



PL.04 14/15
<b>Planning Committee</b>
<b>23 July 2014</b>

**Subject: Planning applications for determination**

Report by:	Director of Regeneration and Planning
Contact Officer:	Zoë Raygen Acting Area Team Manager 01427 676673
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

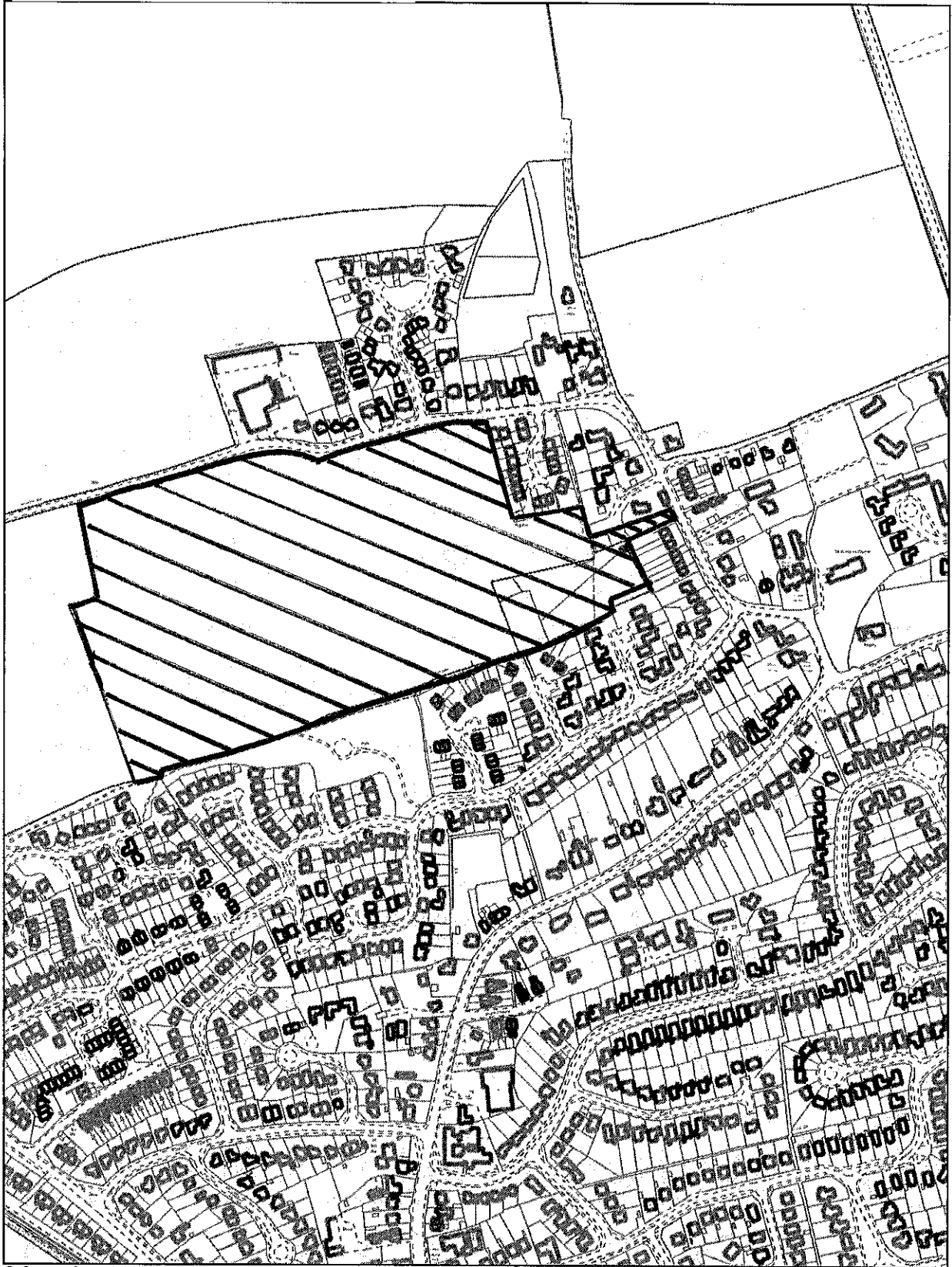
**No**

**Key Decision:**

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

**Yes**

**No**



## **Officer's Report**

### **Planning Application No: 131174**

**PROPOSAL:** Outline planning application for residential development for upto 230 dwellings including a 60 dwelling retirement village, to include associated estate roads and open space. Access to be considered and not reserved for subsequent applications.

**LOCATION:** Land At Church Lane Saxilby Lincoln Lincolnshire LN1 2PE

**WARD:** Saxilby

**WARD MEMBER(S):** Councillor D Cotton, Councillor J Brockway

**APPLICANT NAME:** Lindum Homes, Pamela Mason and Caroline Madden

**TARGET DECISION DATE:** 23/06/2014

**DEVELOPMENT TYPE:** Large Major - Dwellings

**RECOMMENDED DECISION:** Delegate to the Chief Operating Officer to Grant planning permission subject to Conditions and the signing of a S106 agreement which delivers the following:

- 25% affordable housing
- Contribution of £97,750 towards the cost of primary health care provision

If the S106 agreement is not signed within 6 months of the date of Committee then the application be reported back to the next appropriate Committee for further consideration and determination.

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### **SUMMARY**

1. **Contributions to infrastructure and 25% affordable housing will be delivered to respond to the requirements raised by the development**
2. **There is a presumption in favour of sustainable development in the NPPF**
3. **This is a development that, subject to conditions and the signing of a section 106 agreement, is economically, socially and environmentally sustainable and therefore accords with the guiding principles of the NPPF**
4. **Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF**
5. **Central Lincolnshire can only evidence a 3.5 years housing land supply**

**Description**

The application site forms an area of 10.1 hectares of agricultural land to the south of Church Lane in Saxilby. The site is bounded by Church Lane to the north and Canon Cook Close to the north east. On the opposite side of Church Lane there is housing (mixed bungalows and houses) and commercial premises before returning to agricultural land to the west.

To the east is housing within Century Close with the application site extending in part to the south of the Century Lane development up to Church Lane. To the south there is housing with a public open space adjacent to the application site. There is an existing hedge to the north, west and southern boundaries.

The application is in outline form for up to 230 houses (to include up to 60 houses for a retirement village) with all matters to be reserved for future approval apart from access. The application proposes two access roads to the site from Church Lane.

The application was deferred at your last meeting on the 25<sup>th</sup> June for a site visit. The site visit took place on 10<sup>th</sup> July 2014.

**Relevant history:**

There is no planning history on the site.

**Representations:**

**Chairman/Ward member(s):** Request that the application be considered at Planning Committee

**Parish/Town Council/Meeting:** Saxilby Parish Council have the following observations to make:

- Additional traffic on Church Lane.
- Increased traffic issues at the Mill Lane/Queensway/A57 junction.
- Exacerbating existing traffic issues on High Street.
- Width of Church Lane to the west of the development invariably used as a traffic route into Sykes Lane and therefore the village.
- Additional pressures on Saxilby School.
- Additional pressures on GP surgery.
- Problems caused by work to be necessary on High Street to facilitate development/
- Overlooking to Warwick Close – should be a bigger green belt area.
- Cumulative effect of number of developments, each taken in isolation.
- Transport assessment is flawed and own figures submitted.
- Lighting scheme required to improve security from development to Church Road main roads.

- Support green spaces and that these are annexed to existing areas.

**Local residents:** 68 letters of objection received from residents at The Warren, Sykes Lane, 24 Church Lane, 6 Church Lane, 2 Canon Cook Close, Maple House, 26 Warwick Close, 19 Lingfield Close, 59 Church Lane; 3 South Parade, 5 Woodhall Crescent, 18 St Botolphs Gate, 4 Salisbury Close; 16 Church Lane, 64 Mill Lane, 11 Church Lane, 17 Sykes Lane, Orchard Cottage 3 Orchard Lane, 15 Eastcroft, 8 Church Lane, 7 Willow Close x 2, 117 High Street, 18 Church Lane 17 St Botolph's Gate x 2, 2 Westcroft Drive, 1a Sykes Lane, 10 Church Lane, 1 St Botolph's Gate x 2, 11 Westcroft Drive, 25 Warwick Close, 17 Church Lane, 28 Church Lane, 2 St Botolphsgate, 25 Thonock Drive, 17f Church Lane, 75 Church Lane, 1 Kenilworth Close, 5 Westcroft Drive, 2 Church Lane, 17a Church Lane, 17 Lingfield Close, 18 St Botolphs Gate, Westfield Westcroft Drive, 11 Maiden Court, 5 Church Lane, 17G Church Lane, 4 Warwick Close, 36 Church Lane, 59 Westcroft Drive, 1 Ballerini Way, 53 Church Lane, 19 canon Cook Close, 45 Church Lane, 17 St Botolph's Gate, 3 St Botolph's Gate, 12 Canon Cook Close, 14 Bartholomew Tipping Way Buckinghamshire, 6 Fleets Road, Sturton by Stow, 6 Wells Court, 27 St Botolph's Gate, 21 Lingfields Close, 9 Church Lane, 17E Church Lane, 10 Kenilworth Close, 19b Church Lane, 3 Cemetery Lane on the following issues:

- Existing Flood Betterment Scheme on Sykes Lane needs to be improved to ensure flooding does not occur.
- Construction traffic should not be allowed to use single track lane to access site.
- Between junction of Sykes Lane and up to the brow of hill on Church Lane should be made one way only.
- Quiet residential street on edge of village, this will make access very difficult for existing and new residents.
- How will school cope with the extra children?
- How will medical practices cope with extra people?
- Fail to see how Church Lane will cope with additional traffic .
- Road needs widening, road is extremely narrow and cannot take planned level of traffic.
- Cars parked on road make it difficult for other cars and HGVs to get passed.
- Road needs resurfacing and double yellow lines .
- 230 houses seems excessive in Saxilby when there is land on the City edges.
- High amount of properties adjacent to Lingfield Close.
- What will happen to dyke network in front of 17 and 19 Lingfield and how will drainage be affected?
- What will happen to the pathway at the side of Lingfield
- Views from property over open fields will be affected.
- Noise from development.
- No need for new houses.
- Nursery on the tight S bend makes it chaotic and dangerous to drive past in the morning and afternoon.

- Extra traffic at A57 junction will make it more dangerous.
- Parking at Church and Church Hall make it difficult for vehicles to get past.
- Site should not be considered until Local Plan and Neighbourhood Plan is adopted as site outside of development limit.
- Destroy the visual amenity of the rural scene.
- Concerned about surface water management.
- More green space should be created in the development.
- St Botolph's church has no parking, the children's nursery has increased its capacity, HGV vehicles use Church Lane and agricultural traffic has not been considered. All of these will make the access route dangerous.
- Building on this land will significantly affect the character of the village in this area and spoil the views from the well used footpaths between Church Lane and Westcroft Drive and along the boundary of the field in question.

**Longhurst Group:** Longhurst Group are fully in support of this application & have been liaising with Lindum on the provision & management of the proposed retirement scheme & affordable housing. We are certain of the desperate need for specially designed accommodation for older people in this area & the site itself is perfectly located for the nearby facilities that older people rely upon

**Lincolnshire Wildlife Trust:** We have read the ecological information submitted with the application and are satisfied that there should not be any significant negative impacts on protected species as a result of the proposed works provided the consultant's recommendations are followed.

Whilst recognising that the details of the landscaping scheme are a reserved matter, we would wish to comment generally on opportunities for biodiversity enhancement of the site. We are generally pleased with the proposed levels of open space indicated by the masterplan. Wherever possible the open space should contribute towards biodiversity enhancement of the site, for instance through the use of native, species rich seed mixes in place of standard amenity turf. Management should encourage a longer, meadow sward, and include removal of the arisings to help keep the fertility low and discourage the more vigorous species such as nettles and thistles. We support the incorporation of above ground SUDS features and these should be designed with wildlife also in mind, for example the proposed swales could be sown with a species rich grassland mix to be incorporated within the natural open space as well as providing a drainage function. Flowering lawn mixes are also available which are resistant to disturbance and mowing and could be used in place of rye grass in areas of higher public pressure where longer grass may not be desirable, for example on verges, gardens or a village green area. More formal areas of open space, if required, could also incorporate wildflowers by creating scalloped edges or borders alongside shorter amenity turf.

We are pleased that the hedgerows will be retained and would recommend

that where possible these are extended or gapped up to provide robust habitat corridors around and into the site. Management of the hedgerows should encourage production of fruit as a resource for wildlife and include longer hedge bottom vegetation which is habitat for many small mammals. These should be cut on rotation every 2-3 years to ensure that there is continuing provision at any one time. We would recommend that consideration is given to the inclusion of other habitat features such as ponds, south facing banks suitable for invertebrates, log piles or areas of scrub for nesting birds. Other features for biodiversity should also be incorporated within the development, such as the inclusion of roosting features for bats within a proportion of the buildings or trees on site. Self-contained bat roost units can easily be incorporated into buildings and may be suitable for some of the garages on site, or boxes could be attached externally to buildings or trees. Nest boxes for a variety of declining birds such as house sparrow, swift, house martin and swallow could also be included. Specific provision should be guided by the results of the surveys. We would expect a development of this size to provide significant biodiversity enhancements.

