincoln Fringe Local Landscape Character Area (LLCA) identified within the West Lindsey Landscape Character Assessment (1999) - WLLCA.

A key characteristic is given as being a *“flat agricultural landscape with a number of expanded settlements”*. It notes that *“new developments generally have a more open structure, with wide roads and properties set back from the road with front gardens. This has resulted in a lack of enclosure and loss of special identity”*. The WLLCA also notes that *“the approaches to settlements are generally dominated by buildings, which often form a hard edge against the arable fields. There is little integration with the surrounding landscape patterns”*.

This could be said to be true of the application site. Later 20<sup>th</sup> Century properties form a hard suburban edge to the village alongside the arable field. Nonetheless, the field is largely screened – mature trees run along the western edge with the Village Hall playing field, and a wooded copse sits on the northern boundary. Consequentially, one does not appreciate the site within the wider landscape. As an intrusion into the wider countryside, its impact is not obvious. It is considered that the Lincoln Fringe LLCA is not a highly sensitive landscape character area, and the impact of the proposed development would be fairly minor (less than substantial).

In terms of visual impact, the most sensitive receptor would be with people using the Public Right of Way (PRow). Users would, for a short section of the path, traverse through a residential environment rather than open countryside. Nonetheless, due to the site’s boundary screening, this impact will only be appreciated when traversing the site itself, rather than when approaching it. It is concluded that some harm will occur, although this will be limited.

*(vii) Character, scale and design*

Residents note that the development proposes a number of dwellings that contain three storeys and are concerned that this is out of keeping with the character and appearance of the village.



A number of the proposed buildings would contain habitable floorspace within the roof, served by dormer windows.

Scothern is considered to contain a mix of housing types, with more traditional buildings along Main Street and the village core, and later 20<sup>th</sup> Century two storey dwellings around the village edges including Lime Tree Paddock and Weir Farm Paddock.

The development does not seek to emulate the adjacent properties but proposes to apply its own character whilst utilizing materials found within the village.

As its own 'self-contained' enclosure to the north of Weir Farm Paddock, this contrast would not be readily apparent from any public vantage points and would not be expected to undermine or harm the prevalent character and appearance of Scothern. Development is deemed compliant with policies STRAT1 and RES1 in this regard.

Public Open Space is provided, with a central water feature, crossed by the proposed diverted PRow. A Private Management Company (to be secured by the S106 planning obligation) is proposed to maintain these areas.

*(viii) Residential Amenities*

Plot 9 would sit side by side with the blank side elevation at 11 Lime Tree Paddock. Obscured glazing is proposed to the window serving the first floor bathroom. This would not be expected to have an unduly adverse effect upon the amenities presently enjoyed at no.11, particularly when using their rear garden or first floor balcony. Plot 9 would be positioned higher (23.7m AOD) than no.11 (20.2m AOD), but due to the side to side arrangement, this would not be considered to be overly dominant or oppressive to the occupants of no.11.

Plot 6's side elevation, which would contain a first floor secondary bedroom window, would face 8 Lime Tree Paddock. In view of the distance (11.5m to the shared boundary) and orientation of the properties, this would not be considered to result in direct overlooking or a significant loss of privacy. Plots 4 and 5 are at an obtuse angle and would not directly overlook no.8 to the significant detriment of their privacy.

The development would not be expected to have an unduly adverse effect upon the amenities of occupants of the St Lukes Private nursing home, or 9 Weir Farm Paddock due to the distance and orientation of the properties.

It is concluded that the development would not result in a significant loss of privacy, overlooking or harm to amenities enjoyed presently at neighbouring properties, and that development would comply with saved WLLP policies STRAT1 and RES1 in this regard.

The development will result in increased traffic movements through Weir Farm Paddock, presently a residential cul-de-sac (although serving agricultural access to the fields). The levels of traffic experienced by Weir Farm Paddock residents will be no greater than that experienced at many residential properties throughout the District and beyond, but will nonetheless be a notable increase on present levels. This is concluded to result in minor, albeit less than substantial, harm.

*(ix) Affordable Housing*

Saved WLLP policy RES6 states, *“Where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”*.

The Lincs Homefinder CBL Partnership, of which West Lindsey is one of 4 partners, provides evidence of a demonstrable need for affordable housing with in excess of 1500 households registered for affordable housing in the district and in excess of 5000 households requiring affordable housing across the partnership area of Central Lincolnshire. A specific housing need for the village of Scothern was identified by means of a Parish Survey published January 2014.

The applicant had originally sought to negate such a contribution, arguing that the identified local need had been met and exceeded by existing commitments in the village.

As set out above, there is a demonstrable need for affordable housing within West Lindsey and wider Central Lincolnshire, which developments such as this are required by policy RES6 to contribute towards addressing. There is an identified local need specific to Scothern. Other developments have sought to address this, but are commenced or otherwise committed developments. It is therefore considered reasonable in the circumstance to consider an off-site contribution towards affordable housing in the locality.

*(x) Local Infrastructure*

Residents have raised concerns with the capacity of local infrastructure to accommodate the development.

Local Plan policy STRAT19 requires that *“Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.”*

Scothern does not contain any health facilities and the nearest General Practitioners are available in Welton and Nettleham (both accessible by bus).

NHS England have raised no issue with local capacity and do not seek any mitigation.

LCC Education advises that Scothern Primary School does not have the capacity to accommodate the additional six primary school places expected to be generated by the development. A capital contribution is sought to enable capacity to be increased. The applicant has agreed to meet the requirement sought.

The applicant had originally sought to make a “community contribution” in lieu of an affordable housing contribution. This was to be a capital contribution towards the provision of improvements to Scothern Village Hall “to include refurbishment work and / or extensions”.

It is a statutory requirement<sup>6</sup> that “*a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

Scothern Village Hall is located to the west of the application site. The applicant submits a letter from the ‘Spirit of Scothern’ a project which commenced in 2014 with the aim of revitalising the Village Hall. They claim that the Hall is now over 60 years old and its facilities are now inadequate. The “Spirit of Scothern” have reiterated their request for a capital contribution when commenting upon the application.

Whilst revitalisation of the village hall may well be a laudable aim for the village, no evidence has been submitted to show why this development of 35 dwellings would in itself necessitate a £200,000 contribution towards this cause. The Spirit of Scothern letters refer to existing problems with the facilities – not matters that would arise as a direct consequence of these additional proposed households using the facilities.

Nor is evidence submitted to show why this would be necessary to make the development acceptable in planning terms – i.e. would development otherwise fail to be refused permission without such a contribution?

Whilst national policy (NPPF paragraph 70) requires planning decisions to “plan positively for the provision and use of... community facilities...” in order to be a Planning Obligation placed upon a residential development proposal, it must be shown to meet the statutory tests.

Whilst the grant of planning permission would not prevent the applicant making any such community contributions as they choose, to make it a planning obligation (and thereby a material planning consideration) would fail

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<sup>6</sup> Reg 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended)

the statutory test and would not be considered lawful. It cannot be a reason for granting planning permission.

Nor would it be acceptable to accept such a contribution in lieu of an affordable housing contribution as originally proposed, of which there is a demonstrated need and Local Policy requirement.

*(xi) Ecology*

The NPPF (paragraph 109) requires the planning system to conserve and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Phase 1 Habitat Study has been submitted with the application. The survey did not find any evidence of protected species on the site. It does recognise the mature trees and hedgerow around the field perimeter have potential to support foraging birds and bats, particularly the western and northern boundaries. A number of ivy covered mature trees along the western boundary have been identified as having 'moderate' potential for roosting. There are no unusual or locally significant habitats within the site area of high ecological value and the site is not positioned to provide a strategic link between other habitats of high value.

The report assumes the retention of the existing trees and hedgerows along the boundaries of the existing arable field and concludes the development of the site area is unlikely to impact any protected species. The report considers measures to prevent light disruption.

The report makes the following recommendations:

- Protection measures to ensure the mature trees and hedgerows along the site boundaries are maintained with sufficient space to allow enhancement planting of these features.
- The shelter belt on the north boundary and hedgerow along the eastern boundary of the arable field should be protected during any development and measures within the landscaping of the development should be put in place to strengthen cover and biodiversity along these linear features to benefit local wildlife.
- Improvement of the diversity of the field could be achieved if the proposed ponds are designed and landscaped to enhance the potential for wildlife by using a range of native species, particularly aquatic and marginal plants and shrubs wherever practical. Trees within the development and garden planted areas will hopefully enable wildlife to access the pond area.

It is concluded that, subject to planning conditions to secure the retention and protection of boundary features, harm to protected species and habitats is unlikely.

Planning conditions should also be secured to prevent light spill onto the boundaries (to prevent disturbance to foraging bats) and a condition to prevent disturbance to birds during the nesting season.

The report identifies biodiversity enhancement opportunities by strengthening the eastern hedgerow and shelter belt on the northern boundary, and the proposed ponds. It is considered necessary and reasonable to apply a condition to secure a biodiversity enhancement scheme based on these features.

The Trees Officer has noted that some development (road and garage) encroaches into the Root Protection Areas (RPAs) of several trees on the western boundary. Planning conditions are necessary to ensure protection of the trees during construction and through appropriate build methods.

#### (xii) Archaeology

The County Archaeology team consider the area to be of archaeological interest with Roman and Bronze Age finds in the locality. At their request, the applicant has undertaken an Archaeological investigation comprising trial trenching. This accords with National Policy (NPPF paragraph 128) which states that *“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*

The investigation did not make any notable finds and suggests the site was always part of the agricultural hinterland. County Archaeology have assessed the findings and do not make any further recommendations.

#### *Other matters*

Lincolnshire Fire and Rescue have objected due to inadequate water supplies for fire-fighting purposes, but advises that a single hydrant placed close to the site entrance could overcome this. It is considered that the applicant will be able to address this matter and an informative note on the decision notice to remind the applicant of this matter would be appropriate.

Some residents have noted that an employee of the applicant’s agents, and the original Planning Case Officer were former colleagues and question the transparency of the process.

No evidence has been submitted which would bring into question the professionalism of the Officer. The application has been brought before the democratically elected members of the planning committee who will determine the application, on its merits and against the provisions of planning policy, within a public meeting. The application will therefore be determined in a clear and transparent manner.

#### *Overall Balance and conclusions*

Development would take place outside the defined settlement boundary (in the WLLP) on greenfield agricultural (grade 3) land.

This would run contrary to the provisions of the statutory development plan, particularly policy STRAT12.

Nonetheless, the spatial application of the Plan is now considered out of date, and the NPPF presumption in favour of sustainable development should be applied.

The development would make a contribution of 35 dwellings towards the five year housing land supply which can be attached considerable weight. It will make a contribution towards (off-site) affordable housing of which there is an identified need.

Development would take place on a greenfield site on the edge of the settlement. The site is nonetheless well screened along its northern and western boundaries and any adverse landscape and visual impacts would be considered to be less than substantial.

The development will increase traffic flow through Weir Farm Paddock, a residential cul-de-sac which will have a minor (less than substantial) impact on the amenities of its occupants. Nonetheless the increase in traffic would not be considered to be severe.

A Sustainable Drainage System is proposed, and the development would not be expected to increase the risk of flooding elsewhere.

Development is proposed on top of a definitive public right of way. However, the layout proposes an alternative diverted route, which is more direct and arguably, an improvement on the formal alignment which follows no longer present field boundaries. The granting of planning permission does not negate the need for the applicant to secure a formal footpath diversion which is subject to a separate consenting regime.

At 35 dwellings, it is larger than the scale of development envisaged for Scothern in the emerging Further Draft Central Lincolnshire Local Plan. The Plan is at an early stage and carries limited weight as a consideration. However, due to the visually contained nature of the site, the limited impact on local infrastructure, and accessibility to services and public transport, it is concluded that the development would not fundamentally undermine the Plan's strategy for this 'medium village'.

It is concluded, on overall balance, that the adverse effects of development (primarily increased traffic, landscape and visual impacts) would not significantly and demonstrably outweigh the benefits of development. Development would accord with the NPPF presumption in favour of sustainable development.

## Recommendation

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

- Capital contribution (£400,000) towards affordable housing provision within a five mile radius, in lieu of an on-site provision (to be spent within five years);
- Capital Contribution (£67,658) in lieu of on-site education provision;
- Future management and maintenance of public open spaces (including elements of the SUDS drainage scheme) and footpaths through the site either through a management company or a commuted sum payment for maintenance to Scothern Parish Council if ownership is transferred.

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

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

1. The development hereby permitted shall be begun before the expiration of 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 at plots 16 and 24 as shown on drawing 0001 rev G until, plans and particulars of the layout, scale and appearance of the buildings to be erected, the means of access to the plot and the landscaping of the plot (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**REASON:** This part of the application is submitted in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the routeing and management of construction traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel cleaning facilities;
  - (vii) measures to control the emission of dust and dirt during construction;
  - (viii) details of noise reduction measures;
  - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - (xi) Measures for the protection of existing trees and hedgerows;
  - (xii) Measures for the protection of the Public Right of Way and to ensure it is kept clear and unobstructed at all times.

**REASON:** In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

4. No development shall take place until, a detailed scheme of landscaping including details of the size, species and position or density of all planting, 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. The scheme shall include measures for biodiversity enhancement, in accordance with the conclusions and recommendations of the Extended Phase 1 Habitat Survey.

**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.

5. Notwithstanding the details submitted, no development shall take place within the Root Protection Areas (RPAs) of any existing trees, unless details of the proposed construction method have first been agreed in writing with the Local Planning Authority.

**REASON:** To protect existing trees, in the interests of amenity and in accordance with saved West Lindsey Local Plan First Review policy STRAT1.



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

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

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

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

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings. 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.
- Drawing 0000 – Site Location Plan
  - Drawing 0001 rev G Proposed Site Block Plan
  - Drawing 1101 rev A Scothern Plot 01
  - Drawing 1102 rev A Scothern Plot 02/03
  - Drawing 1104 rev A Scothern Plot 04/05
  - Drawing 1106 rev A Scothern Plot 06
  - Drawing 1107 rev B Scothern Plot 07/08
  - Drawing 1109 rev A Scothern Plot 09/10
  - Drawing 1111 rev A Scothern Plot 11
  - Drawing 1112 rev A Scothern Plot 12/13
  - Drawing 1114 rev A Scothern Plot 14
  - Drawing 1115 rev A Scothern Plot 15
  - Drawing 1117 rev A Scothern Plot 17/18
  - Drawing 1119 rev A Scothern Plot 19
  - Drawing 1120 rev A Scothern Plot 20/21
  - Drawing 1122 rev A Scothern Plot 22
  - Drawing 1123 rev A Scothern Plot 23

- Drawing 1125 rev A Scothern Plot 25
- Drawing 1126 rev A Scothern Plot 26
- Drawing 1127 rev A Scothern Plot 27
- Drawing 1128 rev A Scothern Plot 28
- Drawing 1129 rev B Scothern Plot 29
- Drawing 1130 rev A Scothern Plot 30
- Drawing 1131 rev A Scothern Plot 31
- Drawing 1132 rev A Scothern Plot 32
- Drawing 1133 rev B Scothern Plot 33
- Drawing 1134 rev A Scothern Plot 34/35
- Drawing 1201 rev \* Garage types 3 & 4
- Drawing 1202 rev A Garage types 5 & 6
- Drawing 1203 rev \* Garage types 7 & 8
- Drawing 1204 rev A Garage types 09 & 10
- Drawing 1205 rev \* Garage types 11
- Drawing 2200 rev A Boundaries Fences and walls
- Drawing 2201 Boundary Fences 02
- Drawing 3100 Existing and Proposed Site Sections
- Drawing 8100 – Proposed Landscaping Strategy

**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

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

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

10. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

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

11. If, during development, contamination is discovered that has not previously been identified, the local planning authority shall be notified immediately and no further work carried out until a method statement, detailing a scheme for dealing with the contamination discovered, has been submitted to and approved in writing by the local planning authority. Development shall thereafter proceed only in accordance with the approved details. If, during development, no contamination is found, a written statement confirming that fact must be submitted to the local planning authority upon completion of the construction works.