**Lincolnshire Police:** Various comments regarding the design of the development and the principles the developer needs to take into account when designing the detailed layout. This can be advised by way of an informative on the decision notice

**LCC Education:** Have reviewed the projections and physical capacity at schools serving Saxilby. Also note that some of the scheme is for older people as part of a specific scheme. Even with the scale of development we would expect there to be capacity available to serve the development, but it will very much use that small surplus and future development proposed will have to be considered with this in mind if the proposal presently proposed is approved.

**Natural England:** No objection. The authority should use standing advice in relation to protected species

**Upper Witham Internal Drainage Board:** No objection provided it is constructed in accordance with the submitted Flood Risk Assessment. The proposals include SUDS features and an attenuated discharge of 14l/s to an AWS system. It is essential that provision is made to ensure that all the drainage features are maintained to an appropriate standard to provide the design standard over the life span of the development.

**WLDC Tree officer:**

*Proposals for Landscaping:*

The illustrative masterplan shows a good quantity of potential tree planting across the site. We would expect a range of tree species listed in a landscape scheme to provide a range of mature trees sizes, and expected longevity appropriate to their positions e.g. larger, long lived trees in open spaces and larger gardens, smaller or fastigate trees within front gardens and modest sized rear gardens. POS or front garden trees are more important to the street scene and perceived greenery of the site than rear garden trees which are more likely to be removed or significantly reduced by any new owner/resident.



I note on the masterplan that the main road through the site has very few frontage trees which could contribute to the street scene and provide structural greenery due to lack of space by houses very close to the potential highway. It would be preferable for adequate space to incorporate just a few more trees along the street scene – is there potential for a few trees to be planted along the banks of the swales?

*Potential effect on any Public Right(s) of Way:*

The masterplan shows the PRow as continuing in its current position.

*Potential effect on any trees or hedges on or near the site:*

There are few existing trees on or near the site boundaries. Any subsequent application should clearly identify which trees are to be retained and which, if any, are proposed to be removed.

There are a couple of areas on the masterplan where property driveways appear very close to an existing tree and might be within their Root Protection Area's (RPA's), e.g. the road in front of the house to the west side of TG1, and the drive of the house to the NE of T4/T5 trees. Any trees to be retained should have their root protection areas calculated and considered as a constraint to inform the development layout plan. Buildings, roads, paths, driveway, parking areas etc... should be kept outside any tree RPA and allow adequate safe working area and scaffold space.

The Phase 1 Habitat Survey lists the frontage hedgerow H2 as containing hawthorn, blackthorn, ash, dogwood, field maple, dog rose, elder and wild privet as the species found within specific 30m survey sections along the hedgerow length. This is 7 species off the list of woody species in Schedule 3 from The Hedgerows Regulations 1997, and 7 species or more confirms the hedgerow is classed as an important hedgerow under this legislation. I saw 8 different species; hawthorn, blackthorn, ash, dogwood, field maple, dogrose, elder and wild privet, although I just walked along the hedgerow noting visible species and did not measure and just survey the central 30m of each half of the hedgerow length. There were also several areas of Lords & Ladies growing under the hedgerow.

Conclusion

1. I have no objections to the proposed development of this site, providing;
2. the current native boundary hedgerows are conditioned as to be retained, and any gaps infilled with appropriate native species where necessary, especially the frontage hedgerow alongside Church Lane and the westerly hedgerow adjacent countryside.
3. Preferably just a few more trees to be planted along the main road through the site, to add visual amenity and feature to the street scene and provide structural greenery.
4. Existing trees which are to be retained should be identified as such, and suitable RPA's calculated and considered as a constraint to the building, driveway, road, path layout.

**LCC Highways:** The TA appears to be a fair and balanced appraisal of the impact of this proposed development on the local highway network and infrastructure within Saxilby.

The site is considered to be in a reasonably sustainable location with walking times of approximately 20 minutes to the services and amenities in the village centre and approximately 600m distance to the nearest bus stops. The frequency of the bus services appear to be good.

The development is likely to generate in the region of 73 vehicle trips in the weekday AM period which will be the period of highest trip making intensity.

To calculate this figure the author of the report has interrogated the TRICS database to find the actual recorded vehicle trips into and out of a number of existing similar sized residential development in similar locations elsewhere in the country. The use of TRICS is an industry standard method of estimating traffic generation and is specified by Department for Transport guidance for the preparation of Transport assessments.

The author has used census data to calculate that 58 vehicle trips will leave the development in the morning weekday peak and head for Mill Lane/A57 Gainsborough Road junction. This equates to roughly 1 vehicle every minute between 7.45am and 8.45am. This additional traffic in the morning peak period is at times likely to add to the current delay at the junction, however on-site observations have shown that this delay fluctuates throughout the peak hour. In addition the additional delay cannot be considered as severe as described within the NPPF.

In conclusion this technical response is based not only upon sound and reasoned highway engineering principles but also with regard to a fundamental principle of paragraph 32 of the NPPF which is unequivocal about the presumption of approving development unless that development would be expected to cause severe impact upon highway safety or congestion. Reports within the industry of recent Planning Appeal decisions indicate that Planning Inspectors are robustly upholding that principle.

The following conditions are requested: condition to secure the estate road and visibility splays, tactile crossover points provided at most northerly junction onto Church Lane to provide a pedestrian link to the existing footway on the opposite side of Church Lane. Tactile crossover points should also be provided at the junctions of Rutherglen park and St Botolph's Gate.

When a reserved matters application is submitted it should include a residential travel plan and proposals to improve the existing public footpath links to the village amenities.

**WLDC Housing and communities project Officer:** Affordable housing requirement would be for 25% of total units delivered on site. The proposed 58 units would therefore be acceptable. The preference would be for 80% affordable rent and 20% shared ownership

**Environment Agency:**

The proposed development will be acceptable if a planning condition is applied requiring drainage details as set out below

**Condition**

No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run off generated up to and including the 100 year plus climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed

- Details and calculations for the surface water network taking into account the volume of storage required based on an allowable discharge rate of 14.42l/s into the Anglian Water system
- Details of the SuDS elements which are to be included in the surface water design together with confirmation of who will adopt and maintain the various surface water network elements
- A drainage strategy document which summarises the above and any assumptions made within the design of surface water network

The scheme shall be implemented and maintained at all times in accordance with the approved details prior to the completion of the development

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

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

**NHS England:** Require a contribution of £97,750 towards the cost of primary health care provision

**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 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The site is outside of the settlement limit for Saxilby and therefore within the “open countryside.” Therefore, the relevant policies to be considered for their consistency with the NPPF are:-

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

Pertaining to area outside of settlement limit.

SUS4 – Cycle and pedestrian routes in development proposals

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## The Central Lincolnshire Local Plan

The Launch event for the Central Lincolnshire Local Plan was held on the 5<sup>th</sup> June 2014. The Local Plan is anticipated to be adopted at the end of 2016 but at present is at a very early stage of preparation and therefore is afforded no weight

## Saxilby Neighbourhood Plan

The Saxilby Neighbourhood Plan is at the very early stages of preparation and has not yet been out to consultation and therefore can be afforded no weight in the consideration of the application

## National

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

- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

### **Principle of housing**

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

Policy STRAT12 is written in the prohibitive form and states that development including housing should not be permitted in open countryside locations, as defined by the Plan, unless there is justification for it being in such a location or it can be supported by other plan policies. This development context appears to suggest that housing should be refused on this greenfield site outside of the settlement limit. However, it is advised that there are material considerations that, on balance, outweigh the requirements of Policy STRAT 12 and indicate that the principle of this development should be supported.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The relevant policies are STRAT3, STRAT9 and STRAT12 in this case.

The supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that "until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public." The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. A five year requirement of 6,985 dwellings is identified within the Lincoln Policy area of which Saxilby is part. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years' supply. 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 undersupply position is

underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight given the context of paragraph 29 of the NPPF. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement.

In this context, there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is delivered early (a condition can secure an earlier than normal commencement), sustainable and is acceptable when considered against other material planning considerations. The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the Core Strategy is only afforded no weight itself, policy CL6 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and are consistent with principles of the NPPF itself:-

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

The location is directly adjacent to the existing settlement. It abuts dwellings to the north south and east. The settlement has in excess of 3500 inhabitants (2011 Census).

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

The designation of Saxilby as a Primary Rural Settlement in the 2006 Local Plan Review reflected the status of the village as one of the larger settlements in the district. The level of services and facilities has not diminished since 2006 including a primary school (1010m from the site), shops (400-700 m), a health centre (520m away), village hall (830m) and a library (750m). All of these services and facilities are connected to the site by existing, adopted and lit pavements and by public footpaths although, in the case of the health centre, the most direct route does not have such facilities. Nevertheless, the case officer timed these walks, using the routes with pavements, making allowance for a variety of abilities and lower speeds and noted that the timings to the various facilities range from 10 minutes to 25 minutes.

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

The nearest bus stops are on Church Road or High Street approximately 800m from the site. During weekday daytime hours generally 3 buses an hour are available between Saxilby and Lincoln also linking with Gainsborough and Scunthorpe (service 100 as well as Saxilby and L>Lincoln Cliff service). In this context, it is considered that the public transport options offer a high degree of sustainability.

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

In advance of the production and adoption of a neighbourhood plan and in advance of the Central Lincolnshire Local Plan preparation there is no development plan to provide guidance as to what proportion of the growth provision or Central Lincolnshire should be attributed to Saxilby. The village currently has a population estimated to be around 3500 inhabitants and, as detailed in preceding sections, has a range of facilities. However, concerns have been expressed by some residents about the ability of the infrastructure serving the village to take new development, especially in light of the population growth since 2000.

Specific concerns relate to overstretched medical facilities, education and drainage.

The NHS Property division has advised that there are two practices that are most likely to be affected by any increase in population; although independent practices they share a building within the village of Saxilby. They are the Glebe Practice and the Trent Valley Practice.

The average number of patients per M<sup>2</sup> for both practices is currently below the Lincolnshire average. This assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

A practice with a general medical services contract is obliged to accept patients who choose to register at their practice, if it is within their prescribed practice area, patient waiting lists therefore do not exist. Their combined current list is over 12000, the culmination of the proposed development may increase practice population by around 5%. This increase may start to compromise the level of care. The calculations above provide an idea of the impact of the proposed number of residents requiring consultations. This in turn has an impact on staffing levels, both clinical and administratively, all requiring extra room space. Lack of consulting rooms affects the patient ability to obtain an appointment in a timely manner.

Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Saxilby must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

They have therefore asked for a contribution towards the cost of additional primary health care provision. This is a reasonable request that complies with the Community Infrastructure Regulations 2011 and the applicant has agreed to this request which can be achieved by way of a S106 agreement.

With regards to education, the County Education Authority has commented that the potential school population arising from this application can be accommodated at the local school. Any future applications within Saxilby would though be likely to attract a request for a contribution towards future funding of educational facilities.

It is concluded therefore that subject to a S106 agreement securing the required contribution then the proposal is socially sustainable within the requirements of the NPPF.

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

The land is arable farmland. It is neither a registered playing field nor an area of important open space or frontage as defined by policy CORE9 of the Local Plan Review. The layout plan actually includes an area of 1.15 ha which represents approximately 11% of the total site area of 10.1ha. This provision is in excess of the 5% requirement provided by policy RES5 of the Local Plan, a reasonable requirement, consistent with the social and environmental sustainability provisions of the NPPF. In addition the proposed open space to the south of the site links in to existing open space and public footpath network off Westcroft Drive improving links with the remainder of Saxilby. In the absence of the agreement of the Parish Council to take on the maintenance of the open space then a condition would secure future maintenance provisions through a private management company

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

This is a consideration partly detailed in policy NBE14 of the Local Plan Review although little of this policy is consistent with the provisions of the NPPF in terms of the preference of the latter for sustainable drainage.

The main thrust of the NPPF policy guidance is to locate development in areas which are at lowest probability of flooding (zone 1) as defined by the Environment Agency. The entire site is within flood zone 1. The development therefore passes the sequential test with regard to fluvial flood risk in the NPPF.



With regards to surface water drainage, paragraph 51 of the NPPG states that sustainable drainage systems should be prioritised as they are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They also provide opportunities to reduce the causes and impacts of flooding, remove pollutants from urban run-off at source and combine water management with green space with benefits for amenity, recreation and wildlife. In this context the applicant held a multi-agency meeting with representatives of the Environment Agency, Internal Drainage Board and other drainage stakeholders present to ensure that such sustainable drainage schemes were employed if practicable. The plans submitted with the application clearly showed potential for such a system to be utilised. The system incorporates permeable paving, swales and an infiltration basin. The exact specification can be agreed by condition but the submitted drawing is considered to respond to the need for sustainability, climate change and the need to ensure that there is a neutral effect as a minimum in terms of risk to flooding of properties as a result of the development.

### **Provision of a mix of housing to respond to need (social sustainability)**

This a consideration outlined in policies RES2 and RES6 of the Local Plan Review that is consistent with the principles of the NPPF.

The proposal is in outline form and therefore the exact nature of the houses is not known. However the applicants have submitted a viability appraisal of the site which has been verified by officers. The viability appraisal demonstrates that the site can deliver 25% affordable housing as well as providing a good mix of detached and semi detached houses and 60 retirement bungalows for the over 55s. The exact mix of house types can be determined at the reserved matters stage, however the applicant has demonstrated that there can be a good mix of housing achieved on the site.

The affordable housing will need to be secured by way of a S106 agreement at this stage and this is supported by the Housing and Communities project officer. The split of 80% affordable rent and 20% shared ownership is to be welcomed as meeting an identified need for affordable housing.

In this context therefore, the proposal is considered to be socially sustainable with particular regard to housing mix and need.

### **Highway infrastructure (economic sustainability) and highway safety**

Access is a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review that is considered consistent with the provisions of the NPPF and has been raised as a concern by local residents. A specific concern is that Church Lane is very narrow and that cars are often parked on the road while their occupants visit the Church and day nursery making access through difficult. In addition the road is used by HGVs and agricultural vehicles visiting the farms and commercial properties further along Church Lane.

Notwithstanding the ability to walk, cycle or catch the bus to access services and facilities, it is considered that the provision of 230 additional dwellings will inevitably result in a residual increase in vehicle trips along Church Lane. Counts and surveys were undertaken to gain an understanding of typical traffic conditions in key locations in Saxilby and also establish the existing weekday morning and evening peak hour periods. The Statement used modelling to predict the numbers and routes likely to be taken with peak hour additional flows exiting the site of 73 trips and 31 entering the site during the AM and 71 entering the site and 44 exiting the site during the PM peak hours.

All of this traffic would use Church Lane and the increase in usage is relatively significant. However, the road is to standard to accommodate these additional flows with the required width (5m) and segregated pavement and therefore it is not considered a matter sufficient to withhold the granting of planning permission.

Further afield concern has been raised regarding the impact on the Mill Lane/A57 junction. The transport statement indicates that during the AM and PM peak hours there will be an additional 56 vehicles within the additional 73 outbound vehicles using the junction.

This additional traffic in the peak periods is at times likely to add to the current delay at the junction, however on-site observations have shown that this delay fluctuates throughout the peak hour. In addition the additional delay cannot be considered as severe as described within the NPPF which is unequivocal about the presumption of approving development unless that development would be expected to cause severe impact upon highway safety or congestion.

Linkages to community facilities are formed thorough the public footpath network at the south of the site thereby both reducing the distance to travel and the need to use Church Lane by foot.

### **Ecology and biodiversity (Environmental sustainability)**

The site is not a designated wildlife site or important open space. Nevertheless, representations from local residents cite the witnessing of bats foraging in the ditch which runs along the boundary of the site and an assertion that the development will inevitably damage or destroy areas of land that are used as shelter and/or foraging grounds for bats (and potentially other protected species including water vole and badgers).

In this context it is noted that, whilst the Local Plan is silent on this issue, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible,

The presence of hedges and watercourses bordering the site provide some potential for habitat and therefore, in accordance with Natural England's

Standing Advice and Decision Tree, a phase 1 habitat survey was carried out by a suitably qualified ecologist. This has revealed little biodiversity value within the site, not surprising given the non-organic arable farming practiced and no higher level stewardship. It acknowledges that it should be assumed that protected species such as bats may be using the hedgerows along the boundaries of the site for foraging purposes and these linear features have moderate potential for roosting.

These hedgerows are to be retained within the development and therefore bats should not be significantly impacted on. The development of the site area is unlikely therefore to have an impact on any protected species. The provision of the public open space, gardens and the field access buffer to the watercourse and retention of hedges and trees within the scheme will ensure a neutral if not betterment impact on biodiversity. It is important therefore that the retention of the hedges along the north and west boundaries of the site is secured by means of a condition.

### **Landscaping and protection and enhancement (Environmental sustainability)**

This is a related issue to biodiversity. Policies CORE10, STRAT1 and RES1 all contain policy advice with regards to landscaping that is consistent with the provisions of the NPPF. Such landscaping is required to provide an appropriate habitat for wildlife as well as providing a visual balance between the natural and built environment, this being especially important given the edge of settlement location (policy NBE20 of the Local Plan Review refers). The edge of settlement location is also within the public domain; the site is visible from the Church Lane, Northfield Rise and footpaths off Westcroft Drive.

As the application is in outline form then the exact detail of the proposed landscaping is not at this point known. The comments of the Council's tree officer are acknowledged and it is important, given sites location on the edge of the village that the site contains sufficient landscaping not only in terms of biodiversity but also to mitigate the visual impact of housing in this location.

The submission and implementation of a landscaping scheme can be the subject of a condition as can the retention of the hedges on site.

The site forms a greenfield site with the field currently used for agricultural production. There are no protected views from within or around the site. The impact of development on the countryside and specifically the whole field in this location was considered as part of the appeal for the Cannon Cook Close development. The appeal inspector specifically described the site as a 'flat and featureless arable field' which 'would not be a significant loss in terms of its value to the wider landscape. The situation on site has not changed since that time, other than the introduction of the development itself which further reduces the landscape character of the site.

While this development is larger than the one that took place at Cannon Cook Close, it is not considered that the location here would be harmful to the visual amenity of the area.

### **Design and layout**

This a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review which are considered consistent with the principles of good design cited in section 7 of the NPPF.

As the application is in outline form the exact design and layout of the site will be a matter for future consideration but it is considered that the developable area of the site allows for a density of development , plot ratios and hierarchy of legible conduits and spaces that reflect the principles of good design, preserve the character and appearance of the area and are compliant with policies consistent with the NPPF such as policy RES1 of the Local Plan Review.

### **Residential amenity**

This is a consideration highlighted in policies STRAT1 and RES1 of the Local Plan Review and is considered to be material consideration.

As the application is in outline form the exact design and layout of the site will be a matter for future consideration. It is considered though that the number of houses could, with the appropriate design, be accommodated on the site without harming the amenity of the occupiers of the houses bounding the site.

### **Archaeology**

This is a consideration detailed in the NPPF and the significance of any archaeology in the area and the impact of the development on it and its significance needs to be assessed.

The Archaeological Officer requested an archaeological evaluation in the form of a geophysical survey. The survey did not identify any archaeological potential for this site. The County Historic Environment team verified these findings and advised that no further input was required given the low archaeological potential of the site.

### **Conclusion**

The application has been considered in the first instance against the provisions of the development plan, specifically policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play

space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements, of the West Lindsey Local Plan First Review 2006 (saved policies 2009). Each policy has been considered against the National Planning Policy Framework (2012) and judged for its consistency with this document with the weight afforded to the policy amended accordingly. The National Planning Policy Framework itself has been afforded significant weight as has its accompanying National Planning Policy Guidance suite (2014).

In light of this assessment the proposal is considered to be acceptable. There is a presumption in favour of sustainable development in the NPPF, significant development is required to maintain a five year deliverable supply of housing and, subject to conditions and the signing of the section 106 agreement, the development is economically, socially and environmentally sustainable and will not have a significant detrimental impact on highway safety, residential amenity or visual amenity.

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

1. **Affordable housing**
2. **Contribution of £97,750 towards the cost of primary health care provision**

**That, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.**

#### **Time commencement condition**

1. Application for approval of the reserved matters for the first phase of the development shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. Application for the approval of each subsequent phase of the development shall be submitted within two years of the date of approval of the previous phase.

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

2. No development shall take place in each phase of the development until plans and particulars of the layout, scale and appearance of the building(s) to be erected, and the landscaping of the site (including proposals for biodiversity) (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.

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

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

4. The details to be submitted in accordance with Condition No 2 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas inclusive of trees, hedges, ditches, and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management; including the provision of bat roosts and bird boxes and a statement on the sustainability performance of the dwellings for each phase of the development. The approved details shall be implemented on site prior to the completion of each phase of the development.

**Reason:** In the interests of visual amenity, biodiversity and sustainability as required by policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012.

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

5. No development shall occur on site until details of :

- Tactile crossover points at the most northerly junction onto Church lane to provide a pedestrian link to the exiting footway on the opposite side of Church Lane
- Tactile crossover points at junctions of Rutherglen Park and St Botolph's Gate
- Proposals to improve existing public footpath links to the village amenities

have been submitted to and approved by the Local Planning Authority in writing. The approved details shall be implemented prior to the occupation of 25% of the houses on site

**Reason:** In the interests of pedestrian safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012

6. No dwelling shall be commenced until a construction management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include the following:-

a/ details of access for construction traffic to the site

b/ construction hours limited to the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on a Saturday

c/ protection of the existing trees on site to be retained.

All construction shall be in accordance with the approved Management Plan required by this condition.

**Reason:** In the interests of the residential amenity of adjoining residents and the health, vitality and amenity value of the trees marked and to accord with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

7. No development shall take place until details of the infilling of the existing hedge bounding the site, particularly alongside Church Lane and the westerly boundary of the site have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site within the first planting season following the approval of the details.

**Reason:** In the interests of visual amenity and biodiversity as required by Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include:

- Details and calculations for the surface water network taking into account the volume of storage required based on an allowable discharge rate of 14.42l/s into the Anglian Water system
- Details of the SuDS elements which are to be included in the surface water design together with confirmation of who will adopt and maintain the various surface water network elements
- A drainage strategy document which summarises the above and any assumptions made within the design of surface water network

The scheme shall be implemented and maintained at all times in accordance with the approved details prior to the completion of the development

**Reason:** To prevent the increased risk of flooding both on and off the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

9. No development shall occur in each phase of the site until details of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how it complies with the surface water drainage scheme for the whole site approved under condition 8 of this permission. The approved scheme for each phase shall be implemented and maintained at all times in accordance with the approved details for that phase.

**Reason:** To prevent the increased risk of flooding both on and off the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

10. No development shall take place in each phase of the development until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the completion of each phase of the development.

**Reason:** In order to protect residential 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 require observance during construction**

11. No dwellings shall be commenced before the first 60 metres of the estate road for both junctions with the public highway on Church Lane, including 2.4 x 43 metre visibility splays, as shown on drawing numbers NTP 13031-03 Rev A and NTP 13031-04 have 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 Church Lane and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012

12. 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: NTP 13031-03 Rev A and NTP 13031-04 dated Nov 11 received 24 March 2014. 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.



13. 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 each phase 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.

#### **Conditions requiring observance prior to occupation of the dwellings**

14. No dwelling hereby approved shall be occupied until a residential travel plan has been implemented the details of which shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** A travel plan is reasonably required in the interests of environmental sustainability to ensure that the potential for sustainability provided by the public transport options on site is maximised and to accord with the provisions of the National Planning Policy Framework 2012.

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

15. The dwellings within the proposed retirement village shall be occupied by persons over 55 only or a widow or widower of such a person and to any resident dependant.

**Reason:** To provide a mixture of housing on the site and meet a specific need in accordance with the National Planning Policy Framework 2012

16. The existing mature hedgerows shall be maintained at all times on site at a height of 3 metres in accordance with the illustrative masterplan J1410 SK07 rev C received on 24 March 2014

**Reason:** In the interest of visual amenity and to protect the existing hedgerow in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012

#### **Informatives**

- A. This permission is also subject to an agreement under the amended section 106 of the Planning Act 1990 pertaining to the provision of affordable housing. The above permission is also subject to the obligations in that agreement.

- B. In order to help reduce the opportunity for crime and increase the safety and sustainability of the development you are advised to consider and refer to the latest version of New Homes 2014 which can be accessed via [www.securebydesign.com](http://www.securebydesign.com)

### **Human Rights Implications:**

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

### **Legal Implications:**

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



## **Officer's Report**

### **Planning Application No: 130150**

**PROPOSAL:** Outline planning application for erection of upto 63 dwellings-all matters reserved

**LOCATION:** Land east of Hackthorn Road Welton Lincs

**WARD:** Welton

**WARD MEMBER(S):** Councillor M Parish  
Councillor D Rodgers

**APPLICANT NAME:** Turley Farms

**TARGET DECISION DATE:** 25/09/2013

**DEVELOPMENT TYPE:** Large Major - Dwellings

**RECOMMENDED DECISION:** Delegate to the Chief Operating Officer to grant planning permission subject to the Environment Agency removing their objection, conditions and the signing of a S106 agreement which delivers the following:

14% affordable housing

Contribution of £ 223,761 towards Educational facilities in the locality

Contribution of £26,755 towards Health facilities in the locality

Contribution of £100,000 towards Highway improvements

If the S106 agreement is not signed within 6 months of the date of Committee then the application be reported back to the next appropriate Committee for further consideration and determination.

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### **SUMMARY**

- 1. Contributions to infrastructure will be delivered to respond to the requirements raised by the development**
- 2. There is a presumption in favour of sustainable development in the NPPF**
- 3. This is a development that, subject to conditions and the signing of a section 106 agreement, is economically, socially and environmentally sustainable and therefore accords with the guiding principles of the NPPF**
- 4. Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF**
- 5. Central Lincolnshire can only evidence a 3.5 years housing land supply**

**Description:**

The application site forms an area of land to the north east of the centre of Welton. The site measures 2.38 hectares and is classed as agricultural land Grade 3. The boundaries of the site are formed by mature hedges and trees. To the north and east is open countryside. To the south are residential properties on Hackthorn Road, Northfield Close, Swen Close and The Eshings. Access to the site is from Hackthorn Road via a gateway into the field.

The site is on the edge of the settlement limit of Welton and therefore is classed as being within the open countryside.

The proposal is for outline planning permission for the erection of up to 63 houses with all matters reserved for future consideration. The applicants have submitted an indicative layout to demonstrate how 63 dwellings can be accommodated and also indicated the scale of the houses is likely to be two and three storey.

The application was deferred at your meeting on 25<sup>th</sup> June to allow a site visit to take place. This visit took place on 10<sup>th</sup> July 2014

**Relevant history:**

There is no planning history on the site.

**Representations:**

The following comments were received following the first round of consultation. Comments received following the second round of consultation are detailed later in this section.