**Reason:** In order to safeguard human health and the water environment in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

12. None of the dwellings hereby permitted shall be occupied unless a scheme for light management has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented throughout the lifetime of the development.

**Reason:** In the interests of visual amenity and the protection of protected species, particularly bats.

13. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

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

14. The arrangements shown on the approved plans SCP/14942/SK005 A and SCP/14942/SK004 B for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times.

**Reason:** To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

**Other Matters**

The proposed development will require the stopping up or diverting of a Public Right of Way (SctH/154/1). This will require a separate Order under s257 of the Town & Country Planning Act 1990. The granting of planning permission does not entitle obstruction of the right of way. Development, in so far as it affects the right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary Order has come into effect.

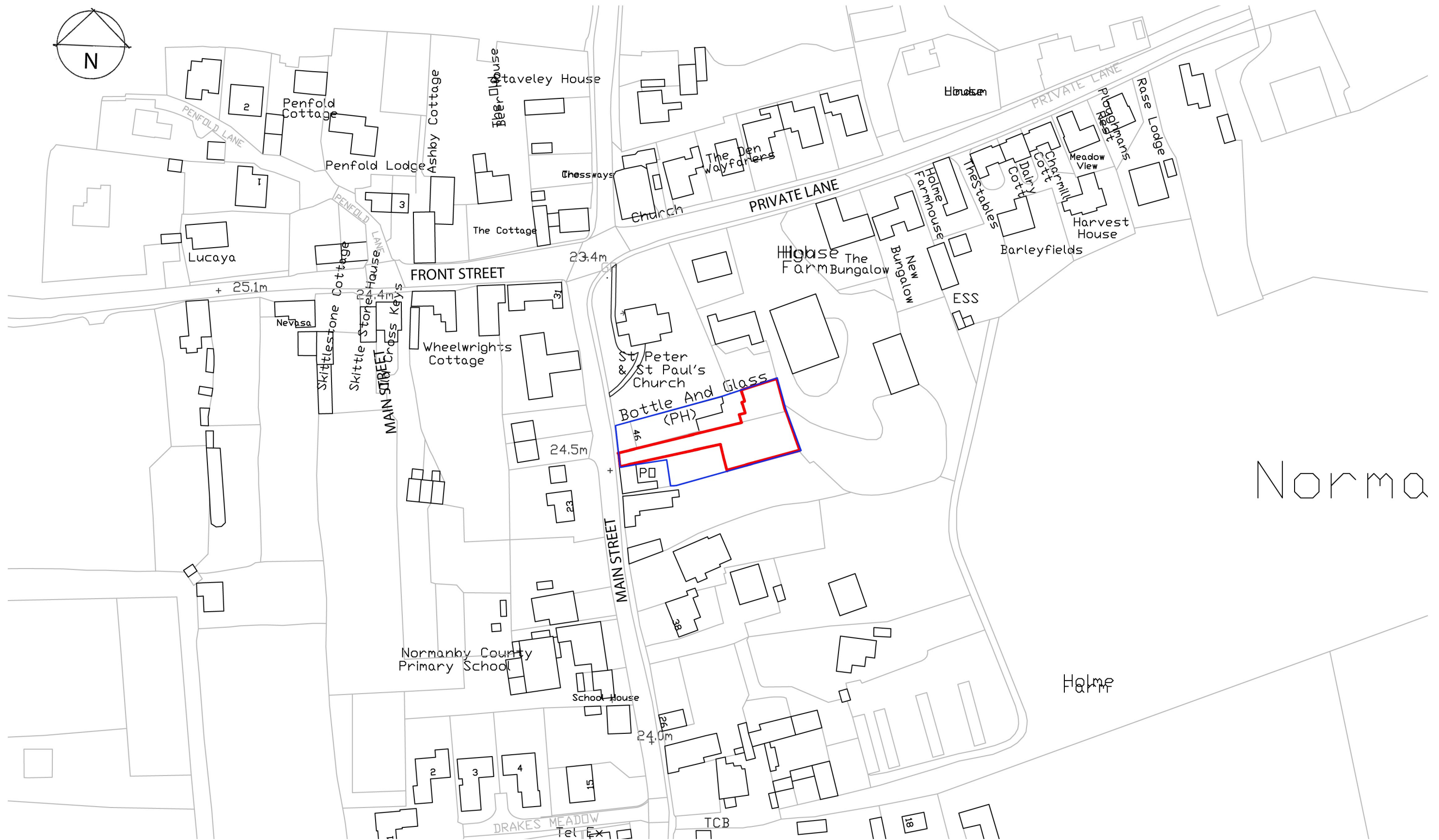
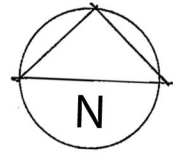
**Human Rights Implications:**

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



Norma

Holme

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

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

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

07855 828 938  
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**Mother**  
 architects

LOCATION PLAN  
 1 TO 1250 A3 1

## **Officer's Report**

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

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

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

**WARD:** Waddingham and Spital

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

**APPLICANT NAME:** Martin Merrigan

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

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Scott Davidson

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

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

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#### **Description:**

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

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

#### **Relevant history:**

None

#### **Representations:**

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

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

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

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

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

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

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

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

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

My Council strongly object to this application and note numerous errors and inaccuracies in the Planning, Design and Access statement. The east of the property is not farmland, it is overlooking a commercial premise which has been there for over 30 years and vehicles are repaired there, sometimes 7 days a week. The large workshop is in fact nearer to the proposed new properties than it is to the house of the owner of the workshop, which will create noise to any of the residents – and also noise from the pub could well become a problem for them. The satellite doctor's surgery in Owmbly has been shut down for over 4 years. 4.15 STRAT 7 mentions "local need". A few years ago, a housing need survey was undertaken and it proved there was no need. 4.16 STRAT 9 the area under discussion has never "been

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

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

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

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

**Normanby Post Office:** The current car park capacity will be dramatically reduced, and more cars will be parked on the main road. This will increase the congestion on the main road, which is already quite narrow. This in turn will increase noise levels within the vicinity of my shop and flat - particularly during the evenings/nights. The plan allocates 3 parking spaces for the proposed houses. Most households these days have a minimum of



2 cars, not including visitors. Again this will impact on where pub patrons will park their vehicles. I have numerous deliveries throughout the week, which currently cause minimum disruption as the pub is closed till 5pm, but obviously this will cause inconvenience to the residents and any visitors. Assuming the application is approved, I am concerned about how my business will be affected whilst the works are carried out. I'm not sure if you are aware, but the entrance to my shop is on the proposed thoroughfare, as is the entrance to my back yard - both for which I have right of way. At the moment the pub doesn't open until 5pm, so this isn't too much of an issue, However, the residents and visitors could be potentially coming and going all day. How will my access/right of way be affected? When the services are installed, the road directly outside the shop will be dug up. How will customer access be maintained? How will customer safety be maintained? A number of customers and residents of this village are disabled - how will their access be affected/maintained?

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

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

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

The letters of support are set out below:

"Beechlea", Main Street: I wish to give my support to the application to build three houses in the car park to the rear of the public house. I have lived in the village in rented properties for some years and believe that these properties would provide much needed affordable homes that is somewhat missing in our village. For too many years now I have seen many young people who have grown up in the village having to move away because they are simply priced out of the market. As regards the pub staying open I have spoken with the landlord/owner and he has informed me that it is his intention to keep the pub trading by whatever means. The addition of more homes meaning more

people must be a good thing not just for the pub but the shop, school and the general stability of this village.

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

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

**Environment Agency:** No comments

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

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

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

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

**Environmental Protection:**

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

**JH Walter (Applicants agents)**

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

The application does not propose the closure of the pub.

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

## **Relevant Planning Policies:** **The Development Plan**

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

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

STRAT1: Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

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

STRAT 7 Windfall and Infill Housing Development in Subsidiary Rural Settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

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

RES 1 Housing Layout and Design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES 6 Affordable Housing  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

CORE 10 Open Space and Landscaping <http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE 14 Waste Water Disposal  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

### **National guidance**

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

National Planning Practice Guidance 2014  
<http://planningguidance.planningportal.gov.uk/>

### **Main issues**

- Principle
- Design and effect upon the character of the area
- Landscaping and boundary treatments

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

### **Assessment:**

#### **Principle:**

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

The Local Planning Authority (LPA), by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing. The housing land supply position is no longer derived from the Local Plan Review which has been superseded for development management purposes. Central Lincolnshire is recognised as the constituted authority for the housing provision and the supply is equivalent to 3.5 years. The provision is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council.

Relevant policies in respect of the principle of this proposal include STRAT3 – Settlement Hierarchy, STRAT 7 - Windfall and Infill Housing Development in Subsidiary Rural Settlements and STRAT 9 - Phasing of Housing Development and Release of Land. However, 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. These policies include STRAT 3, and STRAT 9.

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

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

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

### **Main Issues**

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

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

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

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

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

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

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

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

Within the NPPF, it is paragraph 61 that is particularly relevant as it sets out the expectation for design outcomes. The paragraph says "decisions should

address the connection between people and place and the integration of new development into the natural, built and historic environment.”

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

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

The proposal and the layout of design would be acceptable in terms of the overall design in relation to the character of the local area and other considerations. It accords with policies STRAT 1, STRAT 7 and RES 1 of the West Lindsey Local Plan and the NPPF in terms of design.

### **Landscaping and Boundary Treatments**

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

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

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

### **Impact on Highway Safety**

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

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

The proposal which seeks the erection of three dwellings will have implications on the public highway. The proposal will not alter the vehicular and pedestrian access from the public highway onto the site. Vehicular and pedestrian access to the site would be provided from the existing car park.

The proposal would provide three car parking spaces. LCC Highways raise no objections to the proposal on the grounds of harm to highway safety and so notwithstanding the objections received from other parties this does not present a reason to withhold consent.

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

### **Residential Amenity**

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

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

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

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

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



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

### **Affordable Housing**

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

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

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

### **Impact on Heritage Assets**

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

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

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

“Parish church...C12, c.1200, C13, C14, C15, and restoration of 1890. Coursed limestone rubble, some banded with ironstone, ashlar dressings, lead roofs...The unbuttressed C12 3 stage tower has a single weathered chevron string course and an embattled parapet with corner pinnacles and gargoyles. In the south side are 2 pieces of chevron decorated ashlar used in the fabric...The west wall has a further fragment of C12 masonry and a C13 lancet. The paired belfry C13 lights have C15 hood moulds...The north side has paired C14 belfry lights with ogee heads with hood moulds...In the north west angle of the nave is a large vertical stone used as a quoin, possibly a cross shaft. The west wall of the aisle has a small C12 round headed light...Further east are a pair of C13 lancets with simple chamfered surrounds. The east window of the aisle is also a lancet but recut in

C19...The east wall of the chancel is in banded ironstone and limestone and has a C19 2 light window. In the east walls of nave and tower the earlier steep pitches of the nave roof can be seen...The south wall of the chancel has a C14 2 light window with trefoil heads to lights, and a cinquefoil over, under a hood mould. The south aisle was rebuilt in 1890 and has paired ogee headed lights to the east wall and to the south wall are reset C14 paired lights with ogee heads, chamfered square surround and hood mould. The south doorway is a C19 copy of a C14 pointed and moulded doorway..."

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

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

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

### **Archaeology**

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

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

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

### **Drainage:**

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

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission STRAT1: Development requiring planning permission, STRAT 7- Windfall and Infill Housing Development in Subsidiary Rural Settlements, STRAT 9 Phasing of Housing Development and Release of Land, RES 1 Housing Layout and Design, RES 6 Affordable Housing, CORE 10 Open Space and Landscaping and NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review June 2006 (Saved Policies) as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment, subject to the imposition of safeguarding conditions discussed above it is considered that the proposal is acceptable and will not harm the character or appearance of the area, the setting of heritage assets, residential amenities or the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012). Specifically the development is within an area of archaeological interest and there is the potential that development of the site will disturb archaeological remains

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

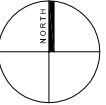
**Reason:** To protect residential amenity and in order to protect the operation of the existing workshop from potential noise complaints in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and to accord with the provisions of the National Planning Policy Framework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

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

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







Client: Globe Consultants  
 Project: Red Lion, Sturton by Stow  
 Drawing: Existing Site Location Plan

Project No: P524  
 Scale: 1 : 1250@ A3  
 Drawn: MJP  
 Dwg no: E001

Status: Planning  
 Date: 03.04.2015  
 Checked: SP  
 Rev:

Key:  
 = Application Boundary

place : architecture

26 Westgate  
 Lincoln, LN1 3BD  
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www.place-architecture.co.uk



## **Officers Report**

### **Planning Application No: 133052**

**PROPOSAL:** Hybrid planning application for the change of use of the former Red Lion public house from a drinking establishment (A4) to a single dwellinghouse (C3); Partial demolition of single storey extensions and further external alterations; Outline application for residential development of up to five dwellings (All Matters Reserved).

**LOCATION:** The Red Lion 1 Marton Road Sturton By Stow Lincoln LN1 2AQ

**WARD:** Stow

**WARD MEMBER(S):** Cllr Reg Shore

**APPLICANT NAME:** Mr Dennis Armstrong

**TARGET DECISION DATE:** 19/08/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Rachel Woollass

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

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

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#### **Description:**

This application has been referred to the Committee due to the level of objections received.

The application is for the hybrid planning application for the change of use of the former Red Lion public house from a drinking establishment (A4) to a single dwellinghouse (C3); partial demolition of single storey extension and further external alterations and outline application for residential development of up to five dwellings (all matters reserved)

The site measures approximately 0.19ha and is located to the south of the A1500 and with the junction of the B1241 in the village of Sturton By Stow. Sturton By Stow is defined as a Primary Rural Settlement in the West Lindsey Local Plan First Review. The site is developed with the public house which has been closed for some time and the carpark.

The site is accessed from the B1241 which runs along the eastern boundary of the site. The Plough Inn is opposite to the east. Opposite to the north is the village shop. To the north, south, south east and west are residential properties.

### **Relevant history:**

W104/A120/82 – Display illuminated signs. Permission granted 30/09/82

W104/734/84 – Extend public house. Permission granted 08/10/84

W104/868/94 – Planning application to erect a single detached garage. Permission granted 28/12/94

M01/P/0988 – Change the use from public house and premises, (Class A3 food and drink) to a single dwelling (Class C3 dwellinghouse) Refused 18/12/01

125160 – Planning application to retain change of use of adjacent land to incorporate into existing beer garden. Granted 12/04/10

124930 – Informal advice given

130733 – Informal advice given

### **Representations:**

**Cllr. Shore:** Objection - Disappointed to have witnessed the way this establishment has been mismanaged and apparently deliberately run down over a sustained period.

**Parish/Town Council/Meeting:** The Council consider that the application does not comply with the criteria of saved policy CRT4.A suitable and convenient facility is not available nearby; the facility could be viable and the proposed use would have no benefit to the local community.

It is considered that the business was, and could be again, a viable public house, but management deteriorated rapidly as the partnership which ran the business broke up. Whilst the applicant is a very good chef, the front of house skills of his partner were sadly missed when she left. The losses quoted in the submission coincide with the breakup of the partnership. With the right landlord, it is felt that the business would be sustainable. After all, Willingham, which has less than half of the population of Sturton boasts two very busy and successful public houses.

The alternatives suggested are The Plough, which is a very cramped building, and premises at Stow and Saxilby, both of which would necessitate travelling by vehicle, limiting access for those without transport.

The Council consider that the business was not marketed at a realistic level. Comparisons with similar businesses are easily available.

Insofar as the prospective building on the existing car park is concerned, it is

felt that as the surrounding properties on Saxilby Road are all bungalows, then houses are not appropriate on this site. It is considered that the car park is more than sufficient for the premises and objections would be unlikely to be raised from this Parish Council to one single storey dwelling.

However, in its present form, the Parish Council urge the Planning Authority to **refuse** the application.

**Local residents:** Petition of 519 signatures received – believe the establishment could again become a viable business and therefore a change of use from a public house to a dwelling house cannot be justified and should not be granted; it should remain a community asset for this village, into the future. The applicant states that the signatures collected for the petition are not necessarily from residents of the village with some school children signing and wanted this pointing out.

Other objections from residents have the following concerns –

- 68 Saxilby Road - Yet to be established that a commercial enterprise cannot be run from the red lion. A fair opportunity has not been given to interested parties
- 5 Marton Road - Want details of the fencing to be constructed as to not impose on our privacy
- 3 Saxilby Road - Will cause much disruption and change the look of the village
- 5 Saxilby Road – Concerns over parking
- 3 Marton Road – Raises civil issues

**Lincoln branch of the Campaign for Real Ale:** The Campaign is concerned that 29 pubs are closing each week across the UK. Well-run pubs play a pivotal role in local communities, including:

- Providing a controlled environment for the consumption of alcohol.
- Providing somewhere for people to meet and socialise.
- Supporting the local economy through employment of staff and purchases from local businesses.
- Offering meeting places for clubs, societies and charities.

Although there is another public house in Sturton, the village residents clearly feel that there is a scope for a second. Certainly, there are plenty of local villages with two or more successful pubs, each catering for a different clientele.

I have visited the Red Lion on a number of occasions. It has been a thriving pub in the past but, in the months leading up to its closure, it was clearly not being run well. It may be that it was suffering from lack of investment and, therefore, not achieving its full potential. There are numerous examples of pubs that were considered not to be viable but which have gone on to be highly successful when operated under an enlightened business model. Section 70 of the National Planning Policy Framework requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs. I consider that the Red Lion is a valued facility which did meet the needs of the local

community. The application should therefore be refused on the grounds that it is contrary to national planning policy.

I do not believe that a serious attempt has been made to sell the pub as a business and so the application should not be reconsidered until a comprehensive marketing campaign has been undertaken.

**LCC Highways:** No objections subject to conditions relating to permanently closing the existing access with seven days of the new access being brought into use and arrangements to be in accordance with approved plans.

**Public Protection Officer and Witham IDB** – Sustainable Urban Drainage system (SUDs) suggested therefore conditions to be attached for further details regarding surface and foul water drainage.

**Archaeology:** Scheme of Archaeological Works is required in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

#### **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>

STRAT7: Windfall and Infill Housing – Development in Subsidiary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat7>

CRT4: Protection of Community Post Offices, Convenience Stores and Public Houses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt4>

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>

RES6: Affordable Housing

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

NBE14: Waste Water Disposal

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

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).

### **Main issues**

- Housing Need and Policy
- Sustainable Location
- Highway Safety
- Drainage
- Loss of a Community Facility
- Affordable Housing

### **Assessment:**

#### Housing Need and Policy

Development is proposed on land which is not subject to any specific allocation in the adopted Local Plan but is considered to fall within the undefined settlement boundary.

Policy STRAT7 states that infill housing will be permitted, provided that:

- (i) The development is compatible in scale with the settlement and it's surrounding in the street scene

The proposal includes the conversion of the existing public house which has now closed and the erection of up to 5 dwellings. By converting the existing building this will be compatible with the street scene by keeping the existing street scene views seen from the A1500. The impact to the street scene will be with the erection of the proposed dwellings. This part of the application is in outline with all matters reserved so further control would be taken at the reserved matters application however indicative plans have been submitted which show that subject to layout, design and scale, 5 houses in this location would be in-keeping with the surrounding area and compatible with the settlement.

- (ii) Proposals incorporate provision of affordable house in accordance with Policy RES6

Local Plan Policy RES6 requires the provision of affordable housing for sites with 2 or more dwellings within such locations. The contribution therefore for this site has been calculated at £60,542.50 and would be subject to a section 106.

- (iii) The proposal would not be significantly detrimental to the amenity of the adjoining or nearby occupiers.

The conversion of the public house into dwellinghouse is not felt to be detrimental to the amenity of the adjoining or nearby occupiers given the use

previously. No additional windows are proposed that could give rise to overlooking.

No elevations or floor plans have been provided for the proposed 5 dwellings as all matters are reserved. Whilst all matters are reserved, it is considered that the site is capable of accommodating the number of houses proposed without having adverse impacts on existing neighbours. Control over matters of detail will be exercised at the reserved matters stage.

A resident has raised concern over the boundary fencing however as the planning application for the proposed housing is in outline, these details will be provided at the reserved matters stage.

- (iv) The proposal is sensitively designed respecting the character of existing dwellings and is satisfactorily integrated into the street and village scene.

The proposal to convert the pub is welcomed in terms of respecting the character of the street scene and village scene by keeping the pub building. Subject to layout, scale and design of the proposed dwellings this can also be achieved for this part of the application by following the building line of the existing houses and the scale of the houses.

- (v) The site does not represent a significant open space or gap important to the form and character of the settlement.

The proposal will include the loss of the carpark for housing. It is not felt that the loss of the carpark would be detrimental or represent a significant open space as the development would not block views. This would accord also with the section of the policy (vii) that the proposal would not unacceptably block important views into, out of, or within the village where these views are important to the character or setting of the village.

The proposal does not represent an extension of ribbon development or an addition to an isolated group of houses (viii) and the proposal does not represent an extension to the village footprint into the open countryside (ix).

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 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.

The housing would provide a small supply of housing to the shortfall, which is located in a sustainable location and includes a contribution to affordable housing. It is therefore felt that the proposal accords with the principles of the NPPF in promoting sustainable development and policies STRAT7 and RES6 of the West Lindsey Local Plan First Review 2006.

It is noted that an application in 2001 was refused for the conversion of the pub to a dwelling however no evidence was provided to demonstrate the lack of viability or to show a serious and sustained attempt to sell the property on the open market as a public house.

#### Sustainable Location

Sturton By Stow is designated as a Subsidiary Rural Settlement in the adopted West Lindsey Local Plan. The facilities that village currently enjoys are a shop, pub, village hall, café, church and primary school. The 100 bus runs every hour with a service to Lincoln and to Scunthorpe with connections to Gainsborough and the 106 bus service serves the village with a two hourly bus service to Lincoln with connections to Gainsborough.

Due to its facilities and public transport service, the village is considered to be a sustainable location for new housing development.

#### Highway Safety

The highways team have been consulted as part of the process and suggested two conditions –

HP12 – Within seven days of the new access being brought into use, the existing access(s) onto the existing pub car park shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority

And



HP19A – The arrangements shown on the approved plan Dwg.NoP521 dated 03/04/2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

These conditions however will not be attached to the application because the proposed 5 dwellings are in outline only and the plans indicative these are subject to change at reserved matters stage. That being said it has been proven by the indicative site plan that the site can be designed as such that it is acceptable from a highways safety point of view. With regards to the concern over parking, it has been shown that a suitable proposal can be designed and this can be further controlled at reserved matters stage.

#### Drainage

Public protection and Witham IDB have been consulted, acknowledge that the application is outline and that the site, subject to Anglian Water approval, can be drained and as such a drainage condition would be appropriate. However notes to the applicant are that due to the use of SUDs early consideration of drainage is necessary to ensure there remains appropriate ability.

#### Loss of a Community Facility

Policy CRT4 states that planning permission will not be granted for new development or a change of use which results in the loss of a community post office, essential community convenience store or public house unless:

- i. A suitable and convenient alternative facility is available nearby either within the same settlement or a neighbouring settlement;
- ii. It can be satisfactorily demonstrated that the facility is no longer economically viable in the long term for retail or public house purposes and that reasonable efforts have been made to market the property for a class A1 or public house use;
- iii. The proposed use would have significant alternative benefits for the local community.

A suitable alternative is directly opposite in the pub of The Plough and in the neighbouring settlement of Stow, Cross Keys. This would mean that the residents of Sturton By Stow can walk to a suitable alternative and can also increase the viability and support the neighbouring settlement of Stow by visiting Cross Keys.

The Red Lion has struggled to attract enough business and subsequently closed in July 2013. The owners tried various methods in an attempt to reverse the trade such as themed nights and special offers however this did not improve footfall into the pub. The decline in revenue escalated from 1<sup>st</sup> March 2012 to 28<sup>th</sup> July 2013 which then resulted in the closing of the pub. Confidential information relating to the losses sustained has been provided to the planning department. The public house was initially marketed from January 2011 until December 2012 and whilst the business was viewed 2089 times and a reduction was made to the sale price, no offers were made on the

property. The property was further marketed more recently and in April 2015 correspondence was received from Walter's Property which stated that whilst they had received a number of enquiries for the property none had progressed to an offer with no offers pending further investigation. They state that due to the competition from The Plough in the same village and also with Cross Keys at Stow nearby and the general downturn in business for pub restaurants creates a poor environment in which to achieve a sale in this use. Many of the objections feel that not enough has been done in order to keep the pub open as a viable business.

It is noted that the marketing of the property is out of date with regards to the 2011-2012 figures. The 2014-2015 marketing has taken more of the approach for sale as a potential residential scheme rather than selling purely as a commercial venture, however, it can be seen from the condition of the property that significant investment would be needed to get the pub back to a reasonable standard, and this together with existing competition of The Plough opposite, has served to dissuade interest in this as a commercial proposition. The property has been vacant since July 2013 and due to the reasons outlined above, the presence of Cross Keys nearby and the general downturn in business for pub restaurants it is reasonable to come to the view that a pub use would not be viable in this location.

It is appreciated the concerns that 29 pubs a week are closing but with the significant investment required for this property with no guarantee that the venture will be viable, it can be seen that re-development of this site is possible option to avoid the property falling into a further state of disrepair and continuing as a blight on the street scene.

Whilst a petition has been received to save The Red Lion, history, shows that even when the pub was running at a profit and marketed for sale no offers to purchase were made.

#### Affordable Housing

Policy RES 6 states that where there is a demonstrated need, the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing on sites meeting the following criteria:

- i. In settlements of over 3000 population, on sites accommodating 15 or more dwellings, or on sites greater than 0.5 hectare, the provision of affordable housing will be negotiated to ensure an appropriate number of affordable dwellings are supplied;
- ii. In settlements with a population of fewer than 3000 and on sites accommodating 2 or more dwellings, provision of affordable housing will be negotiated to ensure a reasonable number of affordable dwellings are supplied.

The housing provided under this policy should always be available as affordable housing for local people. Therefore, planning permission will be

granted subject to conditions, or a planning obligation will be negotiated, to ensure that:

- a. The initial and subsequent occupiers will be people from the local community in housing need;
- b. The affordable status of the dwellings can be guaranteed to remain in perpetuity.

In this proposal, the requirement would be for 25% of the units to be delivered as affordable housing. This equates to 1.25 units which in this instance would be required as an off-site contribution of £60,542.50 based on the West Lindsey SPG Off Site Contributions in Lieu of Affordable Housing (2010 update)

25% of 5 units = 1.25  
 West Lindsey tariff = £48,434.00  
 $£48,434 \times 1.25 = £60,542.50$

This has been agreed with the agent and will be subject to a section 106. The monies will be paid on completion of the first new dwelling. Please note that the contribution does not relate to the change of use.

### **Conclusion**

Whilst it is agreed that better marketing of the property as a commercial venture could have been achieved, the significant investment to the property that is now clearly required and with competition almost directly opposite it would be reasonable to come to the considered conclusion that the sale of this property to be refurbished and bought back into use as a public house is considered highly unlikely. Losses have been shown prior to its closure and development of the site would also ensure the property not falling further into a state of disrepair. Given this and the considerations above it is therefore felt that the proposal accords with policy CRT4. The proposal is in a sustainable location and would provide a contribution to the shortfall in housing and a contribution to affordable housing. The proposal is acceptable in visual terms with the retention of the existing building with the impact of the new houses controlled at reserved matters stage. It is therefore felt to be in accordance with the principles of the NPPF and policies STRAT 7 and RES 6 of the West Lindsey Local Plan First Review 2006. Overall it is felt that the benefits of the development outweigh the loss of the public house and is therefore recommended accordingly.

## Suggested Conditions

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

1. With regards to The Red Lion public house, 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).

2. The outline part of the proposal hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters (as required by condition 2) to be approved, whichever is the later.

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

3. Notwithstanding the plans submitted no development shall take place until plans and particulars of the access, layout, scale and appearance of the building to be erected (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

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 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.

5. No development shall take place until a scheme for the disposal of foul and surface waters have 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 in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review.

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

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

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework 2012. Specifically the development does have the potential to disturb medieval and early post medieval archaeology in an area where little specific archaeological work has been undertaken

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

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework 2012. Specifically the development does have the potential to disturb medieval and early post medieval archaeology in an area where little specific archaeological work has been undertaken.

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

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

- With respect to the Red Lion, the garage will be built as sited on plan P001 Proposed Site Location Plan dated 03.04.15 and shown in the red hatched area
- P003 Proposed Garage Plans and Elevations dated 22.06.2015
- P200 Proposed Elevations dated 03.04.2015
- P100 Proposed Floor Plans dated 03.04.2015

**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.

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

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework 2012. Specifically the development does have the potential to disturb medieval and early post medieval archaeology in an area where little specific archaeological work has been undertaken.

**10.** Following the archaeological site work referred to in condition 9 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework 2012. Specifically the development does have the potential to disturb medieval and early post medieval archaeology in an area where little specific archaeological work has been undertaken.

**11.** The report referred to in condition 10 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

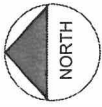
**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework 2012. Specifically the development does have the potential to disturb medieval and early post medieval archaeology in an area where little specific archaeological work has been undertaken.

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

None

Notes to the applicant

Due to the use of SUDs early consideration of drainage is necessary to ensure there remains appropriate ability.



|  |                   |
|--|-------------------|
| CLIENT:<br>Zodiak Construction Ltd                         |                   |
| PROJECT:<br>Land north of Old Gallamore Lane, Middle Rasen |                   |
| TITLE:<br>Site Location at 1:1250                          |                   |
| SCALE AT A3:<br>1:1250                                     | DATE:<br>May 2015 |
| 714.3/19A  |                   |

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**hda**  
Landscape Architecture  
Masterplanning  
Ecology



## **Officer's Report**

### **Planning Application No: 133129**

**PROPOSAL:** Outline planning application for the erection of up to 53no. dwellings together with open space - access to be considered and not reserved for subsequent applications.