**Chairman/Ward member(s):** None received

**Parish/Town Council/Meeting:** Concerned about impact on the current infrastructure of the village:

- Health centre can not cope with more patients
- William Farr at capacity
- Primary schools will be struggling for places
- Drainage systems and sewers at full capacity
- Problems of traffic flow and parking are continual and increasing dilemma
- Wiser to construct road on northern part of site to allow shared access to any future development on adjacent site
- No discussion with Parish Council

- Not easy access to facilities for people who do not own a car

**Local residents:** Objections received from residents at 5 The Eshings, 50 Northfield Road, 3 The Eshings, 32 Northfield Road, 42 Northfield Road, 30 Northfield Road, 8 The Eshings, 41 Hackthorn Road, DLP consultants on behalf of clients having an interest in land to the north, 46 Northfield Road, 44 Northfield Road, 35 Hackthorn Road, 30 Northfield Road, 30 Hackthorn Road,

- Local schools already overpopulated.
- Traffic would increase and village centre already crowded.
- Security issue from road backing onto people's gardens, will trees remain?
- Village been asked to produce a plan for the village which is underway. Seems unreasonable to consider application in advance of knowing wishes of Welton village.
- Shopping facilities village sized, parking situation already difficult.
- Number of houses too much for site.
- Northfield Road properties slope down to proposed development. Where is the boundary and how will it be shored up?
- Hackthorn Road does not have capacity for new development.
- Increased traffic will lead to dangers especially in relation to children walking to school.
- Area rich with wildlife, how will this be protected?
- What is proposed regarding drainage?
- How will affordable homes be spread throughout the development?
- Housing should be on brownfield sites – what about disused RAF airfields?
- Overall shape and scale of development is poor.
- Dull and unattractive layout that has no sense of character.
- Road layout will cause noise and disturbance to properties due to proximity.
- Growth should occur through the Neighbourhood Plan route with influence and input from residents of Welton.
- Impact on No 32 Northfield Road – loss of privacy and outlook and surrounded by houses.
- Will result in 3 road junctions in close proximity onto a busy road.
- No provision for elderly population.
- Object to three storey development.
- Need traffic calming measures.
- Outside of settlement boundary.
- Increased flood risk, ground not suitable for a sustainable drainage system: SUDS.
- Density inappropriate, not enough landscaping.
- No local need for housing.
- Impact on local services and facilities.
- Site should be looked at comprehensively along with site to the north, clients advise application to be submitted within 3 months.
- Inadequate parking and access.

- Inadequate provision for the elderly.
- Loss of privacy and overlooking.
- Increase in flood risk, how will SUDs operate in area that is not very free draining?
- No local need currently demonstrated.

**LCC Highways:** A 2 metre wide frontage footway is required. The available visibility onto Hackthorn Road should be detailed on the layout plan

The basic principles of how the developer is proposing to drain the site are required

The Transport Statement should include a brief analysis of the junctions onto the A46. There is a history of accidents at these junctions and as such the highways authority needs to be able to assess the impact that the development will have. Depending on the level of impact, further assessment may be requested.

**Environment Agency:** Objects as FRA submitted not satisfactory

**LCC Archaeology:** Welton has considerable amount of historic assets. There is no site specific information and further information would be required to support any planning application . This should be non intrusive evaluation of a geophysical survey the results of which would inform if and where further archaeological trenches could be located.

**WLDC Building Control:** None received

**Lincolnshire Wildlife Trust:** Recommend that a range of features are incorporated into the development to enhance the site for biodiversity, retention of trees and hedges, and creation of species rich native grassland habitats on village green area.

**LCC Education:** Contribution of £223,761 required to be spent at Welton William Farr CoE comprehensive school to contribute to education infrastructure to match increased pupil numbers

**Natural England:** No objection, development should not impact on bat population. Site gives opportunity for habitat creation through biodiversity and landscape enhancements

**Witham Third District Internal Drainage Board:** Land rated as agricultural land, responsibility for the watercourse along eastern boundary needs to be clearly stated and future maintenance requirements accommodated

**Lincolnshire Police:** No objection, suggest condition to secure measures to address crime and disorder to be submitted

**Strategic Growth – Housing and Communities Team WLDC -** The results of a Parish Housing Needs Survey carried out in Welton and Dunholme were published in May 2012 which identified a local housing need for 31 affordable

housing units in Welton. Officers from the Housing and Communities are currently working with landowners in Welton regarding sites which they feel will guarantee the delivery of affordable housing to meet the specific evidenced local need.

Whilst it is acknowledged that this proposal could bring forward a number of affordable housing units which will contribute to the Core Strategy target for affordable housing the proposal gives no certainty of delivery or certainty of numbers and therefore fails to demonstrate social sustainability.

Officers from the Housing and Communities team have had no dialogue with the applicant in relation to the delivery of affordable housing on this site and feel that the proposal as a reserved matters application is not demonstrated to be deliverable or viable nor does it demonstrate the intention to meet the current evidenced need.

**Health Authority:** A contribution of £26,775 is requested towards the cost of future health infrastructure provision

**Second round of consultation following receipt of revised details regarding archaeology, transport and drainage and viability study**

**Parish Council:** Comments awaited.

**Local residents:** Objections received from the residents of 30 Northfield Road, 35 Hackthorn Road and 44 Northfield Road on grounds as previously raised and additionally:

- Site experienced significant and prolonged rainfall and has for main part been saturated or flooded. Little benefit of building up the site and concern about impacts of raising the land level on surrounding properties and ditches and water courses. Further investigation needed of proposed drainage solutions
- Consideration of impact of surface water into watercourses and consequently on water voles
- Density inappropriate for the site, area of open space reduced, size of properties and gardens inappropriate. No provision for the elderly
- Parking provision inadequate
- Encroachment onto open countryside and not necessary
- If approved there should be controlled hours of operation and other restrictions regarding parking of construction vehicles to make development bearable.

**LCC Archaeology:** No further work required



**LCC Highways:** No objections subject to the addition of conditions and request for funding towards the upgrade of the junction with the A46:

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number RDS 10897/02D dated 15 June 2014 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 2 metre wide footway, 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.

No dwelling hereby approved shall be occupied until a residential travel plan has been implemented the details of which shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** A travel plan is reasonably required in the interests of environmental sustainability to ensure that the potential for sustainability provided by the public transport options on site is maximised and to accord with the provisions of the National Planning Policy Framework 2012.

**Environment Agency:** No Objection subject to the addition of the following conditions:

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- Evidence to show that surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event which has been calculated as 12.64 litres per second
- Details of how the scheme shall be maintained and managed after completion
- Details of how SUDs will be used in the surface water system in line with the concept design submitted with the outline application

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

Details of the proposed land raising, including cross sections shall be submitted to and approved in writing by the Local Planning Authority

**Reason:** To ensure there is no increase in flood risk to third parties

**Anglian Water:** The site appears to meet the required treatment stages for roof and highway run-off, therefore Anglian Water could in principle consider adoption of the swales, but would need to form part of the main Suds system to be adopted for the site by Anglian Water, which would include the pond. This would however be subject to satisfaction of the following:

Adequate design of the swale, including swale depth, water depth, siltation, especially considering of length of swale.

Safety issues to be considered, including depth which may result in some appropriately designed fencing where fronting properties if swale depth is an issue (from conveying properties to swale). Could potentially shallow conveyance features be proposed to connect properties from swale to keep it shallow? Barrier feature with respect to highway traffic to ensure cars cannot park/encroach onto side of swale/filter strip.

Satisfaction on how flows would be conveyed to the pond from the end of the swale – may result in swale being extended to the pond.

The pond would need to be on-line and designed as a SUSs feature.

It is stated that private driveways are to discharge via infiltration. Therefore before consideration of above, we would need to be satisfied why the houses themselves cannot drain via such infiltration methods – and if not adequate source control provided (possibly be linked to permeable paving as an example).

The timescales for development are important and would need to be confirmed as there's a suggestion in the statement that these are more than likely to be post SAB, for which adoption would then be their responsibility. I

understand the SAB would potentially accept off line lagoons as part of any system they would take over?

Any consideration to adoption is obviously subject to scheme meeting all usual design criteria, including Exceedance/overland run-off etc.

**Strategic Growth – Housing and Communities Team WLDC:** No objection now that viability assessment has been submitted which demonstrates ability of site to deliver 14% affordable housing. Given previous approvals this is acceptable on this site.

### **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 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The site is outside of the settlement limit for Welton and therefore within the “open countryside.” Therefore, the relevant policies to be considered for their consistency with the NPPF are:-

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

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

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

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>  
 Pertaining to area outside of settlement limit.

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

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

RES 2 Range of housing provision in all housing schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES 5 Provision of play space/recreational facilities in new residential development.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## The Central Lincolnshire Local Plan

The Launch event for the Central Lincolnshire Local Plan was held on the 5<sup>th</sup> June 2014. The Local Plan is anticipated to be adopted at the end of 2016 but at present is at a very early stage of preparation and therefore is afforded no weight

## Welton Neighbourhood Plan

The Welton Neighbourhood Plan is at the very early stages of preparation and has not yet been out to consultation and therefore can be afforded no weight in the consideration of the application

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

## **Assessment**

### **Principle of housing**

The site is adjacent to the settlement limit of Welton and therefore is classed as being in the open countryside. Policy STRAT 12 allows development in the open countryside which is essential for the needs of agriculture or forestry and therefore from the starting point of the Local Plan the development would clearly be contrary to that Policy. However, policy has developed and changed recently particularly in relation to the NPPF.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The relevant policies are STRAT3, STRAT9 and STRAT12 in this case.

The supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that “until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public.” The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. A five year requirement of 6,985 dwellings is identified within the Lincoln Policy area of which Welton is part. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years’ supply. 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 undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years’ deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight given the context of paragraph 29 of the NPPF. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. Members are specifically referred to the Ryland Road, Dunholme appeal which supports this position.

In this context, there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is delivered early (a condition can secure an earlier than normal commencement), sustainable and is acceptable when considered against other material planning considerations.

The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the Core Strategy is afforded no weight itself, policy CL6 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and are consistent with principles of the NPPF itself:-

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

The location is directly adjacent to the existing settlement. It abuts dwellings to the west and south. The settlement has in excess of 5,000 inhabitants (2011 Census).

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

The designation of Welton as a Primary Rural Settlement in the 2006 Local Plan Review reflected the status of the village as one of the larger settlements in the district. The level of services and facilities has not diminished since 2006, this is reflected in the designation as a Primary Supporter within the Portrait of Place assessment which forms part of the evidence base for the Central Lincolnshire Local Plan. However, it is of note that this “supporter” rather than “attractor” designation reflects the semi-dormitory role of Welton to the city of Lincoln. Nevertheless, Welton has an array of services and facilities including secondary and primary schools (1700m and 1200m from the site respectively), shops (800m), a health centre (1,100m away), dentist (1,300m), village hall (450m) and leisure facilities (200m). All of these services and facilities are connected to the site by existing, adopted and lit pavements. The case officer timed these walks making allowance for a variety of abilities and lower speeds and noted that the timings are acceptable in terms of sustainability. It was observed that many pupils of William Farr School do walk to this school from the adjoining existing residential areas and therefore it would be reasonable to assume that future residents of the proposed development would do the same.

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

The nearest bus stops are on Ryland Road, approximately 350m from the site. These east and westbound stops are served by the Nos. 3, 11, 11a, 12, and 12a bus services; the No. 3 connecting the area to Lincoln (including the hospital), Market Rasen and Grimsby, the other buses shuttling between Welton and Lincoln. The 11, 11a, 12 and 12a buses travel via Westhall road which is nearer to the site.

The combination of all of these services results in 34 services in each direction to and from Lincoln per day, six days per week (68 per day in total). 24 of these 68 services directly connect to the hospital.

The first bus to Lincoln departs at 6.36am arriving at 7.10am, the last leaving at 6.20pm arriving at 6.50pm.

In this context, it is considered that the public transport options offer a high degree of sustainability.

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

In advance of the production and adoption of a neighbourhood plan and in advance of the Central Lincolnshire Local Plan preparation there is no development plan to provide guidance as to what proportion of the growth provision or Central Lincolnshire should be attributed to Welton. The village currently has a population estimated to be around 5,500 inhabitants and, as detailed in preceding sections, has a range of facilities. However, concerns have been expressed by some residents about the ability of the infrastructure serving the village to take new development, especially in light of the population growth since 2000.

Specific concerns relate to overstretched medical facilities, education and drainage.

The doctor's surgery is a five partner practice and part of the Lincolnshire West CCG. It is taking new patients but has previously expressed concerns about the population increase in Welton. The NHS Property division has confirmed that there would be a reasonable requirement for capital infrastructure for health services arising from the development. This is a reasonable request that complies with the Community Infrastructure Regulations 2011 and the applicant has agreed to this request which can be achieved by way of a S106 agreement.

With regards to education, the County Education Authority have requested a contribution in relation to the provision of capital infrastructure for the secondary school. This is also a reasonable request that complies with the Community Infrastructure Regulations 2011 and the applicant has also agreed to this request which can also be achieved by way of a S106 agreement.

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

The land is arable farmland. It is neither a registered playing field nor an area of important open space or frontage as defined by policy CORE9 of the Local Plan Review. The application is in outline form only and therefore the precise detail of new open space is not at this stage known, but an indicative layout for drainage purposes that an amount equal to 6% of the site could be provided on site which would be in excess of the 5% required by Policy RES5 of the Local Plan, a reasonable requirement, consistent with the social and environmental sustainability provisions of the NPPF.