**LOCATION:** Land North of Old Gallamore Lane, Middle Rasen, Market Rasen

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr CEH Marfleet, Cllr JC McNeill & Cllr TJN Smith

**APPLICANT NAME:** Mr Charles Pickering

**TARGET DECISION DATE:** 08/09/2015

**DEVELOPMENT TYPE:** Small Major – Dwelling

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under Section 106 of the amended Town and Country Planning Act 1990 which secures: affordable housing provision; developer contributions towards education and health and open space provision (including management arrangements).

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

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#### **Introduction:**

The application is referred to the Planning Committee as the application raises finely balanced issues, which are likely to be of interest of Members.

#### **Description:**

The site is located outside of the defined settlement boundary of Middle Rasen and is therefore regarded as being within the open countryside. For the purposes of the settlement hierarchy, Middle Rasen is linked with Market Rasen and is defined as a town under Policy STRAT3 of the West Lindsey Local Plan First Review 2006. Middle Rasen is nonetheless physically separate to Market Rasen and the gap between the settlements is subject to a defined undeveloped break between settlements designation, under current Local Plan Policy STRAT13.

The application site is located east of the existing settlement boundary and forms an irregular shaped parcel of land (approximately 3.92 hectares) located between Low Church Road and Old Gallamore Lane. An existing public footpath (Footpath 173) provides a pedestrian connection from the east to the west of the site and the River Rase meanders along the northern and

part of the eastern boundary of the application site. The land is predominantly used for grazing horses within defined paddocks, however there is also an existing plant nursery with associated polytunnels, which is accessed from Old Gallamore Lane. There are landscaped boundaries along the northern and, southern and western edges of the site, albeit with some gaps. There is a prominent hedgerow located along the Old Gallamore Lane frontage.

Middle Rasen Water Mill is a Grade II listed building located to the north of the application site, which has visual prominence from views within the site and through the site, including from the raised graveyard located off Mill Lane. A further listed building – The Old Vicarage is a thatched roof cottage located to the west of the application site. There are adjoining residential uses to the south and west of the application site and a cottage located to the north of the site. A significant number of the properties adjoining the application site are single storey in nature.

The site is partially located in Flood Zones 2 and 3 and a Flood Risk Assessment (880704-R2(03)-FRA) accompanies the planning application.

The proposal seeks to re-develop the land to form up to 53 dwellings and associated open space/infrastructure. The application is submitted in Outline form with access to be considered at this stage of the application. Whilst the application is in outline form, a Masterplan Strategy (Drawing 714.3/21) has been submitted to illustrate the likely form and layout of the proposal. The indicative layout drawing advocates a relatively low density of development, which has a swale of open space and associated footpath access to the northern and eastern sides of the development. The submitted Design, Access and Landscape Statement illustrates the proposed design principles of the scheme.

The proposed access is located off Old Gallamore Lane, at the point of the existing gated access.

**The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.**

For the purpose of the applying the Environmental Impact (EIA) Regulations, the application includes less than 150 dwellings, and the site area falls below the overall 5 Ha threshold for EIA Screening set out in Schedule 2 and the proposals are not considered to be EIA development accordingly.

**Relevant history:**

There is no relevant planning history relating to this site.

**Representations:**

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

Parish/Town Council/Meeting: Notes the PC has received significant representations to the proposal. Acknowledges that development in the Parish is inevitable, but would like the following to be considered. Concerned about

1. Density – acknowledges that some bungalows have been incorporated but still a large number of properties and density higher than neighbouring developments.
2. Ongoing issues with flooding and seeks reassurance that appropriate measures would be incorporated.
3. Concerned about water recycling plant, as raised with LCC.
4. Parish has no medical/dental practice and existing infrastructure at Market Rasen would be further stretched.
5. Market Rasen School close to capacity.
6. Employment opportunities limited.
7. Encourages a larger provision of woodland.

LCC Highways:

Letter 1: Confirms not all information has been provided to allow the Highways Authority to comment. Confirms the access is acceptable, but that a footway link along Old Gallamore Lane will need to be provided from the development site to the existing footway (to incorporate an uncontrolled crossing point). Confirms that the drainage strategy appears to be acceptable but requests additional information: drainage strategy; preliminary layout drawings; preliminary online hydraulic calculations and a desktop investigation report. Confirms if discharge is proposed in the River Rase permission must be obtained from the EA.

Letter 2: Following receipt of additional information, the Highways Authority has confirmed that there are no objections, subject to the inclusion of recommended conditions.

LCC Smarter Choices and Accessibility Team: Confirms that the Travel Plan Statement contains the relevant information in an appropriate level of detail. Makes a number of comments in relation to the policy context section; the agreement from LCC on leaflet content; targets relating to appropriate modal shift and the proposed action plan. Following the receipt of the Revised Travel Plan, LCC confirmed the content is now acceptable.

LCC Rights of Way Officer: Confirms that the site layout has been drawn to reflect both the actual and definitive line of the Public Right of Way within the undeveloped corridor. Prefers a consistent stone or sealed surface throughout the development.

Archaeology: Pre-application consultation has taken place and the associated geophysical survey confirmed that there is low archaeological potential. Confirms no further archaeological input is required.

NHS England: Requests that a contribution of £22,525 is considered necessary and provides justification for the proposed contribution.

Lincolnshire County Council (Education): Confirms that the primary school in Market Rasen is unable to accommodate the additional pupils within the permanent capacity of the school. Recommends that a contribution of £122,570 is required.

Lincolnshire Fire and Rescue: Objects on the basis of inadequate water supply for firefighting purposes. Recommends that in order for the objection to be removed, fire hydrants need to be installed within the development at the developer's expense. Clarifies that the number of hydrants required can only be determined at the water planning stage, when site plans have been submitted by the water companies.

Environment Agency: Letter 1: In the absence of a Flood Risk Assessment objects to the development. Advises that pre-application discussions have taken place and provides a number of recommendations to overcome the objection. Letter 2. Confirms that the amended FRA has addressed several of the EA concerns, but not satisfied with the proposed flood plain compensation. Maintains objection until additional information required is submitted and approved. Suggests liaison with the lead local flood authority (highways) in relation to the proposed water strategy/SuD features. Letter 3: Notes submission of the revised FRA (received on the 10<sup>th</sup> August 2015). Confirms the objection is withdrawn. Recommends the inclusion of a condition to ensure that the development takes place in accordance with the approved FRA, that compensatory flood storage is provided and that the floor levels are set no lower than 18.5m above AOD. Notes the parts of the development located in Flood Zones 2 & 3 need to be subject to the application of the Sequential Test (to be determined by WLDC).

Environmental Protection: Confirms that parts of the site are above bedrock and drift aquifers and that the site includes areas that are located within Flood Zones 2 & 3. The area is mapped as having historical flooding and poor infiltration. Confirms that a sustainable drainage strategy and no adverse impacts should be demonstrated. Notes planting next to the river may prohibit access for maintenance. Requires clarification in relation to the treatment of existing open drains; the impacts of the River Rase on the field drains; the sequential test must be applied to the elimination of SuDs methods and provides recommendations for the treatment of surface water drainage.

Lincolnshire Wildlife Trust – Satisfied that there should not be any significant negative impacts on protected species as a result of the proposed development providing the Consultant's recommendations are followed. Notes. 1. Assumed bats forage along the River Rase and to minimal disruption minimum lighting should take place along this route or limited to low level/directional/hooded lights. 2. Strongly supports levels of green infrastructure provision and the proposed recommendations, which provide significant opportunities to enhance biodiversity. Notes that the re-connection of the areas indicated as floodplain meadows may help to achieve benefits for the Water Framework Directive targets. Supports inclusion of species rich grassland; floodplain meadows; flowering lawn mixes; provides recommendations for the treatment of the SuDs. Supports the inclusion of bird and bat boxes on existing trees but encourages further inclusion within the built environment to support biodiversity (i.e. bird boxes, gaps in fences). Welcomes opportunity to comment further on detailed landscaping scheme and the Biodiversity Enhancement and Management Plan.

Natural England – Confirms no comments

Spatial Planning Team Manager – Confirms that the Draft Central Lincolnshire Local Plan was approved for consultation by Members and that consultation on the Plan will begin in October. Notes the application is not allocated for housing in the West Lindsey Local Plan First Review (2006) and falls within an area designated as an Undeveloped Settlement Break and Green Wedge under STRAT13. Notes that Middle Rasen is defined as a large village in the Draft Central Lincolnshire Local Plan, which is considered to be a sustainable location suitable for growth. However notes that the application site is not identified as a preferred allocation and that other sites have been identified as being more suitable for growth (located within Middle Rasen Parish but located adjacent to Market Rasen). Also confirms that the Undeveloped Settlement Breaks have been reviewed and continue to benefit from protection against development. Notes that the open break would be reduced as a result of the proposal. Concludes that there is no planning policy or overriding need demonstrated to support the application.

Environment Comments (Tree Officer): Confirms that any future applications should include a landscaping plan to reflect the details shown on the masterplan and a management/maintenance specification of the public spaces and SuDs. Notes that the area is very pretty and has the character of being the edge of a quaint village. Considers that the proposal will be an intrusion into the countryside, the settlement break and would diminish the picturesque rural character of this immediate area. Notes that there are clear views across the fields to this site from the A46. Considers that the fields to the west of the village (fields behind the Nags Head) to be more appropriate. If supported considers that additional planting is required along the easterly edge (provides recommendations). Considers that site frontage trees and hedgerows should be retained where possible. Recommends that the retention of the hedgerow is secured by condition. Effects on Public Right of Way – notes the route shown on the Masterplan differs from that shown on the GIS Maps and that this may need to be diverted. Effects on Trees/Hedgerows – Confirms that existing hedgerows should be retained and notes that some areas may need to be removed to accommodate the access visibility splays. Notes that the proposed buildings and roads are of a sufficient distance from existing trees to cause damage.

Anglian Water – Confirms that there is currently insufficient capacity to deal with foul drainage but clarifies that AW are obligated accept the foul flows from development with planning permission and that AW will take necessary steps to ensure there is sufficient capacity. Confirms that the sewerage network has capacity for these flows. Notes the surface water strategy is unacceptable and recommends the inclusion of a condition to agree these matters.

Conservation Officer: No comments received.

Housing and Communities Project Officer: The affordable housing requirement will be for 25% of the total units. This equates to 13.25 units of

which 13 will be required on site – type and tenure to be agreed with myself - and 0.25 of a unit as an off-site contribution which based on the West Lindsey SPG Off Site Contributions in lieu of Affordable Housing equates to £12,108.50

Neighbours:

Occupiers, 4 Mayfield Crescent, Middle Rasen. Objects. Concerned about impacts to local wildlife; impact on character of village; that the proposal will involve a large number of houses; sewerage system unable to deal with extra capacity; loss of privacy to existing bungalows; impact on existing service infrastructure and flooding will be exacerbated.

Occupiers, 5 Mayfield Crescent, Middle Rasen: Objects. Concerned about the proposed removal of the hedge and associated loss of wildlife habitat/impact on own property. Concerned about flooding. Does not object to the drainage ditch being filled as long as access is provided to allow both sides of hedgerow to be maintained. Emphasises that own hedge must not be removed.

Occupier, 6 Mayfield Crescent, Middle Rasen: Not in favour of the proposal for the following reasons: considers that there are sites within the settlement boundary; concerned about flooding; impact on service infrastructure; lack of public transport provision; concerned about the poor repair/narrow nature of the road serving the development; concerned about sewerage capacity and lack of jobs.

Occupier, 8 Mayfield Crescent, Middle Rasen: Concerned that the site is outside of the settlement boundary and there is land available within its limits; the site is within the flood zone; impact on local services, density, impact on character. Suggests reduction in density, more bungalows, and suggests family sized properties inappropriate next to bungalows.

Occupiers, 9 Mayfield Crescent, Middle Rasen: Highlights following points of concern: Drainage and sewerage capacity; schools and doctors at full capacity; poor visibility at A46 junction; lack of footpaths to cross A46; density of houses/relationship with bungalows; flooding of existing dyke; number of houses, queries if greenfield site and lack of services within village will create traffic problems. Letter 2: Notes that the FRA omits fact that the site was flooding in 1981 and that the development may exacerbate flooding issues; A46 traffic calming measures required; concerned about drainage capacity; site is greenfield, capacity of existing infrastructure, questions demand for the houses; limited jobs to support the development; environmental impacts (birds of prey) and that the density is too high.

Occupiers, 4 Meadowfield, Middle Rasen: Seeks re-assurance that neighbouring properties will be bungalows. Concerned about highway safety and that a 30mph speed limit for the whole road between Caistor Road and Middle Rasen should be introduced.

Occupiers, 5 Meadowfield, Middle Rasen (2 letters): Opposes for following reasons: Loss of privacy; de-valuation of property; concerned that the development is too big, too modern and not in keeping with the Parish, strain on existing infrastructure; questions need for housing; flooding; public transport inadequate; impact on wildlife; (including hedgehogs, rabbits, mice, buzzards, sparrow hawks, grass snakes, adders, birds and butterflies).

Occupiers, The Cherries, Old Gallamore Lane, Middle Rasen: Objects for following reasons: queries existing land use and whether garden centre benefits from planning permission; loss of privacy, urbanising impacts/loss of view, highway safety impacts and previous proposals refused on this basis; considers speed restrictions and traffic lights should be incorporated; noise and air pollution; impact on wildlife; flooding; lack of jobs, impacts on service infrastructure and that the proposal is not in keeping with the existing.

Occupiers, Marienfeld, Old Gallamore Lane, Middle Rasen: Questions need for more housing, the approach to the village will be spoilt, flooding; Old Gallamore Lane is unsuitable to cope with additional traffic and concerned about highway safety; loss of wildlife habitats; concerned about lack of service infrastructure and jobs; public transport provision is limited and pollution impacts/disturbance to existing residents.

Occupiers, Southwold Cottage, Old Gallamore Lane, Middle Rasen: Objects. Concerned about: Flooding which would be exacerbated as a result of the development; the lane is too narrow to accommodate extra traffic and concerned about highway safety issues; queries where people will work; sewerage system is at capacity; impact on existing service infrastructure and that community spirit will be lost as a result of the development.

Occupiers, High Hopes, Old Gallamore Lane, Middle Rasen, Objects. Concerned that the proposal will lead to the natural beauty of the village. Concerned about loss of habitat (including nesting buzzards); the land is greenfield within the flood zone, questions need for developing the greenfield site when brownfield land available off Caistor Road and there are houses for sale in Market Rasen; concerned about impacts on service infrastructure; impact on existing drainage infrastructure; highway safety issues and lack of industry to support and generate the need for new housing. Requests that village is not spoilt. (Letter sent via Sir Edward Leigh MP): Requests support on preventing the proposed development. Concerned that the proposal will ruin the village; questions requirement for the houses; that the site is greenfield; that there is insufficient infrastructure; highway safety concerns; impact on wildlife and that the area is subject to flooding.

Occupiers, 1 The Red House, Old Gallamore Lane, Middle Rasen: No objections whatsoever. Fully supports/encourages the development.

Occupiers, 2 Red House, Old Gallamore Lane, Middle Rasen: Objects. Queries need to build on greenfield land if brownfield land available; that a further proposal seeks to build 250 dwellings and industry off Caistor Road, Middle Rasen and people willing to develop gardens within the village to

provide housing; the development will be out of character with existing village; enough houses available ; queries if diverted public right of way will be useable in flood events; additional traffic will cause disruption; that the traffic survey is inaccurate; concerned that a footpath was supposed to be provided as part of the Brambles Estate; highway safety issues and queries if traffic speed restrictions and traffic lights will be imposed and concerned about impact on existing service infrastructure.