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

This is a consideration partly detailed in policy NBE14 of the Local Plan Review although little of this policy is consistent with the provisions of the NPPF in terms of the preference of the latter for sustainable drainage.

The main thrust of the NPPF policy guidance is to locate development in areas which are at lowest probability of flooding (zone 1) as defined by the Environment Agency; the so-called Sequential Test.

Most of the site is within flood zone 1. However there is a small amount of the site which falls within Flood Zone 2 across the centre of the site forming approximately a quarter of the site. There are other greenfield sites around the district and even Welton that are available and appropriate for housing and located only within flood zone 1. One could restrict the housing within the site to flood zone 1 but, as an alternative, the Environment Agency has requested relevant conditions including one to raise the level of the land in Zone 2 to enable development here. This needs to be the subject of a condition to ensure that raising the level of the land will not have a harmful impact on the amenity of the neighbouring residents.

With regards to surface water drainage, paragraph 51 of the NPPG states that sustainable drainage systems should be prioritised as they are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They also provide opportunities to reduce the causes and impacts of flooding, remove pollutants from urban run-off at source and combine water management with green space with benefits for amenity, recreation and wildlife. In this context a multi-agency meeting with representatives of the Environment Agency, Internal Drainage Board and other drainage stakeholders was held to ensure that such sustainable drainage schemes were employed if practicable. The plans submitted with the application clearly showed potential for such a system to be utilised. The system incorporates permeable paving, swales and a storage pond. The system will discharge into the adjacent ditch which will drain into the IDB drain south of Mill House. The ditch is well maintained and the applicant has submitted a letter from the owner of the ditch confirming that he will continue to maintain it. The applicant has submitted sufficient information to demonstrate that the dyke is capable of accepting the anticipated surface water. The exact specification can be agreed by condition but the submitted drawing is considered to respond to the need for sustainability, climate change and the need to ensure that there is a neutral effect as a minimum in terms of risk to flooding of properties as a result of the development.

Anglian Water has confirmed that it would be prepared to adopt the system subject to detailed design which would be incorporated into the above condition.

### **Provision of a mix of housing to respond to need (social sustainability)**

This a consideration outlined in policies RES2 and RES6 of the Local Plan Review that is consistent with the principles of the NPPF.



The proposal is in outline form and therefore the exact nature of the houses is not known. Current policy would require 25% affordable housing site on site. However the applicants have submitted a viability appraisal of the site which has been verified by officers. The viability appraisal demonstrates that the site can deliver 14% affordable housing as well as providing a good mix of detached and semi-detached dwellings.

Members will recall that, at your last Committee, you resolved that planning permission for 31 affordable housing units should be granted. This is likely to be delivered within the next 12 months meeting the immediate need for affordable housing in Welton. Whilst it is anticipated that there will be more demand in the future, this application will deliver significant other community benefits as well as a limited number of affordable units to meet future demand.

It is considered that the development will contribute significantly to social sustainability through the delivery of the affordable housing and the relevant contribution to infrastructure.

The affordable housing will need to be secured by way of a S106 agreement at this stage and this is supported by the Housing and Communities project officer.

### **Highway infrastructure (economic sustainability) and highway safety**

Access is a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review that is considered consistent with the provisions of the NPPF and has been raised as a concern by local residents.

The application proposes a new access onto Hackthorn Road approximately 45 metres north of Northfield Road and 75 metres south of Poachers Rest on the opposite side of the road. Further details regarding the impact of the proposal were requested from the applicant and supplied and considered by the Highway Authority.

They have confirmed that they have no objection to the proposal considering the traffic distribution to be acceptable. The applicant has agreed to deliver the requested 2 metre frontage footway and this can be secured by means of a condition. Various conditions have also been requested by the Highway Authority regarding the design of the access roads, the provision of a footway and a residential travel plan.

The applicant has also agreed to the request to a contribution to works to upgrade the junction with the A46 given that this junction is now at capacity.

### **Ecology and biodiversity (Environmental sustainability)**

The site is not a designated wildlife site or important open space.

In this context it is noted that, whilst the Local Plan is silent on this issue, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible,

A protected species survey has been submitted with the application and this indicates that there is no evidence for protected species on the site other than bats. The field serves a valuable function in that both it and its boundary hedges constitute good foraging territory on the periphery of the village. It is considered that the loss of foraging habitat at the application site would be unlikely to significantly affect the local populations of bats and this view is supported by Natural England. However the report does recommend that the hedge to the north of the site should be retained at +3 metres and that security lighting is in accordance with the Bat Conservation Trust/Institute of Lighting Engineers Guidance Note 2008 (Revision 2). These recommendations could both be the subject of a condition.

Both Natural England and the Lincolnshire Wildlife Trust highlight that this site could present significant opportunity to create new habitat. As the application is in outline form this has not been addressed but could be the subject of a condition.

Concerns have been raised regarding the comprehensiveness of the survey, however it has been undertaken by an appropriate person and the site and the surrounding 2km of land surveyed. It is considered therefore that the survey is acceptable and its recommendations should be taken on board.

### **Landscaping and protection and enhancement (Environmental sustainability)**

This is a related issue to biodiversity. Policies CORE10, STRAT1 and RES1 all contain policy advice with regards to landscaping that is consistent with the provisions of the NPPF. Such landscaping is required to provide an appropriate habitat for wildlife as well as providing a visual balance between the natural and built environment, this being especially important given the edge of settlement location (policy NBE20 of the Local Plan Review refers). The edge of settlement location is also within the public domain; the site is visible from the Hackthorn Road.

As the application is in outline form with landscaping reserved for subsequent approval, then the exact detail of the proposed landscaping is not at this point known. It is important, given the sites location on the edge of the village that the site contains sufficient landscaping not only in terms of biodiversity but also to mitigate the visual impact of housing in this location.

## **Design and layout**

This a material consideration detailed in policies STRAT1 and RES1 of the Local Plan Review which are considered consistent with the principles of good design cited in section 7 of the NPPF.

As the application is in outline form the exact design and layout of the site will be a matter for future consideration. The area of developable land proposed will accommodate up to 63 dwellings and still ensure an appropriate density of development in this edge of settlement site of approximately 35 dwellings per hectare.

## **Residential amenity**

This is a consideration highlighted in policies STRAT1 and RES1 of the Local Plan Review and is considered to be material consideration.

As the application is in outline form the exact design and layout of the site will be a matter for future consideration. It is considered though that the number of houses could, with the appropriate design, be accommodated on the site without harming the amenity of the occupiers of the houses bounding the site.

## **Archaeology**

This is a consideration detailed in the NPPF and the significance of any archaeology in the area and the impact of the development on it and its significance needs to be assessed.

The County Council's Historic Environment Officer (archaeology) originally commented that Welton has considerable amount of historic assets, that there was no site specific information and further information would be required to support any planning application . They advised that this should have been a non intrusive evaluation of a geophysical survey the results of which would inform if and where further archaeological trenches could be located.

The further work has been undertaken by the applicant and as a result the Officer has confirmed that no further work is need in respect of archaeological investigation.

## **Conclusion**

The application has been considered in the first instance against the provisions of the development plan, specifically policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE 14 Waste

Water Disposal and NBE20 Development on the edge of settlements, of the West Lindsey Local Plan First Review 2006 (saved policies 2009). Each policy has been considered against the National Planning Policy Framework (2012) and judged for its consistency with this document with the weight afforded to the policy amended accordingly. The National Planning Policy Framework itself has been afforded significant weight as has its accompanying National Planning Policy Guidance suite (2014). In light of this assessment the proposal is considered to be acceptable. There is a presumption in favour of sustainable development in the NPPF, significant development is required to maintain a five year deliverable supply of housing and, subject to conditions and the signing of the section 106 agreement, the development is economically, socially and environmentally sustainable and will not have a significant detrimental impact on highway safety, residential amenity or visual amenity.

**RECOMMENDED DECISION:** Delegate to the Chief Operating Officer to grant planning permission subject to the Environment Agency removing their objection, conditions and the signing of a S106 agreement which delivers the following:

14% affordable housing

Contribution of £ 223,761 towards Educational facilities in the locality

Contribution of £26,755 towards Health facilities in the locality

Contribution of £100,000 towards Highway improvements

If the S106 agreement is not signed within 6 months of the date of Committee then the application be reported back to the next appropriate Committee for further consideration and determination.

### **Time commencement condition**

1. Application for approval of the reserved matters for the first phase of the development shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. Application for the approval of each subsequent phase of the development shall be submitted within two years of the date of approval of the previous phase.

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

2. No development shall take place in each phase of the development until plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access and the landscaping of the site (including proposals for biodiversity) (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.

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

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

4. The details to be submitted in accordance with Condition No 2 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas inclusive of trees, hedges, ditches, and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management; including the provision of bat roosts and bird boxes and a statement on the sustainability performance of the dwellings for each phase of the development. The approved details shall be implemented on site prior to the completion of each phase of the development.

**Reason:** In the interests of visual amenity, biodiversity and sustainability as required by policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012.

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

5. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 2 metre wide footway, 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 in the interests of residential amenity, convenience and safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012

6. No dwelling shall be commenced until a construction management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include the following:-

- a/ details of access for construction traffic to the site

b/ construction hours limited to the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on a Saturday

c/ protection of the existing trees on site to be retained.

All construction shall be in accordance with the approved Management Plan required by this condition.

**Reason:** In the interests of the residential amenity of adjoining residents and the health, vitality and amenity value of the trees marked and to accord with policies STRAT1, RES1 and CORE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

7. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- Evidence to show that surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event which has been calculated as 12.64 litres per second
- Details of how the scheme shall be maintained and managed after completion
- Details of how SUDs will be used in the surface water system in line with the concept design submitted with the outline application

**Reason:** To prevent the increased risk of flooding both on and off the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

8. No development shall take place in each phase of the development until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the completion of each phase of the development.

**Reason:** In order to protect residential amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. No development shall take place until details of the proposed land raising, including cross sections have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved land levels

**Reason:** To ensure there is no increase in flood risk to third parties and to protect the residential amenity of neighbouring residents in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

### **Conditions which require observance during construction**

10. 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 each phase 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.

### **Conditions requiring observance prior to occupation of the dwellings**

11. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number RDS 10897/02D dated 15 June 2014 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

12. No dwelling hereby approved shall be first occupied until a residential travel plan has been implemented the details of which shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** A travel plan is reasonably required in the interests of environmental sustainability to ensure that the potential for sustainability provided by the public transport options on site is maximised and to accord with the provisions of the National Planning Policy Framework 2012.

### **Informatives**

- A. This permission is subject to an agreement under the amended section 106 of the Planning Act 1990 pertaining to the provision of contributions towards education and health facilities. The above permission is also subject to the obligations in that agreement.

- B. In order to help reduce the opportunity for crime and increase the safety and sustainability of the development you are advised to consider and refer to the latest version of New Homes 2014 which can be accessed via [www.securebydesign.com](http://www.securebydesign.com)

**Human Rights Implications:**

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

**Legal Implications:**

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





## **Officer's Report**

### **Planning Application No: 131108**

**PROPOSAL:** Outline planning application for development of 5 new detached houses - access to be considered and not reserved for subsequent applications

**LOCATION:** Sudbrooke House, Church Lane, Sudbrooke Lincoln, Lincolnshire LN2 2QH

**WARD:** Sudbrooke

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

**APPLICANT NAME:** Mr Mark Robinson

**TARGET DECISION DATE:** 26/06/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon:-

1. The completion of archaeological investigations and approval of methodology for any mitigation required.
2. The signing and completion of a s106 that delivers:-
  - Land and a commuted sum to provide a section of footway at and within the vicinity of the double bends to the west of Sudbrooke House on Church Lane.
  - The making available at all times of 12 car parking spaces within the site for visitors to St. Edward's Church.

**If the agreement is not completed and signed within 6 months, the application shall be reported back to the next available Planning Committee for determination.**

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### **Description**

**Site** - The site extends to approximately 1.1ha and is located on the south side of Church Lane, the site access being directly opposite St Edward's Church. The land is within the ownership of Sudbrooke House and, whilst lying beyond and to the east of the formal gardens, it is clearly used for private use incidental to the enjoyment of the dwellinghouse; the land has the appearance of a small area of parkland with one part being laid out as an all-weather tennis court. It is not in agricultural use but is considered to be greenfield; it does not meet the definition of previously developed land contained within Annex 2 of the National Planning Policy Framework (2012). To the south and east are fields in arable use. To the north is the Church of St. Edward and existing houses and to the west is the formal garden serving

Sudbrooke House. Mature planting marks the eastern, southern and western boundaries of the site.

**Development** – The application is in outline form with all matters reserved except for access. The access details are shown on drawing 9516-03 Rev A received on 1<sup>st</sup> May 2014. This shows the use of an existing access between Sudbrooke House and Apple Tree House to serve the 5 dwellings proposed. The application site boundary includes land to enable the access to be widened and for a visibility splay to be achieved at the point of access onto Church Lane. This includes a hedge within the ownership of the adjoining dwelling, Apple Tree House that would need to be reduced in height to enable the required visibility to be achieved.

The revised drawing also includes land to be made available for the parking of 12 cars. The parking is intended to be for use by visitors to the Church. This element is part of the access matter not reserved for subsequent approval as is the new shared private access drive alignment shown on the same plan that includes a turning head.

The drawing also shows a layout of the five proposed dwellings including footprints of the dwellings, detached garages and locations of plot boundaries. Two suggested front elevation and floor plan drawings have also been submitted. However, as layout, scale, appearance and landscaping are all reserved for subsequent approval, the drawings are taken as being for illustrative purposes only and will be used purely to determine whether the site has the potential to be of a size and shape to accommodate the development proposed when assessed against all relevant material considerations.