Occupiers, Karibu, Old Gallamore Lane, Middle Rasen: Concerned for the following reasons: the development will create congestion at the junction with the A46 and associated highway safety issues; understands the land is subject to flooding and suggests that someone from the Planning Department visits the site rather than consulting maps to assess the impacts.

Occupiers, Cartmel, Old Gallamore Lane, Middle Rasen: Raises following concerns: impacts on existing service infrastructure; impact on volume of traffic and highway safety concerns in relation to the junction of Old Gallamore Lane and the A46; parking demand in Market Rasen will increase; wildlife impacts; will exacerbate flooding issues, character issues and will over-populate the area beyond its capacity.

Occupiers, Brook Cottage, Low Church Road, Middle Rasen: Considers decision should be referred until land identified as part of the Local Plan; concerned about runoff flooding of own land, which is affected by closure of sluice gate.

Occupiers, End Barn, Scampton: Objects. Objects as a result of own experience of poor workmanship from a property purchased from the Applicant and associated risk of this occurring again.

Occupiers, 16 North Parade, Lincoln. Supports. Much needed development which links with existing village.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework  
National Planning Practice Guidance  
<http://planningguidance.planningportal.gov.uk/blog/policy/>

#### West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** (WLLP) remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with



this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT1: Development requiring planning permission;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT3: Settlement Hierarchy;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT9: Phasing of housing development and release of land;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT12: Development in the open countryside;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT13: Undeveloped breaks between settlements and green wedges around Lincoln;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat13>

STRAT19: Infrastructure Requirements;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS1: Development proposals and transport choice;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Cycle and pedestrian routes in development proposals;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

SUS7: Building materials and components;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus7>

RES1: Housing layout and design;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES2: Range of housing provision in all 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>

CORE10: Open space and landscaping within developments;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE14: Waste water disposal;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE20: Development on the edge of settlements.

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

## Emerging Planning Policy

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

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

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

## Main issues

- **Principle of the development and loss of part of the undeveloped break between Middle Rasen and Market Rasen (Policies STRAT1: Development requiring planning permission; STRAT3: Settlement Hierarchy; STRAT12: Development in the open countryside and STRAT13: Undeveloped breaks between settlements and green wedges around Lincoln).**
- **Flood Risk and Drainage Considerations (Policy NBE14 – Waste Water Disposal)**
- **Transport and Highway Safety (Policy STRAT1: Development requiring planning permission, SUS1, Development Proposals and Transport Choice and SUS4: Cycle and pedestrian routes in development proposals.**
- **Impact on Heritage Assets (including Archaeological Considerations).**
- **Affordable Housing Provision (Policy RES6 – Affordable Housing)**
- **Open Space Provision (Policy RES5 – Provisions of Play Space/Recreational Facilities in New Residential Development)**
- **Ecology and Landscape Considerations (Policy CORE10 – Open Space and Landscaping within Developments)**
- **Density of Development and Impact on Amenities (STRAT1 – Development Requiring Permission, RES1 – Housing Layout and Design, SUS7 – Building Materials and Components )**

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

**Assessment:**

- **Principle of the development and loss of part of the undeveloped break between Middle Rasen and Market Rasen (Policies STRAT1: Development requiring planning permission; STRAT3: Settlement Hierarchy; STRAT12: Development in the open countryside and STRAT13: Undeveloped breaks between settlements and green wedges around Lincoln).**

The site is located outside of the defined settlement boundary of Middle Rasen and is therefore regarded as being within the open countryside. Middle Rasen is currently linked with Market Rasen for the purposes of applying the settlement hierarchy associated with Policy STRAT3, however Middle Rasen has its own settlement boundary. The land located between the eastern side of Market Rasen and Middle Rasen is designated as an undeveloped break between the settlements, as defined on the proposals map.

Members' attention is drawn to the 'Central Lincolnshire Local Plan: Further Draft for Consultation' October 2015, which has been approved for consultation by the Central Lincolnshire Joint Strategic Planning Committee on the 7<sup>th</sup> September 2015. Paragraph 216 of the National Planning Policy Framework (NPPF) clarifies that weight can be given to emerging plans. Of particular relevance to this scheme are the following considerations.

Draft Policy LP2 of the emerging Local Plan continues to identify Market Rasen as a Market Town which will be a focus for significant, but proportionate growth. However unlike the current Local Plan which considers Middle Rasen as part of the town of Market Rasen, Middle Rasen is now defined separately as a 'Large Village' in the emerging Local Plan. Large Villages are highlighted as a focus for accommodating an appropriate level of growth either through site specific allocations or appropriate edge of village sites. There are no defined allocations relating to Middle Rasen under Draft Policy LP52 of the emerging Local Plan. Finally Draft Policy LP21 of the emerging Local Plan continues to define the land between the eastern edge of Middle Rasen and the western edge of Market Rasen as a Green Wedge, partly to seek to prevent the physical merging of settlements. It is also of interest that the emerging Local Plan does provisionally seek to allocate sites within the Parish of Middle Rasen, but these sites are physically attached to the settlement of Market Rasen. The Draft allocations for Market Rasen are available to view in the emerging Further Draft Local Plan:

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

In considering the scheme subject of this application, it is acknowledged that weight can be given to the emerging Local Plan under Paragraph 216 of the NPPF as a material consideration, however the weight that can be attached to this plan is still limited at this relatively early stage in the preparation of the plan. The emerging Local Plan is under active consultation and is likely to be subject to further changes pending the outcome and consideration of matters raised at the consultation stage. As such, whilst the emerging Draft Local

Plan, seeks to allocate land for residential development, the District Council is currently unable to demonstrate a deliverable 5 year land supply for housing.

It is therefore necessary to consider the site specific considerations when weighing up the merits of the proposals, with due regard to its ability to meet sustainable development objectives as set out under the NPPF and consistency of the proposal with current and emerging Local Plan Policies.

The site forms part of the defined Green Wedge both in the current and emerging Local Plan, which seeks amongst a range of criteria to prevent the merging of settlements. Members are advised that in a recent Inspectors Decision (Appeal Reference: APP/N2535/A/13/2207053 see Appendix A – Paragraph 36) that whilst the fundamental principle of the Green Wedge Policy remains, the spatial application of the Policy was considered to be out of date. This reinforces the need to assess the merits of the scheme on a site specific basis.

The application is accompanied with a Landscape and Visual Impact Assessment (LVIA). The LVIA acknowledges that the site character is defined by the land use (grazed paddocks) and its association with the settlement edge and River Rase. The LVIA (sections 4.5.3 – 4.5.5) considers the Middle Rasen and Market Rasen gap and concludes that the gap can be divided into 2 character areas (north and south of the A361 – Gainsborough Road). The application site falls within the northern character area where the LVIA defines that there is no inter-visibility between the settlement boundaries. The LVIA identifies that the majority of views are obtained from immediately adjacent vantage points and that there would be no change with regard to the inter-visibility between the 2 settlements. It concludes that the development has the potential to improve the character of the urban edge.

Overall it is acknowledged that the development will be visible from some surrounding vantage points and will reduce the physical gap between the settlements. However in this case it is considered remaining gap between the settlements will be sufficient to prevent the actual and perceived merging of the settlements, particularly from views from Gallamore Lane (A46), where any development proposal has the potential to allow the 2 settlements to be viewed simultaneously. The River Rase provides a natural defensible boundary in the landscape along the northern boundary, which would act as a strong defence from any further development pressures in the future. Furthermore an important gap in development would remain between the east of the application site, which would remain as fundamental to provide adequate separation between the existing built up development to the east and south-east. Detailed design considerations will be explored in further detail below, however on the Illustrative Masterplan, the proposal incorporates a generous landscaped buffer around the northern and eastern boundaries. Again this is considered to be of fundamental importance to maintain a 'soft edge' to the development and new settlement edge to Middle Rasen.

Middle Rasen is also defined as a 'Large Village' in the emerging Local Plan Policy LP2, which generally reflects the role of the village in providing

employment, retain and key services to the Local Area. The growth of larger villages is not proposed for restriction (draft policy LP4) in the manner small and medium villages are. The village itself has a relatively limited range of services (garage, Methodist Church, store/post office and a Primary School). However the village is closely related to Market Rasen, which has a significant range of services and amenities, including a secondary school. Overall it is considered that the proposal will help to support existing services within the village and help to support the continued vitality and vibrancy of Market Rasen.

On careful balance, whilst the site is not allocated for Residential development in the emerging Local Plan, the proposal is not considered to result in adverse demonstrable harm, which would justify a recommendation for refusal, based on the current shortfall of housing land provision within the District. It is considered that the proposed development would not fundamentally undermine the strategic approach advocated by the Draft Plan. In supporting the principle of the development, the detailed form, layout, design and landscaping setting, along with proposed floor risk improvements are considered to be of fundamental importance to this scheme, which is submitted as an Outline Planning Application. These issues will be addressed in further detail below, along with the recommended measures to ensure that any Reserved Matters application is consistent with the broad principles of the Outline Planning Application.

### **Flood Risk and Drainage Considerations (Policy NBE14 – Waste Water Disposal)**

Part of the site is located within Flood Zone 1 (lowest probability of flooding, however the areas close to the River Rase are located in Flood Risk Zone 2 and 3, which are at a higher risk of flooding. A Flood Risk Assessment (FRA) (Dated August 2015) forms part of the application. Following revisions to the originally submitted FRA, the Environment Agency (EA) removed its original objection. The FRA outlines a number of proposed measures, which would involve removing an area of developable area in Flood Zones 2 & 3 out of these Flood Zones and allow the displaced volume of water to be accommodated within ground works on site. Effectively this would allow the developable area to be re-classified as Flood Zone 1. However it is important to note that the EA have advised that the land could not be re-classified as Flood Zone 1, until the agreed re-levelling of the site has taken place. It is therefore recommended that a condition is incorporated to ensure that these works are completed and associated certification that the land is classified as Flood Zone 1, prior to the commencement of works associated with the proposed dwellings and infrastructure.

As the land is technically still within Flood Zones 2 and 3 the application must meet the provisions of the Sequential Test. The Sequential Test aims to steer development to land which is at a lower risk of flooding.

A Sequential Test Study (September 2015) has been submitted as part of the application. The shortage of housing land supply is at a District Wide level,

however it is acknowledged that Market Rasen is a sustainable settlement, in both the current and emerging Draft Local Plan, where a reasonable degree of residential development can be expected to take place. Whilst the emerging Draft Local Plan identifies a number of Draft Residential Allocations, it is considered that the scheme subject of this application is capable of providing additional housing in a sustainable location, to help maintain the vibrancy of the nearby town centre of Market Rasen and to help meet the current shortfall of housing within the District. The principles of applying the Sequential Test on a settlement basis (rather than on a District-wide basis) where specific justification exists, has been accepted on an alternative site within the District (130773 – The George Inn, Langworth). Overall it is considered appropriate that the Sequential Test has been carried out on the basis of Middle Rasen/Market Rasen, as opposed to a District wide basis.

The Sequential Test considers a range of sites put forward in the Central Lincolnshire Strategic Housing and Employment Land Availability Assessment (SHELAA) July 2015 adjacent or near to Middle Rasen and Market Rasen. It concludes that the reasonably alternative sites are: already allocated in the emerging Draft Local Plan; are unsuitable in sustainability terms; have other constraints which have led to the sites not being allocated or that the sites are at a higher risk of flooding. Overall it is considered that the application meets the Sequential Test.

The NPPF also requires the development to meet the Exceptions Test. To pass the Exceptions Test it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk. In this case the proposed improvement works will enable the site to be re-categorised as land at the lowest risk of flooding. In addition the detailed design of the proposal incorporates a commitment to sustainable construction measures and the provision of accessible pedestrian routes alongside the river Rase. The Environment Agency have confirmed that they are satisfied that Part 2 of the Exceptions Test has been passed, as the FRA has demonstrated that the development will be safe and will not increase flood risk elsewhere. The Exceptions Test has therefore been satisfied.

Following consideration of issues relating to drainage and flooding at the Multi Agency Group Meeting, the Highways Authority in its role as the Lead Local Flood Authority has confirmed that the proposals are acceptable, subject to the inclusion of recommended conditions. Overall the proposal is considered to be acceptable from a flooding/drainage perspective, in accordance with Policy NBE14 and the provisions of the NPPF.

- **Transport and Highway Safety (Policy STRAT1: Development requiring planning permission, SUS1, Development Proposals and Transport Choice and SUS4: Cycle and pedestrian routes in development proposals.**

The proposal seeks a single vehicular access point off Old Gallamore Lane, where an existing field gate and gap in the hedgerow is present. A Transport Statement (TS) accompanies the application. The TS concludes that no

material impacts will occur as a result of the development, to the site access junction or the junction of Old Gallamore Lane with the A46. The Highways Authority has confirmed that the proposed access is considered to be acceptable. A footway link along Old Gallamore Lane will need to be provided from the development site to the existing footway, which it is recommended can be secured through a planning condition.

A Travel Plan also accompanies the application and identifies the potential for sustainable transport opportunities, including: the availability of public transport (including buses to Market Rasen, Lincoln, Caistor and North Hykeham and trains to Grimsby, Newark and Lincoln); pedestrian and cycle routes. It highlights a number of mechanisms to encourage sustainable travel.

Subject to the inclusion of the recommended conditions, it is considered that the proposal is acceptable in highway safety terms and accords with Policies STRAT1, SUS1 and SUS4.

- **Impact on Heritage Assets (including Archaeological Considerations).**

An Archaeological Geophysical Survey (dated February 2015) accompanies the planning application. The survey concludes that there are only limited indications of potential archaeological remains. The Historic Environment Officer confirms that no further archaeological input is required accordingly.

The site is within close proximity to a number of listed buildings, including The Old Vicarage (Grade II listed) and Middle Rasen Water Mill (Grade II listed). A Historic Environment Impact Assessment (April 2015) accompanies the application. Overall the HEIA concludes that the proposal will not affect the setting of The Old Vicarage or the graveyard opposite (which is important to the setting of the Old Vicarage) and whilst the setting of the Mill will be affected it will not be harmed.

It is nonetheless important to note that the Illustrative Masterplan does indicate that area within close proximity is indicated as open space. Whilst the Illustrative Masterplan is indicative at this stage, this area of open space will be important to ensure the continued protection of the setting of the important grade II listed Mill. Any subsequent Reserved Matters application must therefore seek to secure this provision of open space and gap between development as indicated on the Illustrative Masterplan. Detailed design considerations will also be an important consideration at the Reserved Matters stage to ensure that the development as a whole and particularly the development in close proximity to the nearby listed buildings is sensitive to the setting of these listed buildings.

Overall it is considered that the proposal will preserve the setting of nearby designated heritage assets in accordance with the requirements of the NPPF.

- **Affordable Housing Provision (Policy RES6 – Affordable Housing)**

The Planning Statement identifies that the Applicant is willing to provide the required affordable housing contributions. The Housing and Communities Project Officer has confirmed that the affordable housing requirement will be for 25% of the total units (13.25 units). 13 will be required on site and an off-site contribution in lieu of affordable housing equates to £12,108.50. Subject to the provision of the affordable housing requirement (to be secured by a Section 106 agreement) the proposal is considered to accord with Saved Policy RES6.

- **Open Space Provision (Policy RES5 – Provisions of Play Space/Recreational Facilities in New Residential Development)**

The proposal seeks to accommodate on-site open space provisions, including the inclusion of pedestrian walkways adjacent to the River Rase. Provisions will need to be secured for the future management/maintenance arrangements of the open space as part of the Section 106.

The proposal is considered to accord with the provisions of Policy RES5 and the NPPF, with regard to the provision of recreational facilities.

- **Ecology and Landscape Considerations (Policy CORE10 – Open Space and Landscaping within Developments)**

An Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey accompanies the application.

The Survey concludes a number of recommendations relating to protected species and ecological enhancements, which are summarised as follows:

1. Tree protection plan to be agreed to protect existing trees and hedgerows during construction.
2. Site clearance to take place outside of the bird breeding season.
3. Provision for Ecology enhancements (bat boxes, bird boxes and enhancements within the areas of open space/general landscaping).
4. Advisory recommendations are provided in respect of reptiles.

Natural England has confirmed no objections to the proposal. The Wildlife Trust has confirmed that there should be no impacts to protected species, providing that the recommendations of the Protected Species Survey are followed. Conditions are included to reflect the recommendations of the survey.

Conditions are also included as recommended by the Environment Section in respect of additional landscaping/tree planting and the protection of existing landscaping features.

Subject to the inclusion of the recommended conditions the proposal is not considered to result in any adverse harm to protected species and will incorporate ecological and landscape enhancements in line with the requirements of the NPPF.



- **Density of Development and Impact on Amenities (STRAT1 – Development Requiring Permission, RES1 – Housing Layout and Design, SUS7 – Building Materials and Components )**

An Illustrative Masterplan Strategy (Drawing 714.3/21) accompanies the application, however it is highlighted throughout the application that this is indicative only. The submitted Design, Access and Landscape Strategy identifies a number of principles that have informed the design principles. The overall density of development is approximately 20 dwellings per hectare

In order to inform the Reserved Matters Stage, it has been requested that a set of broad Design Principles (see HAD ref: 714.3 September 2015) be submitted. Whilst the Application states that the Illustrative Masterplan is indicative only, this has been designed in accordance with the conclusions and recommendations of the Technical Reports that accompany the application and is considered to be fundamental to inform the later detailed design stages. It is therefore recommended that conditions be included to ensure that the detailed design of the scheme to be submitted at the Reserved Matters stage, accords with these broad design principles.

It is considered that the proposed density will allow for a form of development, that can be designed to ensure that satisfactory distances can be achieved between the proposed new dwellings and existing residential properties to ensure that no loss of residential amenity occurs to the occupants of these properties by virtue of overlooking, overshadowing or massing impacts.

The application will involve raising the existing ground levels to allow the land to be re-categorised as Flood Zone 1. A number of Comparative Section Drawings have been submitted to demonstrate the impact of raising the finished site levels in relationship to the existing development (see HAD ref: 714.3 – dated September 2015). It is considered that the impact of raising the site levels will ensure that the development will have a satisfactory relationship with neighbouring dwellings/bungalows to ensure that the residential amenity of these properties will be maintained and that the setting of the nearby listed Old Vicarage and Mill will be preserved. It is nonetheless recommended that conditions be attached to agree the precise level details.

Overall the proposal is considered to be acceptable in design terms in accordance with Policies STRAT1, RES1 and SUS1 and the emphasis on good design contained within the NPPF.

### **Health Contributions**

NHS England has confirmed that a financial contribution of £22,525 is required to provide required facilities and provisions resulting from the development.

### **Other Issues**

The Planning Statement confirms that the Illustrative Masterplan follows the alignment of the public footpath (Footpath 173) on the definitive map. As such the proposal is considered to accord with Policies STRAT1 and RES1.

It is considered that the proposal is located a sufficient distance from the Lincolnshire Wolds Area of Outstanding Natural Beauty to ensure that no adverse impacts occur to this important landscape designation.

## **Conclusion**

On balance it is considered that the proposal will help to provide much needed residential development within the District and will meet sustainable development objectives set out in the NPPF. The site is located within Middle Rasen and in relatively close proximity to Market Rasen, for access to wider service provisions. Whilst the proposal will involve some loss of open land which is designated as an undeveloped break between settlements, it is considered that the function of the remaining gap, will continue to provide appropriate separation between the two settlements to prevent actual and perceived coalescence in this case. As such it is not considered that significant or demonstrable harm will occur to the undeveloped break designation as a result of the development. The Illustrative Masterplan indicates a commitment to securing good design which will preserve the setting of nearby listed buildings and it is considered that the proposal will not create any adverse harm to the amenities of the occupants of neighbouring properties. Subject to the inclusion of the recommended conditions and the provision of a Section 106 Agreement as detailed in this report, the proposal is considered to accord with relevant local and national planning policies.

**RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under Section 106 of the amended Town and Country Planning Act 1990 which secures: affordable housing provision; developer contributions towards education and health and open space provision (including management arrangements).**

## **Section 106 Heads of Terms**

- 13 affordable units (type and tenure to be agreed with WLDC) and an off- site financial contribution (based on the West Lindsey SPG – Off Site Contributions in lieu of Affordable Housing) equating to £12,108.50.
- Developer Contributions towards health care provision – Commuted Sum of £22,525 required.
- Developer Contributions towards education provision – Commuted Sum of £112,764 required.
- A scheme to secure the provision, detailed specification, ongoing management and maintenance arrangements of an area of public open space. The open space location and size to broadly accord with the Illustrative Masterplan. The specification shall include: the drainage

arrangements; hard and soft landscaping arrangements; lighting; street furniture provision and footpath details.

## **Conditions**

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

3. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

4. No development of the hereby approved dwellings and associated infrastructure shall take place until the precise specification of works associated with the approved FRA Ref: 880704-R2(03)-FRA dated August 2015 have been submitted to and agreed in writing by the local planning authority (including scaled drawings 1:50/1:100 of the existing and proposed landworks); the agreed works are fully implemented and written certification has been provided to the local planning authority to confirm that the developable area lies within Flood Zone 1.

**Reason:** In the interests of ensuring that development takes place in areas at the lowest risk of flooding as outlined in the submitted Flood Risk Assessment and to accord with the provisions of the NPPF.

5. The scheme submitted at the Reserved Matters stage shall broadly accord with the design principles, layout (including open space provision) shown on the Indicative Masterplan Strategy (Drawing 714.3/21) and the Design Principles for Land North of Gallamore Lane (HAD Reference: 714.3 – September 2015) submitted as part of the application.

**Reason:** To achieve a satisfactory standard of design and to ensure the development preserves the setting of nearby designated heritage assets, meets sustainable construction objectives and provides an appropriate edge of village setting, to accord with Policies STRAT13 and RES1 and the provisions of the NPPF.

6. Notwithstanding the submitted details prior to the commencement of development, a scheme shall be submitted to and agreed in writing to demonstrate the precise hedgerows and trees to be retained as part of the development and a Tree and Hedgerow Protection Plan to BS 5837:2012 (including details of timescales for implementation of the proposed protection measures).

**Reason:** To ensure the protection of existing landscape features and in the interests of biodiversity to accord with the provisions of the NPPF.

7. Prior to the commencement of development an Ecology Enhancement Scheme (including drawing 1:200 showing the position of the measures and the precise specification of measures) shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall be based on the recommendations of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species (July 2014) and include bat and bird nesting boxes; general ecological enhancements of the open spaces and landscaped areas and shall include details of the timescales for the implementation of the approved measures.

**Reason:** To ensure the protection of existing landscape features and in the interests of biodiversity to accord with the provisions of the NPPF.

8. No works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August in any year until, a detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

**Reason:** In the interest of nature conservation in accordance the National Planning Policy Framework and with saved Policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006.

9. The development hereby approved shall not be occupied/brought into use until a soft landscaping scheme including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance.

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

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

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

11. No development shall take place until details of the existing ground levels and the proposed finished floor levels have been submitted and approved in writing by the Local Planning Authority.

**Reason:** In the interests of residential and visual amenity and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

12. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide link footway connecting to the existing footway on Old Gallamore Lane along with the construction of an uncontrolled crossing point, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

13. No dwellings shall be occupied before the first 60m metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 47067221 dated May 2015 has been completed.

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

14. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to Greenfield run-off rate, figure to be agreed with the Environment Agency;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure satisfactory drainage provisions in accordance with Policy NBE14 and the provisions of the NPPF.

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

15. 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: 47067221-MR-SK-05 Dated May 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

16. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: 880704-R2(03)-FRA dated August 2015, including the following mitigation measures detailed within the FRA:

- Provision of compensatory flood storage as identified in section 8.3 to provide compensatory storage volumes in accordance with Table 8.1 and within the outline in Appendix G. No development shall take place within the flood plain compensation area which will reduce the volume of storage required within the 200mm slices of Table 8.1.
- Finished floor levels set no lower than 18.85m above Ordnance Datum (AOD).

**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage for flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

17. Notwithstanding the submitted details, the Plots located along the western boundary and part of the southern boundary (adjacent to bungalows located off Meadowfield) shall be single storey dwellings with no living accommodation within the roofspace.

**Reason:** To preserve the residential amenities of the occupants of neighbouring residential properties and to secure an acceptable standard of visual amenity in accordance with Policy STRAT1 and the provisions of the NPPF.

18. The development shall take place in full accordance with the agreed tree and hedgerow retention scheme and associated protection measures associated with Condition 6 and associated timescales for implementation. The trees and hedgerows to be retained shall be retained in perpetuity thereafter.

**Reason:** To ensure the protection of existing landscape features and in the interests of biodiversity to accord with the provisions of the NPPF.

19. The development shall take place in full accordance with the agreed Scheme of Ecology Enhancements associated with Condition 7 and associated timescales for implementation.

**Reason:** To ensure the protection of existing landscape features and in the interests of biodiversity to accord with the provisions of the NPPF.

20. The details of hard landscaping approved in Condition 10 shall be implemented on site prior to the occupation of the building(s) of the completion of the development whichever is the sooner and shall be so retained.

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

21. The development shall be carried out only using the finished floor levels approved in Condition 11 of this permission and shall be so retained.

**Reason:** In the interests of residential and visual amenity and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

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

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

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

**Notes to the Applicant**

1. *EA Advice - There may be the opportunity to carry out some habitat enhancement works in and near to the River Rase as part of this development. This would help to improve the visual amenity of the*



*development as well as potentially improving water quality and ecology. If the developer is interested in exploring these opportunities then they should contact us for further information. Flood Defence Consent will be required for any works within 9 metres of River Rase. For more information please contact [PSOlincs@environment-agency.gov.uk](mailto:PSOlincs@environment-agency.gov.uk).*

2. *The Applicant is advised that the land clearance shall take place in accordance with the recommendations (paragraph 6.9.2 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey – July 2014) to avoid any potential impact to reptiles.*
3. *The Applicant is advised to follow the recommendations of the Lincolnshire Wildlife Trust when designing the Ecological Enhancement Scheme as required under Condition 7 of this permission.*
4. Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.
5. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

Appendix A – Appeal Decision Notice Reference: APP/N2535/A/13/2207053

#### **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

## Appeal Decision

Inquiry held on 25, 26 and 27 March 2014

Site visit made on 27 March 2014

**by Brendan Lyons BArch MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 June 2014**

**Appeal Ref: APP/N2535/A/13/2207053**

**Land west of Ryland Road, Dunholme, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Charles Pickering against the decision of West Lindsey District Council.
- The application Ref 130168, dated 26 June 2013, was refused by notice dated 20 September 2013.
- The development proposed is the erection of 74 dwellings (including 30 affordable units) with associated access arrangements and open space provision.

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application that has given rise to this appeal was submitted in outline form, with only the principle of development and the means of access to the site for full approval at this stage. Other matters, including the layout and landscaping of the site and the scale and appearance of development were 'reserved' for later approval by the Council.
3. However, the application was supported by an 'Illustrative Masterplan'<sup>1</sup> that shows how the 74 dwellings for which permission is sought might be laid out on the site. An updated version of this layout<sup>2</sup> was submitted in evidence to the Inquiry, together with some photomontages giving an indication of the possible appearance of the proposed development.
4. The appeal is accompanied by a Statement of Common Ground ('SoCG') which sets out a description of the site, its planning history, and the policy context for consideration of the appeal proposal, including the Government guidance of the National Planning Policy Framework ('NPPF'). Matters not in dispute between the appellant and the Council are identified.
5. The SoCG also includes heads of terms for a planning obligation under S106 of the Town and Country Planning Act 1990. A copy of a draft obligation, in the form of a planning agreement between the Council, Lincolnshire County Council and the landowners, was submitted before the Inquiry. Following discussion at

<sup>1</sup> Plan Ref 130620-3

<sup>2</sup> Evidence of Brian Duckett: Plan Ref 714.1/10A HDA6

the Inquiry, a copy of a completed amended agreement was provided before the Inquiry closed. The agreement sets out covenants in respect of the provision and management of affordable housing on the site, a contribution towards education provision, the implementation of highway and footpath improvements, and the provision and management of on-site open space. The merits of the obligation are considered later in this decision.

6. Since the appeal was submitted, the Government has published new planning practice guidance, and much former guidance has been cancelled. The parties were given the opportunity at the Inquiry to draw upon any relevant aspects of the new guidance.
7. After the close of the Inquiry, the appellant drew attention to a recently issued decision by the Secretary of State on appeals for housing development and associated open space at a site in Rothley, Leicestershire<sup>3</sup>. As the decision appeared to be relevant to the current appeal, written submissions on the matter were invited and were subsequently received from both main parties. These submissions and the decision itself have been taken into account in the determination of this appeal.

### **Proposal**

8. The appeal site comprises a field of some 4.22ha in area that is no longer in active agricultural use. The field has a frontage to Ryland Road, which links the neighbouring villages of Dunholme and Welton. The space between the villages is narrow at this point. The appeal site adjoins the southernmost projection of the built-up area of Welton, which is the larger of the two villages. This projection, like the appeal site and the remainder of the gap between the villages, actually lies within the parish boundary of Dunholme. A public footpath runs from Ryland Road along the northern edge of the site, next to the built-up area, and carries on to the west.
9. Permission is sought to erect 74 houses, of which 30 (40%) would be reserved for affordable occupation. The Design and Access Statement ('DAS') that accompanied the application indicates that the majority of the houses should be two-storey, with a small number of three-storey and single-storey units. The illustrative plan proposes that the houses would be set back from Ryland Road behind an open space, described as a 'village green' open to residents of both villages. Access would be taken at the south-eastern corner of the site, where there would be a small car park available for use in connection with the open space and the nearby primary school. The intended highway improvements would include a new footway along the site frontage, linked to a crossing of Ryland Road.

### **Main Issue**

10. It was agreed at the Inquiry that the main issue in the appeal is whether the proposal would amount to a sustainable form of development in accordance with national and local policy, having particular regard to the effect on the gap between Dunholme and Welton.