Finally, the draft heads of terms of a s106 agreement includes the making available at all time of the 12 parking spaces for visitors to the Church and the dedication of a strip of land adjoining the highway in the northwest corner of the garden of Sudbrooke House to enable the highway to be widened to accommodate a segregated pavement around the double bends. It is expected that this would be accompanied by a commuted sum to LCC to contribute to the cost of this infrastructure.

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

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

**Relevant history:**

The development proposed was the subject of a pre-application enquiry.

**Representations:**

**Chairman/Ward member(s):** The ward councillor and Chair of the Planning Committee is Cllr Stuart Curtis. Cllr Curtis had attended a pre-application meeting as an observer, the meeting also attended by the applicant, local residents, representatives of the Parish Council, an LCC Highways officer and a planning officer from West Lindsey DC.

**Sudbrooke Parish Council:**

“Sudbrooke Parish Council do not have any overall objections to this application. However it is pointed out that there is public disquiet regarding the entrance to the development and it is requested that alternative entrances be considered which cause less of a danger to traffic for exiting/entering. It should also be noted that many residents in the area were not aware of **this** application as there appears to be no public notices displayed in the area.”

NB. Officer’s note – The site notice was subsequently displayed.

**Local residents:**

Objections received from Apple Tree House, Church Lane; Moleside, Church Lane; Dunroamin, Church Lane; Church Cottage, Church Lane; Oakley Cottage, Church Court; Church Farm, Church Lane; 16 Scothern Lane (all Sudbrooke).

1. My concern is the location of the planned access road. This is going to be right on a corner with very poor visibility. Church Lane is not wide enough to accommodate the extra traffic that this new development will cause. What happens when there is a wedding, funeral or other church function?
2. Having lived opposite the proposed development for 14 years at Church View Cottage before moving next door, I can say with conviction the speed of traffic towards Nettleham on Church Lane around a blind corner opposite Sudbrooke Church would render the proposed access to the new development very dangerous. The proposed access has been widened but this will still make the exit of the development into a semi-blind corner still very dangerous. There have been a number of near-misses around this corner over the years and possible egress from an extra 5 properties with a minimum of 2 cars at each house plus school children and Church parishioners crossing the road at this point to reach the only footpath and return to proposed car parking would significantly increase the chance of a serious accident

3. The monitoring of traffic (which residents were advised was only for volume of traffic and definitely not for speed) was carried out at a time when schools were on holiday and gives a false impression of the traffic which normally uses Church Lane /Sudbrooke Lane. It also did not take into consideration the heavy goods vehicles which make regular collection/deliveries to the chicken farm located behind the Church (access is directly off Church Lane).
4. Awareness needs to be raised in relation to the restricted width and visibility on Church Lane.
5. These issues are exacerbated when the A158 is closed, an issue raised with LCC Highways by the Parish Council.
6. Even if we leave aside the vehicle issue for a moment, there is also a hazard for any one who is stepping out of my house (Apple Tree House). There is no footpath on our side of the road and we will have to cross the road at a blind corner to reach the footpath. We do not feel that it is safe and the Council should revisit the situation to ensure the safety of my family.
7. The plans suggest that the current access from our house (Apple Tree House) will be blocked and we will have to design a new access directly on to the road. Informally we were told (at a site meeting) by the Council planning officer that this would be OK. However it is far from clear if we have to apply for access to the Council as a new planning matter or if access is built into the plans. For the moment the current plans seem to allow no exit from our house at all. I have personally asked the Parish Council to enquire about this matter. Clearly the plan cannot be allowed to go ahead without the matter of the access from our house being addressed and the safety of my family being ensured.
8. From the plan it appears there are alternative access options including one on Sudbrooke Lane which would convert the last corner nearest Nettleham (which is at present a dangerous corner) into a much safer Tee junction
9. The car parking that is mentioned in the plans will surely not accommodate all Church parking. I trust the Church has been informed of the carpark and that this land, if this proposal goes ahead, will be given to the parish as freehold and with no trade off as to full permission.
10. The land on which these houses are to be built is and has been the subject of specific archaeological importance, being the site of an historic settlement and is referred to in several historic publications. If this site is to be developed then an extensive and co-operative excavation of this site must be carried out to retain at least some pre-history of Sudbrooke
11. It would appear the statutory public document advising the general public has not yet been displayed at Sudbrooke House (Saturday May 17th) despite the letter advising of the proposal being sent to Sudbrooke Parish Council on May 6th asking for comments to be in

within 28 days of this date. This does not allow sufficient time for all residents to be made aware of the proposal and provide comments as necessary so this time limit must now be extended to give the 28 days legal requirement from initial publication.

NB. Officer's note – the time limit was subsequently extended by the display of a site notice.

### **Parochial Church Council (St Edward's, Sudbrooke)**

"We would like to thank the applicant for showing consideration to members of the Church and recognising the difficulties already experienced by those attending the Church. We note the provision of 12 parking spaces but we remain concerned about the impact of the application on the volume of traffic, the danger of traffic turning into and out of a junction on a narrow bend in the road and the difficulties already experienced in relation to parking in the area. It is likely that not all the Church users (particularly for funerals and weddings) will be able to park in the proposed new car parking spaces. The PCC has already received a letter from the Parish Council this year asking that Church members refrain from parking half on the pavement (in response to a complaint from a member of the public) and yet, if you don't do that, at certain points of Church Lane, there is barely room for another vehicle to pass. In terms of the application itself, the PCC, subject to the aforesaid car parking spaces being made available for Church attenders at all times, would not wish to raise any objection. However, the traffic issue is a serious one. Perhaps consideration can be given to exiting the new development via an alternative route?"

**LCC Highways:** Requests that any permission given by the local planning authority shall include the conditions

1. The access shall be a minimum width of 4.5 metres from it's junction with Church Lane, until it gets beyond the proposed car park for the church. Thereafter it must be a minimum width of 3.7 metres.
2. A 2 x 25 metre visibility splay is required for the access onto Church Lane. Before the access is brought into use the existing hedge shall, be lowered to a height not exceeding 1 metre above the edge of the adjacent carriageway for a distance of 25 metres on each side of the access and thereafter the visibility splay shall be kept free of obstacles exceeding 1 metre in height.

They also advise that speed humps should be removed from the private access road and that an area of the applicant's land to the north of Sudbrooke House (on the bend of Church Lane) should be dedicated to the highways authority, this dedication secured to facilitate future highway improvement schemes. S.106 contributions should also be considered to secure a footway/cycleway to the boundary with Nettleham

**LCC Archaeology:** The site is within the historic core of Sudbrooke.

There is no heritage impact assessment or mitigation included as part of this planning application. Currently there is no site specific information and therefore further information is required before an informed recommendation can be made on this application. It is recommended that a geophysical survey should be undertaken in the first instance which will inform where further intrusive evaluation is required to identify the nature, extent and significance of any archaeological features on the site.

NB Officer's note: The geophysical investigation has revealed that further intrusive trial trenching is required.

**English Heritage** – Do not wish to make any comment on this occasion in relation to the setting of the Church.

### **Relevant Planning Policies:**

#### **The Development Plan**

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

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

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

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

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

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

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

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

RES 2 Range of housing provision in all housing schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

## **Assessment:**

### **Principle of housing**

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

The site lies outside of the settlement limit for Sudbrooke and is therefore classified as being with the open countryside. Policy STRAT12 therefore applies and is written in the prohibitive form, stating that development including housing should not be permitted in such locations unless there is justification for it being in that location or it can be supported by other plan policies. In the absence of a justification, such as agricultural need, this policy context appears to suggest that housing should be refused on this greenfield site outside of the settlement limit. However, the restriction of housing to sites within the settlement limits is not considered to be consistent with the presumption in favour of sustainable development, the objective of growth and the need to maintain a deliverable 5 year housing supply contained within the NPPF; it is incorrect to state that development cannot be sustainable outside of the defined settlement limit and a 5 year deliverable supply and growth cannot be achieved solely within sites within defined settlement limits. Members are referred to the Ryland Road, Dunholme appeal for the most recent commentary on this matter.



Paragraph 49 of the NPPF specifically 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. The relevant policies include STRAT3, STRAT9 and STRAT12 in this case.

It is noted that the supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that “until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public.” The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. A five year requirement of 6,985 dwellings is identified within the Lincoln Policy area of which Sudbrooke is part. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years’ supply. 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 undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years’ deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight given the context of paragraph 29 of the NPPF. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. The Ryland Road, Dunholme appeal (WLDC ref 130168) the reporting of which is included on this Committee agenda is a very recent example of this approach; the appeal was dismissed due to specific village coalescence grounds rather than being outside of the settlement limits for Dunholme and Welton.

In this context, there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is delivered early (a condition can secure an earlier than normal commencement), sustainable and is acceptable when considered against other material planning considerations.

The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the withdrawn Core Strategy is not afforded any weight itself, policy CL6 did provide a series of criteria against which the developments could be assessed for such sustainability. Whilst not quoting the Core Strategy itself, these criteria are drawn forward here as being relevant considerations to assess the sustainability of the proposal (many of these considerations are also cited in policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and those elements of the policies are afforded weight here). It is important to note, from paragraph 37 of the Dunholme appeal decision that “the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension did not automatically render a proposal unsustainable.”

*Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)* – The site is within the built up area of Sudbrooke. The visual impact is considered in more detail later in this report.

*Accessible and well related to existing facilities and services (social and environmental sustainability)* – Sudbrooke does have some facilities, such as a convenience shop (on Holm Drive), a café (The Cherry Tree on North Lane) a garage (Barber’s on Wragby Road), various small businesses, a village hall (on Scothern Lane) and the Church of St. Edward (opposite the site). This level of services is reflected in the Portrait of Place categorisation as a Primary Supporter (the Portrait of Place being part of the Sustainable Futures evidence base of the Central Lincolnshire Local Plan). This level of services and the critical mass of the population of Sudbrooke provide a basis for the development proposed to be sustainable (approx. 1,600 inhabitants).

However, the nearest primary school, the Ellison Boulton Church of England Academy, is in Scothern and much of the facilities used by Sudbrooke residents lie in Nettleham, the next village to the west. Scothern is connected to the site by a segregated pavement on Church Lane and then a cycleway/footway alongside Scothern Lane. The school lies at the southern edge of Scothern village, approximately 1.3km from the site. The distance and presence of the footway and cycleway offer a degree of potential for the environmental sustainability of the trips taken by future residents of the development.

However, the most convenient route to Nettleham, in the other direction, is via Church Lane; the A158 does include a cycle lane on its southern side but this would necessitate crossing this main road twice in each direction when travelling between the two villages as well as being a much longer route and necessitating travelling along Lodge Lane, Nettleham which does not have a cycle or footpath. Cycling alongside the busy A158 is also not desirable for many people.

Church Lane also presents significant highway safety concerns to the pedestrian and cyclists which deters its use by these environmentally sustainable methods of travel; the road is narrow, albeit with passing places but has relatively high levels of vehicular movements (presumably due to motorists also taking the shortest route between the two villages and avoiding the A158). The proximity of the hedges on either side of the road also means that there is little room for the pedestrian and/or cyclist to seek refuge within the highway. Members may recall that part of the link is proposed to be sought as part of the section 106 agreement for the resubmitted application of the housing on Poachers Lane (also intended to be on this Committee agenda (WLDC ref 131207). That link falls short of the existing pavement on Church Lane but the land required for the optimal option to widen the highway to allow implementation of this link is within the control of the applicant here. A plan is appended to this report showing this link. Members should note that the land in question does not affect any of the trees in this western part of the garden of Sudbrooke House that are protected by a Tree Preservation Order. It is acknowledged that the link and that proposed to be provided by the other application would not connect the site to Nettleham. Nevertheless, it is considered that the provision is commensurate in scale to the development proposed and a requirement to provide additional length would, not be commensurate and, therefore, not comply with the requirements of Regulation 122 of the CIL Regulations 2011.

Members may also note that St Edward's Church was cited earlier in this section as being one of the assets that contributes to the social and economic sustainability of the village. Examination of the Church web-site reveals that a weekly service is held there each Sunday, with every third Sunday having two services including a family service and baptisms. As the representations received from the PCC and residents state, there are also funerals, weddings and other special services held, all of which generate vehicular traffic (an issue discussed separately later in this assessment) but also keep the Church as one of the important community hubs for the village and adds to its social sustainability. In this context, it is considered reasonable and related to the development to require that the proposed parking spaces are made available to visitors to the Church. An obligation to this effect under the amended section 106 of the Planning Act 1990 would meet the criteria of Regulation 122 of the CIL Regulations 2011.

*Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability) –* Sudbrooke is served by regular bus services to Lincoln, Louth, Horncastle and Skegness but all of these services follow the A158, approximately 10 minutes walk from the site. The addition of the five proposed houses could not justify a new bus service but it is considered that the other improvements to sustainability detailed above and relatively short distance to the school at Scothern mean that the lack of a public transport directly to the site should not be an overriding factor to the acceptability or otherwise of this application.

*Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability*

*issues (environmental, social and economic sustainability)* – The availability of community and transport infrastructure has been addressed above. There are no known other infrastructure issues relating to the development (members are referred to a later section of this report with specific regard to foul water disposal). A contribution towards education and health infrastructure is not normally sought from LCC Education and NHS Property respectively for minor development (under 10 dwellings).

*Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)* – The land is away from public vantage points and not used for such community facilities. It is not designated as an important open space or frontage in the Local Plan Review and therefore policy CORE9 is not applicable.

*Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)* – It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being “more vulnerable” to such flooding. This includes dwellings. In this instance the sites falls within zones 1, In this regard the proposal passes the sequential test and no other mitigation will be required. The proposal also accords with policy NBE14 of the Local Plan Review in this context.

*Generally consistent with economic, environmental and social sustainability* - Housing intended to be part of the deliverable supply would normally be expected to be the subject of a full application but, despite this being an outline application, it is contended that this development can be delivered within the next five years. Indeed, the relatively small scale of the proposal, the lack of abnormal development costs, the viability and the fact that the infrastructure needed to deliver the development sustainably is also within the applicant’s control, within the adopted highway or enforceable (see next sub-section) lead one to conclude that the proposal is deliverable and will contribute to the supply. The one area that the development is lacking is a range of housing including affordable homes; the layout illustrates a development of large detached dwellings. This is a finely balanced issue but, on balance, the application represents a deliverable scheme that, although weak in this one dimension, remains sustainable when measured across the three strands of sustainability. The specific priority here is for the Church parking and pavement rather than affordable homes.

In summary the principle of the proposal can be supported. The following sections consider more detailed aspects although Members are reminded that the application is in outline with only access not reserved for subsequent approval.

## **Highways**

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

A number of the representations received make reference to highway safety and parking concerns.

Access is a matter not reserved for subsequent approval and therefore must be considered in detail. The proposal would utilise a secondary access onto Church Lane used by Sudbrooke House. This access is shared with Apple Tree House. At first sight one can acknowledge the points raised by residents; Church Lane is a traditional highway that predates late twentieth century standards. It twists through the village, one such S-bend twist being at the proposed point of access and the Lane is not of uniform width and only has a pavement on its northern side. Current visibility is less than adequate despite the fact that the road is subject to a 30 mph mandatory speed limit and recorded speeds are actually lower than this (the LCC verified traffic survey did record speeds as well as volume). The plans show enhancements to the width and specification of the private drive to LCC standards. They also show the provision of visibility splays to the west and east, again to reflect the advice of the County Highways officer. The land required for the western splay is within the applicant's control. However, the eastern splay requires the maintenance of a hedge within the ownership of Apple Tree House (one of the objectors). Paragraph 9 of the section of the National Planning Practice Guidance that deals with conditions states that those conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body, often fail the tests of reasonableness and enforceability. However, it states it may be possible to use a condition worded in a negative form (a so called *Grampian* condition) i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission until a specified action has been taken place, if there are prospects of the action in question being performed within the time-limit imposed by the permission (NPPG reference ID: 21a-009-20140306).

In this instance, whilst the applicant exercises no control over the maintenance of the hedge to the 1m height, this Council does have such a control. This is because, when Apple Tree Cottage was granted permission, the access arrangements, using the same point of access as proposed now, necessitated the imposition of a condition requiring the hedge to be restricted to the same 1metre height. The case officer has sought a legal opinion on this matter and our solicitor has confirmed that the existing condition is enforceable so there are prospects of this action being performed within the time-limit imposed by a permission for the development now under consideration.

The proposed access arrangements also show access to Apple Tree House being retained.

A further material consideration is the use of the area around the proposed point of access for on-street parking by visitors to the Church. There are no parking restrictions within this area and therefore parking is permitted subject to it being safe do so and not causing an obstruction. Nevertheless, the case officer witnessed that the parking during Church services does result in a restricted width of available highway for passing vehicles. The provision of parking for Church visitors would not necessarily eliminate this problem in the

absence of highway parking restrictions. However, the proximity of the proposed parking to the Church would render it only marginally less convenient than the on-street parking directly outside of the Church, even for less ambulant visitors. As result it is likely to decrease the use of the on-street parking to the benefit of highway safety. In this context the provision of the on-site parking is considered a reasonable requirement related to the development that is necessary and can be secured through the section 106 agreement.

Finally, it is noted that the County Highways Authority do not raise any objections relating to the on-site layout of the proposed private drive; the submitted drawings show a drive with a turning head and a plotted "swept path" showing how service vehicles could turn to enable them to safely enter and exit the site in forward gear. A condition will be necessary to ensure that the access arrangements are implemented, the only exceptions being the two speed humps proposed that the County Highways officer objects to and are not necessary.

### **Design, character, appearance and biodiversity**

These are considerations detailed in policies STRAT1, NBE20 and RES1 of the Local Plan Review and reflect and are consistent with the National Planning Policy Statement with regards to design.

The indicative layout depicts a very low density layout equating to five dwellings per hectare. It also depicts dwellings with footprints of around 200 sq m per house and a plot ratio of no more than 15% (footprint to plot size). Such large houses, sizeable plots and low density are defining characteristics of this part of Church Lane. The density will allow for the mature landscaping and trees to be retained on site. It would be expected that such existing landscaping would be retained as part of any landscaping reserved matter and its depicted retention on the indicative plan submitted with this outline application cannot lead one to any different conclusion. Such retention of the existing landscaping is necessary to provide an appropriate balance between the natural and built environment, especially in this sylvan edge of settlement location (policy NBE20 applies).

The tended, improved grassland of the site means that it is species poor but the retention of the above-mentioned trees and hedges will mean that there will be a neutral impact on biodiversity especially as undeveloped wildlife corridors will remain through the site and along boundaries.

### **Flooding and drainage**

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

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

of flooding and sequentially are the preferred location for more vulnerable uses such as dwellings.

The application form states that surface water will be disposed of via soakaway. Infiltration such as this is a preferred method of dealing with surface water (the NPPG refers). The soils in the area appear to be suitable for such a strategy and the low density of development means that there is certainly an appropriate area for direct infiltration of surface water as well as infiltration away from the soakaways. There are also no known and recorded surface water drainage issues within or abutting the site. Nevertheless, it is considered reasonable to require details to be agreed to ensure that a system can cope with rainfall events up to and including a 1 in 100 year event (plus 30% increase allowance for climate change).

### **Residential amenity**

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

In terms of overshadowing and overlooking, the indicative plan demonstrates that there is potential for substantial distances to be achieved between existing and new dwellings; for example, over 40m is measured between Apple Tree House and the indicative footprint of the dwelling at plot 1. It is considered that residential amenity will not be affected in terms of overlooking and overshadowing.

Similarly, the low density will provide for substantial garden areas for each dwelling, beneficial to the amenity, health and wellbeing of each future resident.

Finally, with regards to noise and disturbance, it is unlikely that the development of five dwellings will result in vehicular traffic levels that will cause unacceptable levels of harm. However, the construction phase could result in such harm if unregulated given the quiet residential setting of the site and the fact that the access passes two existing private rear gardens. Therefore a construction management condition is considered necessary and reasonable.

### **Impact on heritage assets (setting of listed Church and impact on archaeology)**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review. The Local Plan policy is considered consistent with the NPPF.

As referenced in the LCC officer's comments, the site is within the historic core of the village. At the time of the Domesday Survey (1086AD), Sudbrooke was relatively populous with a population of 50 heads of household, a manor and a watermill. The grade II\* listed church of St Edward the Confessor was built between 1860 to 1862 by Richard Ellison but is on the same site as a medieval church that was granted to the monks of Lessay, Normandy in the early twelfth century. This Church is less than 100m from the main body of the

site, its current setting being prominent and one of the larger buildings in the traditional village centre. This setting has already been compromised by the newer farm buildings to the north, but the development proposed would not compromise the setting if the housing was of a similar or lower height than the Church; the latter does not have a large bell tower and therefore its prominence is predicated on its positioning within the streetscene and the relatively low heights of surrounding buildings.

The indicative plans show two storey houses which would be appropriate to preserve this setting and the condition relating to the submission of the “scale” reserved matter can specify this.

With regards to archaeology, paragraph 128 of the NPPF 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.

Cropmarks associated with the medieval village of Sudbrooke have been observed in the field immediately to the east and may extend into the proposed development area.

Geophysical investigations carried out by a suitably qualified person on behalf of the applicant and at the request of LCC have revealed some potential for archaeological significance. The location of the images and the low density of the development proposed means that it is unlikely to be a reason for withholding planning permission. Nevertheless, intrusive trial trenching is required prior to determination of the application. The applicant has requested that members are asked to consider the other material considerations and this assessment does so with the recommendation phrased to delegate the responsibility for determining the application to officers subject to resolution of this archaeological issues and the signing of the section 106 agreement.

## **Conclusion**

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



afforded to policies STRAT3, STRAT9 and STRAT12 being significantly tempered due to the inconsistency with the national framework.

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

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review, it is considered that the development will constitute an environmentally, socially and economically sustainable development that can contribute to the growth objectives of West Lindsey, Central Lincolnshire and the national government and contribute to a 5 year deliverable land supply for Central Lincolnshire providing that the section 106 agreement is signed to deliver sustainability and subject to the resolution of the outstanding consideration of archaeology.

**RECOMMENDED DECISION:** That the decision to grant permission subject to the following conditions be delegated to the Chief Operating Officer upon:-

- 1. The completion of archaeological investigations and approval of methodology for any mitigation required.**
- 2. The signing and completion of a s106 that delivers:-**
  - **Land and a commuted sum to provide a section of footway at and within the vicinity of the double bends to the west of Sudbrooke House on Church Lane.**
  - **The making available at all times of 12 car parking spaces within the site for visitors to St. Edward's Church**

**If the agreement is not completed and signed within 6 months, the application shall be reported back to the next available Planning Committee for determination.**

#### **Outline condition**

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).

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

2. No development shall take place until, plans and particulars of the scale, layout and appearance of the buildings (dwellings and detached outbuildings) 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. The scale of the dwellings shall be no more than 2 storeys in height (excluding roof space) and the landscaping shall include retention of the trees and hedges marked hatched on the drawing 9516-03 Rev A received on 1<sup>st</sup> May 2014

**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 the West Lindsey Local Plan First Review Policy STRAT 1. The scale is required to preserve the setting of St. Edward's Church and the retention of the existing landscaping is required to preserve the character and appearance of this edge of settlement setting.

3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one 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) and to ensure a deliverable supply of housing as this consideration has been afforded weight in the assessment of the development in the context of paragraph 48 of the National Planning Policy Framework 2012. . .

4. Notwithstanding the details annotated within the submitted application form no development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the disposal of surface water from the site based upon the principles of sustainable drainage that ensures that the runoff from the site does not exceed the existing rate up to and including a 1 in 100 year storm event (allowing an additional 30% increase for climate change) .

**Reason:** It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

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 Statement shall include hours of construction limited to 08:00 to 18:00 hours Mondays to Fridays (excluding Public and Bank Holidays)

**Reason:** To preserve the residential amenity of the existing occupiers of Poachers Lane and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

### Conditions to be complied with during development

6. All construction work associated with the development hereby approved shall be carried out in strict accordance with the approved Construction Method Statement as required by condition 5.

**Reason:** To preserve the residential amenity of the existing occupiers of Poachers Lane and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

### Pre-occupation and other conditions

7. The approved surface water drainage system referred to in condition 4 shall have been completed before the first occupation of any of the dwellings hereby approved and shall thereafter be retained.

**Reason:** It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

8. Prior to the first occupation of any of the dwellings hereby approved and the first use of the approved, the access serving the development shall be improved as follows as shown on drawing 9516-03 Rev A received on 1<sup>st</sup> May 2014:-
  - a. The access shall be a minimum width of 4.5 metres from it's junction with Church Lane for the first 50 metres and thereafter a minimum width of 3.7 metres, surfaced to a specification to have previously been submitted to and approved in writing by the local planning authority and shall not include the two speed humps (SH) annotated on the aforementioned drawing.
  - b. A 2 x 25 metre visibility splay shall be provided at the point of access onto Church Lane (as measured from the centre of the access where it abuts the adopted highway). This shall include the lowering of the hedge marked x-y on the aforementioned drawing to a height of no more than 1m measured above the edge of the adjacent adopted carriageway.

The said access arrangements shall thereafter be retained.