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<sup>3</sup> Appeals Ref APP/X2410/A/13/2196928 & 2196829 Land off Mountsorrel Lane, Rothley, Leicestershire

## Reasons

11. For the purposes of this appeal, the development plan comprises the saved policies of the West Lindsey Local Plan First Review ('LP') adopted in 2006. Work was well advanced on the preparation of a new-style plan, with the Central Lincolnshire Local Plan Core Strategy having been submitted to the Secretary of State for examination in October 2013. The subsequent withdrawal of that draft document in January 2014 means that little or no weight can be attached to its provisions. The Council has instead embarked on the preparation of a district-wide Local Plan, to include site allocations, but this is at too early a stage to influence the current appeal.
12. Initial public consultation has taken place on a Dunholme Parish Council Neighbourhood Plan, which would ultimately form part of the development plan. The Neighbourhood Plan is also at too early a stage to be given significant weight in the determination of the appeal. Welton Parish Council intends to adopt a Neighbourhood Plan. An existing Parish Plan has been rolled forward to cover the period from 2010-2015, but very limited weight can be given to this document, which does not have statutory force as part of the development plan and does not in any event cover the appeal site.
13. The planning application was refused because of conflict with saved LP Policy STRAT 13, which seeks to protect the open rural character of undeveloped gaps between settlements. The site lies outside the development boundaries of the two villages, within the area allocated for protection under this policy. Statutory duty requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise<sup>4</sup>. Should the proposed development for housing be contrary to the LP it should be refused unless material considerations are found to outweigh the conflict with the plan.

### *Compliance with development plan*

14. The conclusion of the appellant's case rests on two alternative propositions. The first of these is that the proposal would meet the aims of Policy STRAT 13 and hence would accord with the development plan. Paragraph 14 of the NPPF states a presumption in favour of sustainable development and advises that proposals that accord with the development plan should be approved without delay.
15. The aims of the policy are to maintain undeveloped land between neighbouring villages that provides open breaks, maintains the physical identity or prevents the coalescence of settlements. The policy justification refers to the importance of such land to the character of the individual settlements and their setting, its role in providing access to the countryside and its value for nature conservation.
16. As the appellant's analysis shows, the area between Dunholme and Welton protected by the STRAT 13 designation forms a discrete part of a much wider landscape setting of the two villages. This relatively small area comprises one very large arable field, immediately to the west of the appeal site, several smaller fields, of which the appeal site is one, a playing field and a patch of woodland. The appeal site thus represents a not inconsiderable proportion of

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<sup>4</sup> Planning and Compulsory Purchase Act 2004 s38(6)

- the protected land. Its loss to development would significantly reduce the area of the gap between the villages.
17. Development of the site would also be significant in visual terms, and to the perception of a break between settlements. Ryland Road provides the main link between the two villages, and along which the experience of leaving one place and entering another most commonly happens. The site is located at a critical point immediately adjoining the built-up area of Welton. Its open character can be clearly perceived from Ryland Road, particularly with the recent removal of some trees. The landscape here is relatively small scale, as assessed by the appellant, without expansive links to the wider landscape beyond the villages. Nevertheless, the lack of indication of development further to the west of the field reinforces the perception of an important open break.
  18. The appeal site is not of high quality in landscape terms and it does not provide a memorable gateway feature, but its openness provides the contrast with the existing development to define the village edge and maintain the settlement's rural context. The critical factor is the absence of a developed frontage to Ryland Road. It is particularly important that the undeveloped frontage is here reflected by the small field on the east side of Ryland Road. The two fields are not entirely opposite one another, so that the extent of the space they offer does not coincide. But the absence of built development to both sides of the road and the ability to perceive the open land beyond provides a critical clear break between the two villages.
  19. Further to the south, the northern edge of Dunholme has been allowed over time to extend outwards into the gap, with a ribbon of residential development on the east side of the road and the more isolated enclave at Cottingham Court on the west side. There remains a clear perception of being outside the village core, but the setting is more difficult to appreciate, despite glimpsed views of fields to the east and the impression of open land to the west. The appeal site and the field opposite provide a better expression of the gap from Ryland Road.
  20. Important perception of the gap is also gained from Footpath 169 along the appeal site's northern boundary. The role of the appeal site and the field to the south as a buffer to the northern limit of Dunholme can be readily appreciated. This path allows access to the countryside at the village edge, which LP Policy STRAT 13 seeks to protect. Further to the west, the appeal site and the adjoining field add depth to views from Footpath 785 across the large arable field, and define the extent to the clear gap between the settlements.
  21. Should the proposed development proceed, Footpath 169 would be contained by residential development on both sides, other than a short length near Rylands Road. Its value as an accessible outlet to space at the village edge would be greatly reduced. The new houses would be clearly visible from Footpath 785, even with mature edge planting, and would reduce by half the gap between the built edges of the villages.
  22. The change from open land to developed housing area would be clearly discernible from Ryland Road. The extent of the open gap between settlements would be significantly reduced.
  23. The appellant considers that an acceptable gap would be retained by leaving adequate space between buildings. This would rely on the setting back of the built development behind the proposed green space. Although the Council

objects that layout is not for decision at this stage, some weight can be given to the DAS and the illustrative plan, which could then be taken into account at the reserved matters stage to ensure that this level of setback was incorporated.

24. Even so, the dimensions on which the appellant's judgement is based would seek only to replicate current minimum distances between buildings, from the northernmost house on the east side of Ryland Road. The appeal site forms part of a wider block of open land, whose space between built form is considerably greater. While I note that the Secretary of State was willing to allow a reduction to minimum dimensions of a green wedge in the recent Rothley appeal<sup>5</sup>, that case rested on its own particular facts, and the overall integrity of the green wedge was held to be preserved. The Secretary of State has taken a different view where the purpose of a green wedge was compromised<sup>6</sup>.
25. In this case, an important issue is whether the proposal would be seen from Ryland Road as a developed frontage. In the indicative layout, the houses and their access drive would be set back from the road by less than 100m, and would be closer than that to the footway to be provided in accordance with the planning obligation. This depth, which would be less than that of the small field to the east, would provide insufficient separation to divorce the houses from the road.
26. The later version of the indicative layout shows less formal design for the proposed 'village green'. But as public open space, even if designed to somehow resemble a meadow, it would be seen in conjunction with the houses as a part of the development. The proposed car park, which is not shown on the appellant's photomontages, would emphasise the developed character of the space, which would be markedly different from the tightly enclosed traditional village greens found at the core of the two villages.
27. The effect of this would be to change the character of most of the west side of Ryland Road to a perceived developed frontage. Only the narrow intervals to the north and south of Cottingham Court would remain unbuilt. Crucially, for the first time the developed frontages to both sides of the road would overlap. There would be the beginnings of coalescence of the two villages.
28. For the reasons set out above, I conclude that the proposal would be contrary to LP Policy STRAT 13. For the appeal to be allowed, the conflict with the development plan would have to be outweighed by other considerations.

#### *Consistency with NPPF*

29. The appellant's second proposition is that the designation of the site's location under Policy STRAT 13 should be seen as out of date in the context of current development needs, such that any conflict with the development plan would be outweighed by other considerations, and that planning permission should be granted in accordance with the guidance on out of date policies of paragraph 14 of the NPPF.
30. The LP was adopted to cover the period to 2016. Those policies saved by ministerial direction in 2009 are therefore not strictly time-expired. However,

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<sup>5</sup> Paragraph 7 above

<sup>6</sup> Appeal Ref APP/G2435/A/11/2158154

the higher order regional and county-level plans on which the LP was founded have since respectively been replaced and revoked, and the subsequent Regional Plan of 2009 also cancelled. I agree with the Council that the tests of soundness of a local plan set out in paragraph 182 of the NPPF are specifically directed to the examination of emerging plans. Nevertheless, for any plan to be regarded as up to date, it should reflect current objectively assessed needs for development. The adopted LP no longer reflects such needs, particularly for housing.

31. It is common ground that, allowing the 20% buffer for persistent past under-delivery advised by the NPPF<sup>7</sup>, the Council cannot currently demonstrate a 5 year supply of deliverable housing land. Although the precise level of shortfall is not fully agreed, the difference between the parties is not of great consequence for the appeal, and the shortfall is clearly significant. In these circumstances, the NPPF advises that the housing supply policies of the development plan cannot be regarded as up-to-date<sup>8</sup>. The unmet need for additional housing becomes a consideration of substantial weight in the appeal.
32. In accordance with the judgement of the High Court in the case of *William Davis*<sup>9</sup>, the appellant accepts that STRAT 13 is not a policy relevant to the supply of housing, and is not therefore out of date because of the absence of a 5 year land supply.
33. The appellant also accepts that the principle of protecting space between settlements set by Policy STRAT 13 is consistent with the guidance of the NPPF, but argues that the spatial application of the policy must now be seen as out of date, so that the weight to be given to the policy restriction must be diminished, in accordance with NPPF paragraph 215.
34. For the Council to continue to resist that argument appears to be inconsistent with its position on other LP policies. In particular, the Council considers that the appeal proposal would be contrary to LP Policies STRAT 9, on the sequence of release of housing land, and STRAT 12, on protection of the open countryside, but has not treated either policy conflict as a reason for refusal. The committee report explains that the Council's inadequate housing land supply means that neither policy can currently be strictly applied, despite compliance in principle with NPPF guidance. The acceptance of encroachment beyond boundaries designated by Policy STRAT 12 effectively recognises that the policy protection has been rendered out of date, and that greater weight must be given to other considerations.
35. The distinction drawn by the Council to justify a different approach to the protection offered by Policy STRAT 13 appears to be based on the consistent history of its application and the very specific locations affected. But these are matters to be taken into account when applying weight, rather than to the judgement of whether the policy protection is now fully consistent with the NPPF.
36. Therefore, I accept the appellant's position that the spatial application of Policy STRAT 13 should be seen as out of date. If the appeal proposal is to avail of the presumption in favour of sustainable development, the second bullet point

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<sup>7</sup> paragraph 47

<sup>8</sup> paragraph 49

<sup>9</sup> *William Davis Limited and Jelson Limited v Secretary of State for Communities and Local Government and North West Leicestershire District Council* [2013] EWHC 3058 (Admin)

of NPPF paragraph 14 on decision making must apply. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

*Balance of considerations: main issue*

37. The NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental. The overall balance must look across all three strands. The Council accepted at the Inquiry that weakness in one dimension did not automatically render a proposal unsustainable.
38. For that reason, I do not agree with the Council that wider application should be given to the judge's remarks in the recent *Bloor Homes* High Court judgement<sup>10</sup>, in which development in a green wedge was considered patently unsustainable. That conclusion related to the particular facts of that case, and should not be read across to the current appeal.
39. Both Welton and Dunholme are recognised by LP Policy STRAT 3 as Primary Rural Settlements and accepted by the Council as sustainable locations for new housing. The appeal site would be well located with regard to access to local services and to public transport links to larger service centres. This would accord with the social dimension of sustainable development.
40. The provision of market housing would also address the social dimension. In the light of the Council's severe deficit in supply, this is a consideration of substantial weight. There has been some local support for this provision as part of a process of growth and renewal of the villages.
41. The proposed provision of affordable housing also attracted some strong local support in written submissions and at the Inquiry. The number of units proposed would exceed the local policy minimum level and would go some way towards meeting the currently identified need from both villages. This would provide positive weight in favour of the proposal.
42. The Council does not dispute the economic benefits outlined by the appellant in terms of job creation during construction, spending power of future residents and the one-off income received under the New Homes Bonus. Moderate weight would attach to these economic benefits.
43. Subject to later approval, biodiversity enhancements and open space provision could produce modest environmental gains. Cumulatively, the benefits of the proposal attract substantial weight.
44. Set against these would be the harm, both environmental and to a certain extent social, caused by development between the villages. Environmental harm would arise from the loss of open land as a buffer to the two built-up areas and from the curtailed landscape setting of the two villages, while residents' access to undeveloped open land leading to the wider countryside would be adversely affected.
45. The extent of the proposed developed frontage to Ryland Road would be significantly harmful. The proposal would appear primarily as an extension of

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<sup>10</sup> *Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin)



the built-up area of Welton, but the overlap of development would make it considerably less clear that, as put by the appellant in closing, 'Welton is Welton; Dunholme is Dunholme'.

46. The planning history shows the consistency with which the objective of protecting the space between settlements has been pursued, and upheld by previous Inspectors. While some of these former decisions are now too old to be seen as compelling precedents, they illustrate the value that has been attached to this policy aim over time.
47. By contrast, it is to be hoped that the current housing shortfall will be relatively short-term. The Council's evidence suggests that moves are afoot to bring forward other potentially more suitable sites to address the need for housing, both market and affordable. By allowing coalescence of the two villages to begin, approval of the appeal proposal could be a watershed moment in the pattern of development. It would become increasingly difficult to resist further development between the villages, particularly adjacent to Ryland Road. I endorse the view taken in the Devon appeal decision<sup>11</sup> referred to by the Council that a change of this significance ought to be subject to formal policy review.
48. There is clearly a good degree of mutual interrelationship between the two villages and shared use of some facilities. But their historic separate identities, dating back to Domesday and beyond, are clearly valued by many local residents and by the two parish councils who have objected to the proposal. Maintenance of the physical gap between the villages is the most obvious way of preserving the separate identities of the two communities.
49. The policy objective of protecting the gap remains an important element of the current development plan, whose principle is consistent with the guidance of the NPPF. The policy's out of date spatial application means that the particular circumstances of any development proposal must be carefully assessed and weighed in the balance set by paragraph 14.
50. In this case, taking account of the extent of development proposed, I find the effect on the gap between villages would be significantly harmful, and would have permanent effect. The direct conflict with the principle outlined by Policy STRAT 13 is a matter of great weight. On balance, the proposal's adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not comprise a sustainable form of development in accordance with national and local policy.

#### *Fallback position*

51. The appellant states that four agricultural buildings could be erected on the site, their construction having been started in 1991 in accordance with 'permitted development' rights for farm buildings in force at that time. It is suggested that, in the event of the appeal being dismissed, these buildings, each up to 465 sqm in area and 12m in height, would be completed and used for agricultural storage.
52. Letters sent by the Council to the appellant in 1992 and 1993 confirm that holes dug for foundations constituted commencement of development. But apart from that, information about the extent of the works and the location of

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<sup>11</sup> Appeal Ref APP/U1105/A/13/2202124

the buildings appears extremely sketchy, and no sign of them could be discerned at the site visit. A statutory declaration by the appellant merely confirms that some foundations were laid, but work was otherwise delayed. Other evidence suggests that a building was at least partly erected close to Ryland Road, but subsequently taken down.

53. Therefore, there is considerable uncertainty over what precisely could be implemented under the claimed deemed permission, and whether, in the absence of further implementation over the long period of time since commencement, that permission would still have effect. The lack of progress also suggests that the provision has not up to now been seen as necessary for the appellant's agricultural operation. The weight to this proposition as a realistic fallback with a reasonable likelihood of implementation is greatly reduced.
54. But even if any or all of the proposed buildings could be implemented, and if associated hardstandings could also be provided as now claimed, the development would be agricultural in character and not out of keeping with the rural context. It would be well dispersed around the field and would be unlikely to alter the appearance of the site to that of a busy farmyard. The impact on the open character of the site would be significantly less detrimental than that of residential development. The potential fallback does not provide compelling support for approval of the appeal scheme.

#### *Other matters*

55. The Council's second reason for refusal of the application related to inadequate assessment of the potential impact of development on the archaeological significance of the site. Site investigations carried out after the refusal confirmed the presence of archaeological remains, but concentrated at the eastern end of the site, in the area identified as intended open space. The SoCG confirmed the Council's satisfaction that this issue could now be addressed by the imposition of conditions, and I have found no reason to disagree.
56. Objectors to the proposal raise a number of other concerns, primarily concerned with the capacity of local infrastructure to absorb additional development. The effect on schools has been assessed and additional places where required would be funded by the planning obligation. There is no evidence to conclude that the proposal would exacerbate any existing flooding or traffic problems on Ryland Road. The proposed car parking might have some benefit in easing any congestion caused by parking on Ryland Road for school drop-off and collection, but could also merely serve to encourage more car-borne trips for this purpose. There would seem to be little need for a car park to serve the proposed village green, which would aim to provide local open space.
57. The effect on nearby residents, including those living opposite the proposed site access, would not be sufficiently adverse to justify rejection of the proposal and would be subject to further detailed consideration in the event of the appeal being allowed.
58. The provisions set out in the S106 agreement would not in themselves alter the planning balance to render the proposal acceptable, nor could the balance be redressed by the imposition of conditions.

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**Conclusion**

59. For the reasons set out above, and having taken careful account of all representations made, both in writing and at the Inquiry, I conclude that the appeal should be dismissed.

*Brendan Lyons*

INSPECTOR

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY West Lindsey District Council:

|   |  |
|---|--|
| Stephanie Knowles of Counsel                            | Instructed by Charlotte Lockwood,<br>Senior Planning Solicitor,<br>Legal Services Lincolnshire |
| She called:<br>Russell Clarkson<br>BA(Hons) DipTP MRTPI | Senior Development Management Officer, Cofely  |

FOR THE APPELLANT:

|  |  |
|--|--|
| Christopher Boyle QC   | Instructed by<br>URS Infrastructure and Environment UK Ltd                 |
| He called:<br>Brian Duckett<br>BSc(Hons) BPhil CMLI<br>Thomas Smith<br>BSc(Hons) DipTP MRTPI | Managing Director, Hankinson Duckett Associates<br><br>Planning Consultant |

INTERESTED PERSONS:

|                        |                                       |
|------------------------|---------------------------------------|
| Robert Jones           | Resident of Dunholme                  |
| Catherine Cullen       | Resident of Welton                    |
| Matthew Barber         | Resident of Welton                    |
| Joanna Pace            | Resident of Dunholme                  |
| Rachel Jones           | Resident of Dunholme                  |
| Peter Williams         | Resident of Dunholme                  |
| Julie Murray           | Clerk to Welton Parish Council        |
| Suzanne Hollick        | Resident of Welton                    |
| Peter Forman           | Resident of Dunholme                  |
| Tony Pache             | Resident of Dunholme                  |
| Councillor Sue Rawlins | Member, West Lindsey District Council |
| Andrew Hunt            | Resident of Dunholme                  |
| Pamela Vaughan         | Resident of Welton                    |

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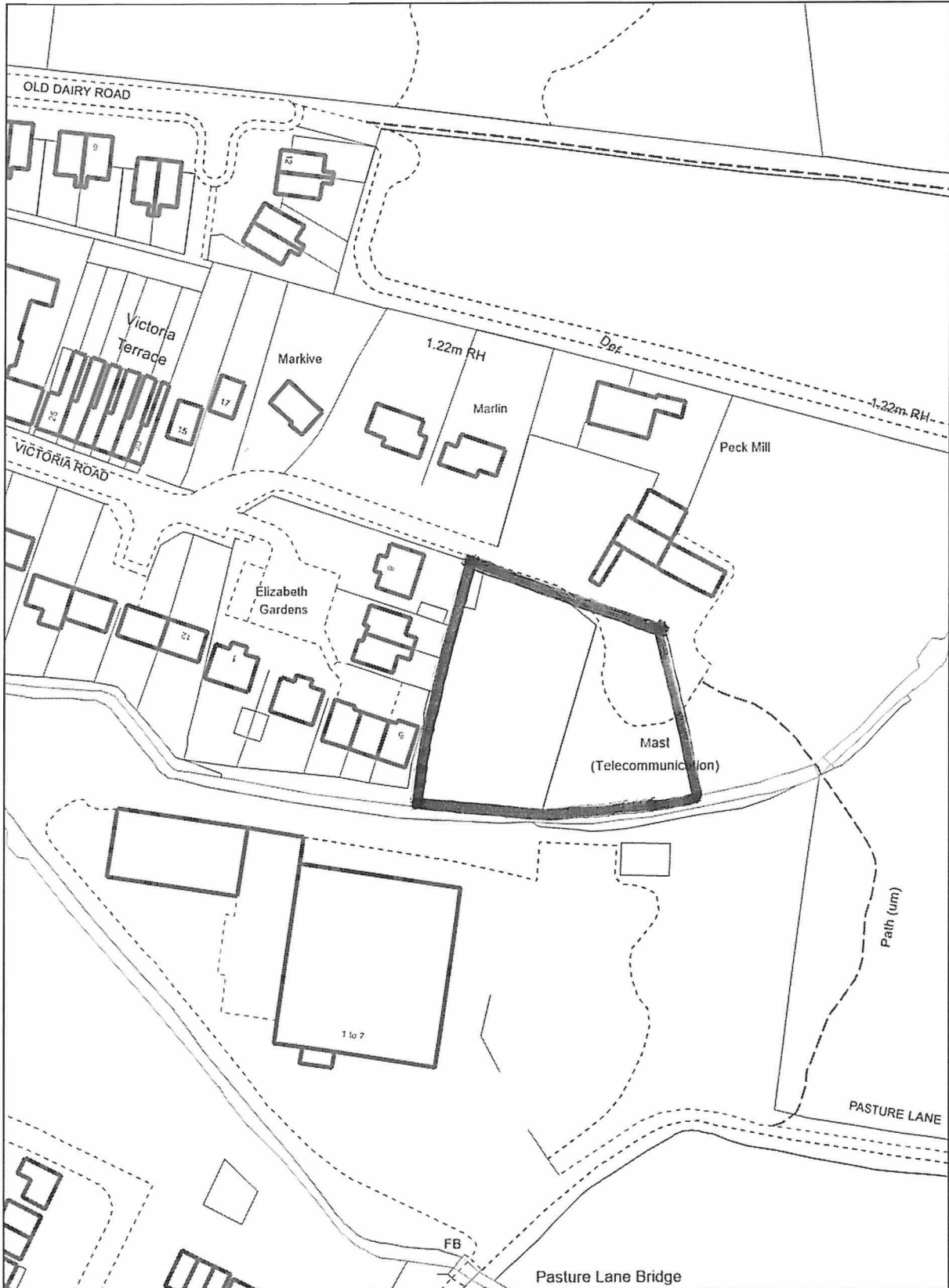
## DOCUMENTS

### Submitted at Inquiry

- 1 West Lindsey District Council's letter of notification of the Inquiry
- 2 Central Lincolnshire Local Plan: Local Development Scheme
- 3 Welton-by-Lincoln Parish Plan 2010-2015
- 4 Saved Local Plan Policy NBE7
- 5 Welton-by-Lincoln Parish Plan 2007-2012
- 6 Local Plan Chapter 6
- 7 Section 106 Agreement with amendments flagged
- 8 Lincolnshire County Council letter dated 21 November 2013
- 9 Completed Section 106 Agreement
- 10 Responses to public consultation event
- 11 Closing Submissions on behalf of West Lindsey District Council
- 12 High Court Judgement: *Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin)
- 13 Closing Submissions on behalf of the appellant

### Submitted after Inquiry

- 14 Secretary of State's Decision on Appeals Ref APP/X2410/A/13/2196928 & 2196829 Land off Mountsorrel Lane, Rothley, Leicestershire
- 15 Letter from Mr T Smith dated 30 April 2014
- 16 High Court Judgement: *Anita Colman v Secretary of State for Communities and Local Government and North Devon District Council and RWE NPower Renewables Limited* [2013] EWHC 1138 (Admin)
- 17 Letter from West Lindsey District Council dated 2 May 2014



## **Officers Report**

### **Planning Application No: 133119**

**PROPOSAL:** Planning application to erect 1no. dwelling

**LOCATION:** Land adj Peck Mill Victoria Road Market Rasen Lincolnshire  
LN8 3ER

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllrs Marfleet, McNeil and Smith

**APPLICANT NAME:**

**TARGET DECISION DATE:** 19/08/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Planning Permission

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This application has been referred to the Committee in the interests of transparency as a Senior Officer of the Council neighbours the application site.

**Description:** The site is located on the north eastern fringe of Market Rasen. It is accessed off Victoria Road to the west which is flanked by housing to both sides. It is currently grassed and forms the south western section of a larger landholding owned by the applicant who operates a long established poultry product wholesale and distribution company on the site. There is a large detached house to the north and various buildings to the north and north east including a new warehouse and offices, granted planning permission in 2013, and areas of hardstanding. The eastern boundary of the application site comprises fencing, railings and brick walls that run along the rear gardens of numbers 6 to 8 Elizabeth Gardens and the side of number 5 Elizabeth Gardens. The southern boundary is formed by the river Rase with rough grassland and a pond to the east. These sections of the site are located within Flood Zones 2 and 3.

**Proposal:** A two storey detached house with attached enclosed swimming pool and a detached double garage, running on a north westerly to south easterly alignment.

**Relevant history:**

128828: Permission was granted in 2013 for the erection of a wholesale warehouse and offices.

MR/27/73: Permission was granted in 1973 for the erection of a building and the extension of an existing building for use as a poultry slaughter and packing establishment.

MR/64/70; permission was granted in 1970 for a change of use from agriculture to dressing poultry.

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**Representations:****Chairman/Ward member(s):** No comments received.**Market Rasen Town Council:** No comments**Local residents:** No comments received**LCC Highways:** No comments received**Environment Agency:** Withdraw objection subject to the following condition being applied:

- 
- The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Starsmore Design, September 2015, including the following mitigation measures detailed within the FRA:
  - Finished Floor Levels of the new development to be set no lower than 25.8m AOD
  - The dwelling shall have a minimum of 2 storeys
  - Flood resilient and resistant construction techniques to be used.
- 

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

**Reason** - To reduce the risk of flooding to the proposed development and future occupants.

**Archaeology:** No comments**Public Protection:** A contaminated land condition is recommended given the site is within 50m of a former industrial use of metal casting/foundries.**Relevant Planning Policies:****The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the statutory 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). It also 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 should not



be considered up to date. Policies STRAT 3 and STRAT 9 are the policies affected.

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

STRAT1: Development requiring planning permission

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

STRAT 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

RES 1 Housing Layout and Design

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

NBE 14 Waste Water Disposal

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

### **National guidance**

National Planning Policy Framework 2012

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

National Planning Practice Guidance 2014

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

### **Main issues**

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- Principle (including visual impact and location)
  - Residential Amenity Impacts
  - Flood Risk and Drainage
- 

### **Assessment:**

#### **Principle including visual impact and sustainability of site**

The site lies beyond the defined settlement limit of Market Rasen and so falls to be considered under policy STRAT 12 of the West Lindsey Local Plan.

Policy STRAT 12 is a prohibitive policy which states that “permission will not be granted for development proposals in the open countryside ... unless the development is essential to the needs of agriculture, horticulture, forestry or other land use which requires a countryside location “.

This is primarily aimed at protecting the countryside “for the sake of its beauty, its diversity of landscape, its wealth of natural and agricultural resources, its biodiversity value and maintaining its enjoyment its character gives.” This

policy is predominantly geared towards preventing unplanned, adhoc development that could not only significantly compromise the ecological and visual qualities of the countryside but also result in an unsustainable pattern of development. This is not considered to be the case with this larger mixed use site as set out below.

In terms of visual impact it should be noted that there are a number of existing buildings to the north and north east of the application site that will not only provide screening but also extend the built form 50 metres beyond the end of the proposed house. Given this, its relatively enclosed location and siting at the western end of the larger site next to existing housing this is not considered to be an issue and so does not constitute a reason to withhold consent. It is of a traditional design with paired openings, brick on edge detailing to the windows with reconstituted stone cills. It is to be faced in red brick and will have a slate roof. The design is considered acceptable although conditions will be required to agree the materials.

In terms of its location it is next to the settlement limit of Market Rasen and approximately 420 metres from the edge of the defined town centre boundary, a walk of just over 5 minutes. It is therefore considered a sustainable location for new residential development.

**Residential Amenity** – The rear gardens of Numbers 6, 7 and 8 Elizabeth Gardens, and the blank side gable of number 5 are located immediately to the west of the application site. The rear gardens will not be directly overlooked as the front of the proposed house faces north and the rear to the south. There are no openings that face directly onto the existing houses. Unacceptable massing and dominance is avoided by distance separation and by siting the detached garage as the closest element to existing housing. The garage has an eaves height of 2.5 metres rising to a ridge 4.8 metres high. The side of the garage at its closest is set back 4 metres from the rear gardens rising to a maximum of 4.5 metres. The side of the detached house which has eaves height of 5.6 metres above ground level rising to a ridge of 8.6 metres is located at its closest 12.5 metres away from the boundary with existing rear gardens. Accordingly there are no reasons to withhold consent on the grounds of injury to existing residential amenities.

**Contamination** – A contaminated land condition is considered necessary to deal with the issue of possible contaminants on the site.

**Flood issues and Drainage** – Areas that are at risk of flooding as those falling within Flood Zones 2 and 3. Although the edges of the site fall within these Zones the house itself will not be built in these areas and the Environment Agency raise no objections subject to the imposition of conditions. Surface water will be disposed of onsite with storm water drains discharging to the existing overflow pond to the east. As the nearest public sewer is some distance away the use of a package treatment plant to deal with foul water is considered acceptable.

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

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 12 Development in Open Countryside, RES 1 Housing Layout and Design and NBE 14 Waste Water 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 Practice Guidance. The proposed dwelling is located within reasonable walking distance of the town centre and will not adversely impact on the character and appearance of the open countryside. It will be safe from flooding and not increase the risk of flooding beyond the site and is not considered to have any material impacts on neighbouring houses by way of overlooking, loss of privacy, dominance or massing. Accordingly subject to the imposition of safeguarding conditions discussed above it is considered to represent a sustainable form of development and a grant of planning approval is considered appropriate.

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

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

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

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

2. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented in accordance with the approved details.

**Reason:** To establish whether the site may be contaminated and, if so, to ensure that any measures of decontamination are undertaken to enable the development to proceed in accordance with Policies STRAT 1 and SUS 13 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

3. No development shall take place until, a scheme for the disposal of foul sewage 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 and NBE14 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

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4. No development shall take place until a sample of the walling and roofing material has 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).

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

5. 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 Drawings: 14004:08 REV B dated 27 Jan 2015, 14004:09 REV B dated 10 April 2015 and 14004:10 REV B dated 18 May 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

6. The development hereby approved shall be carried out in full accordance with the approved Flood Risk Assessment by Starsmore Design, September 2015, including the following mitigation measures detailed within the FRA:

- 
- Finished Floor Levels of the new development to be set no lower than 25.8m AOD
  - The dwelling shall have a minimum of 2 storeys
  - Flood resilient and resistant construction techniques to be used.
- 

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

**Reason:** To reduce the risk of flooding to the proposed development and occupants in accordance with Policies STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

7. The development shall be carried out using the external walling and roofing materials and referred to in condition 2.

**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).

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

**8.** The dwelling shall not be brought into use until the approved flood mitigation measures referred to in condition 6 above have been fully implemented. It shall thereafter be retained.

**Reason:** To reduce the risk of flooding to the proposed development and occupants in accordance with Policies STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

**9.** The dwelling shall not be brought into use until the approved foul drainage scheme referred to in condition 3 above has been provided. It shall thereafter be retained and maintained.

**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 and NBE14 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012