**Reason:** In the interests of highway safety, to accord with the policies STRAT1 and RES1 of the West Lindsey Local Plan First Review and to accord with the provisions of the National Planning Policy Framework 2012.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

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

**Prepared by :** Simon Sharp

**Date :** 17 June 2014

**Signed:** .....

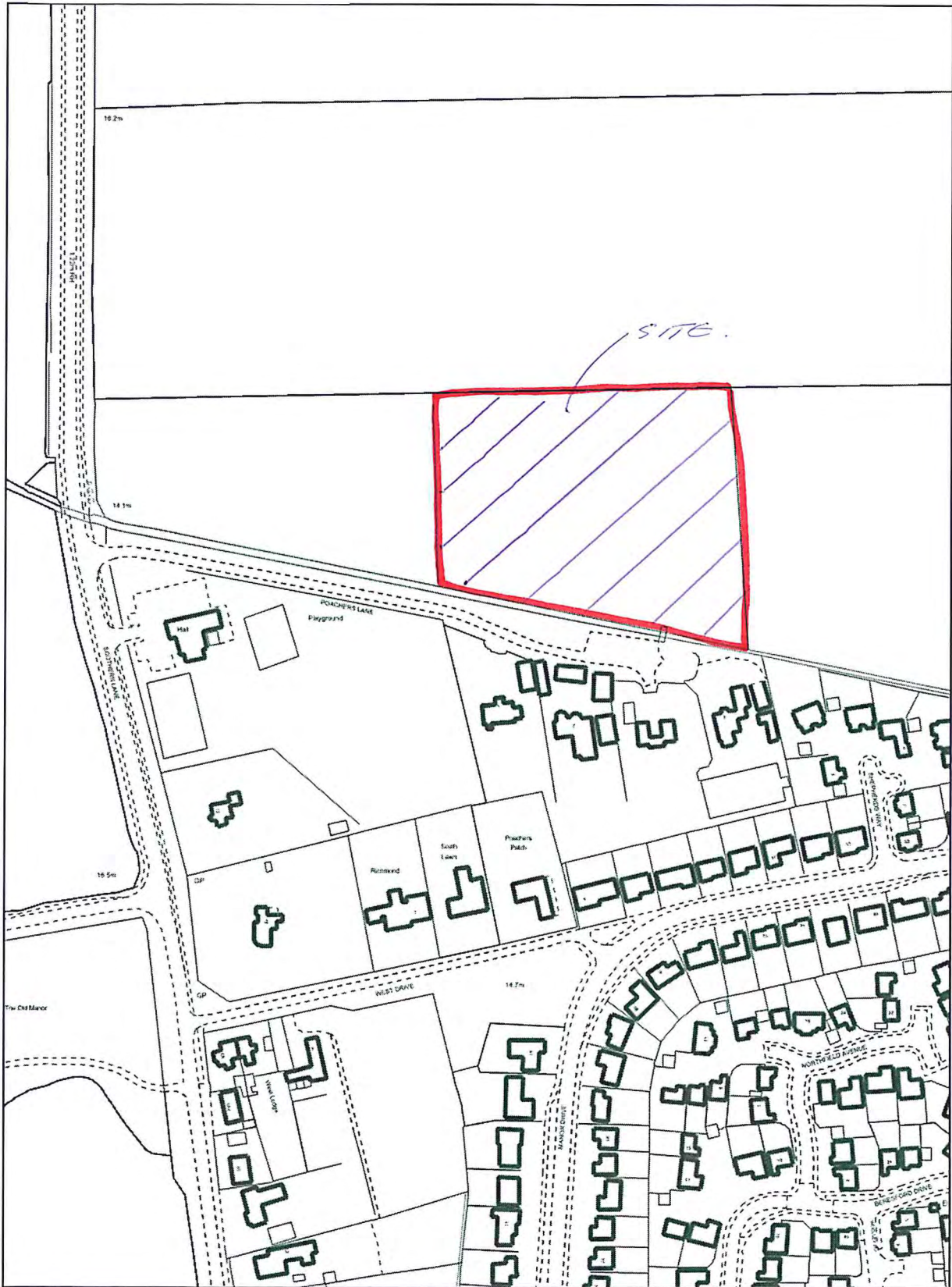
**Authorising Office** ..... **Date:** .....

**Decision Level** (tick as appropriate)

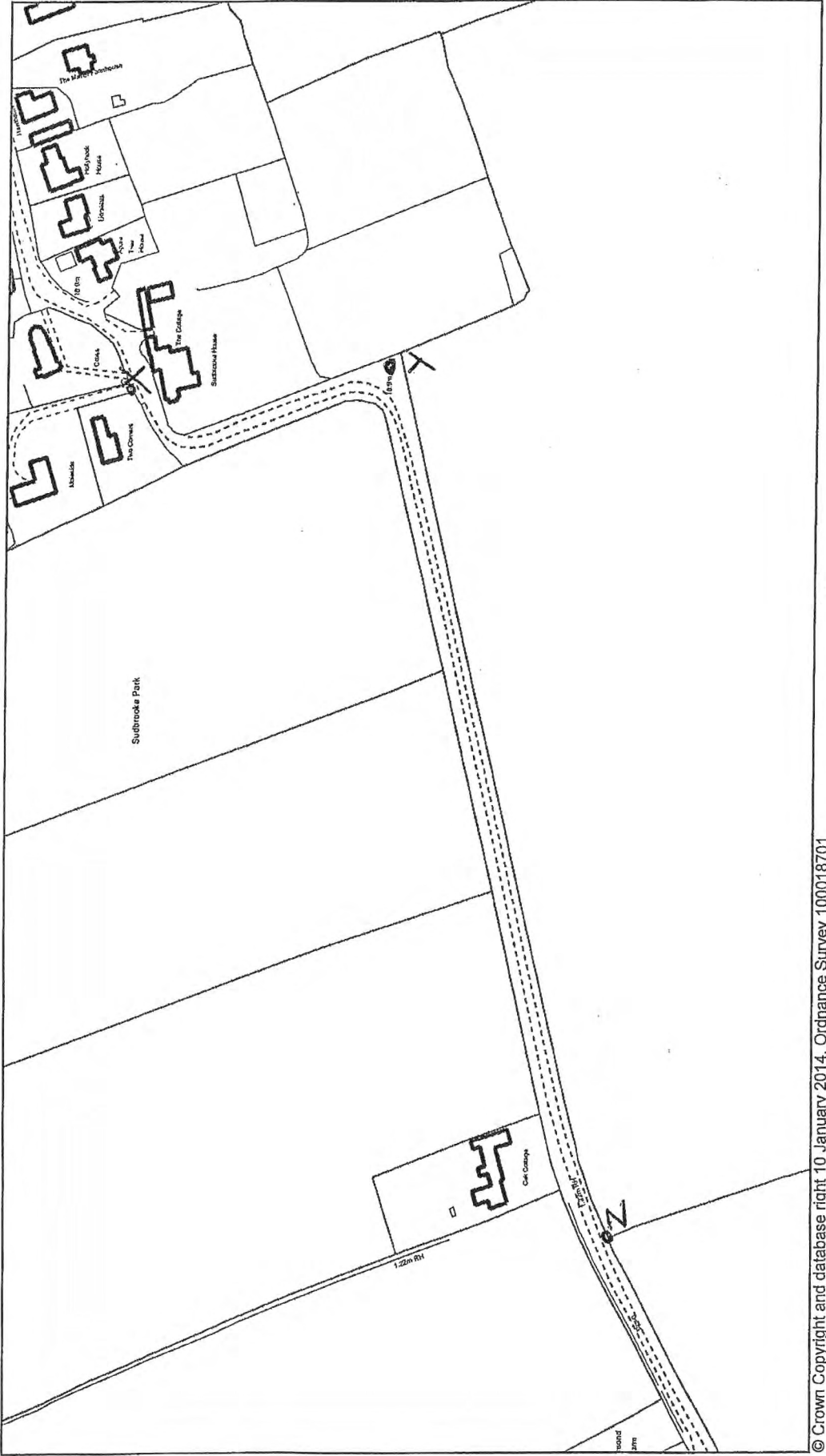
Delegated

Delegated via Members

Committee



131207, Plan A



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## **Officer's Report**

### **Planning Application No: 131207**

**PROPOSAL:** Outline planning application for proposed development of 6no. detached dwellings with associated garages, plots and infrastructure including new passing places to Poachers Lane, new bridge crossing Sudbrooke beck and necessary works to existing road. Also, proposed new cycle, pedestrian pathway to parish boundary with Nettleham adjoining Church Lane-layout to be considered and not reserved for subsequent applications-resubmission of 128675.

**LOCATION:** Land off Poachers Lane Poachers Lane Sudbrooke Lincoln  
**WARD:** Sudbrooke  
**WARD MEMBER(S):** Cllr Curtis  
**APPLICANT NAME:** Truelove Property and Construction Ltd.

**TARGET DECISION DATE:** 01/07/2014  
**DEVELOPMENT TYPE:** Small Major - Dwellings  
**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon:-

The signing and completion of a s106 that delivers:-

- a) The proposed new pedestrian footway to the parish boundary between points Y and Z marked on the plan A appended to this report to an adoptable standard to enable adoption by the County Council but only following the completion of an adopted footway between points X and Y on the same said plan;
- b) The transfer of the hedge between points Y and Z to the Parish Council together with a commuted sum for its continued maintenance.
- c) The transfer of the playing field on Poachers Lane to the Parish Council marked hatched on Plan B appended to this report as community infrastructure for the village.

but enables 3 but no more than 3 of the 6 dwellings to be completed and occupied prior to a), and b) being delivered with c) having to be delivered prior to the first occupation of any dwelling.

That, if the s106 is not completed and signed by the applicant, West Lindsey DC, Sudbrooke PC and Lincolnshire County Council within 6 months, the application be reported back to the next available Planning Committee for determination.



## **SUMMARY**

1. **The development responds to the two previous reasons for refusal.**
2. **There is a presumption in favour of sustainable development in the NPPF and the Ryland Road, Dunholme appeal statement infers that development between settlements should not be resisted per se.**
3. **This is a development that, subject to conditions and the signing of a section 106 agreement, is economically, socially and environmentally sustainable and therefore accords with the guiding principles of the NPPF**
4. **Significant development is required to maintain a five year deliverable supply of housing that is required by the NPPF.**
5. **Central Lincolnshire can only evidence a 3.5 years housing land supply.**

## **Description:**

**Site** - The main parcel of the site on Poachers Lane extends to around 1.1 ha and is greenfield in character. It is rough grassland. To the south are large detached houses dating from the late 1980s. To the north and east is open countryside whilst to the west is a playing field owned by the applicant.

The second area of the site is a strip of land with a field adjoining the hedge that runs along the south side of the lane towards Nettleham to the parish boundary.

**Proposal** – The proposal is in outline form with all matters reserved except for layout. The application is for 6 dwellings the layout being as shown on drawing TL-024-12-01 Rev D received on 1<sup>st</sup> April 2014. The dwellings are sited further northwards than the previous refusal (see section below) and there is now reference to a Construction Method Statement.

The introduction to the latter states that it has been drafted “in an effort to limit any effect the construction of the proposals will have on the amenity of surrounding neighbours, specifically the residents of 3 and 4 Poachers Lane.” It also details the timetable during the first 11 weeks of construction including the installation of passing places on Poachers Lane, the removal of the existing bridge and the installation of a new bridge, the construction of the access road and the construction of plot 1.

The applicant is also still proposing to construct a segregated footway on land within their control between points Y and Z on Plan A appended to this report. They are also willing to transfer the playing field, marked hatched on the appended Plan B to the Parish Council.

### **Relevant history**

Members may recall that outline planning permission was refused in March of this year for a near identical proposal on the following grounds:-

1. The amenity of nearby residents (specifically the health of the resident at No. 4) would be adversely affected by noise and disturbance during the construction of the development.
2. The application is in contravention of the National Planning Policy Framework (2012) and the protection of the countryside as the site is outside of the development boundary and would have an impact on the settlement break between Sudbrooke and Scothern.

Members may recall that the officer recommendation for that application was to approve, but following a site visit, members had concerns and permission was refused.

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

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

### **Representations:**

**Ward member/Chair** - Councillor Curtis has previously been present as an observer at meetings relating to the previous application between the case officer, representatives of the Parish Council and the applicant but has not conveyed any opinions in writing to the case officer as to the merits or otherwise of the scheme.

**Sudbrooke PC** - On the basis that this is a slight amendment to the previous application there are no objections by Sudbrooke Parish Council.

However any approval is strictly subject to the Playing Field being transferred to Sudbrooke Parish Council for nil consideration and all the Parish Council legal costs and disbursements for the transfer of the land and approval of the Section 106 Agreement are to be met by the applicant.

**Residents** – Objections received from 1 & 3, Poachers Lane and 16, Scothern Lane:-

1. This application is essentially a resubmission of the previous application and our views remain the same (the case officer has summarised these previous comments in points 3 to 8 below).
2. Should the proposal be accepted we would request that, firstly, the siting of the bridge to the new houses is placed as far to the west (towards Scothern Lane) as possible so that it is not visible from Poachers Lane. This is a request that the applicant has verbally agreed to previously. Secondly, a covenant should be placed on the new playing field to restrict further building/development – again the applicant has agreed to this request.
3. When existing dwellings were bought, the applicant assured purchasers that the land would not be developed and it was planned to graze horses on it. Whilst not legally binding, this promise was made.
4. Quality of life of residents would be affected, specifically for one resident; the quiet location away from vehicles was chosen specifically as the location for a home as the resident has a traumatic brain injury following a road accident. Noise causes him great distress and anxiety and the development would result in an increase in this noise and distress.
5. The proposal sets a precedent for developing outside the Parish Boundary where there is open countryside to both sides of Scothern Lane. The Sudbrooke Parish Plan and Action Plan 2007-17 illustrates how this goes against the community's wishes. It states that the "majority of residents do not want any housing development" and there is an objective to "not develop Sudbrooke's remaining open space."
6. The notion that Sudbrooke residents might greatly benefit from a cycle/pedestrian footpath built part way between Sudbrooke and Nettleham is sadly highly questionable. A similar scheme from Sudbrooke towards the much larger and facilitating city of Lincoln is unfortunately notable for its emptiness and perpetual lack of use. The distance and time taken to travel from the heart of Sudbrooke to the centre of Nettleham will more than be off-putting to the vast majority of potential users who will continue to make this journey by car. When the residents of Sudbrooke were asked whether cycle/footpath was needed between Sudbrooke and Nettleham, the majority replied yes. We believe the question that ought to have been asked was how many people would actually use the cycle/footpath and how often?
7. We have a major concern over the visibility splay to the south of where Poachers Lane meets Scothern Lane:-
  - The existing mature hedge is in need of some severe cutting back.
  - There are two road signs and one "cyclists dismount" sign within the visibility splay in addition to the substantial six metre long metal railings, all of which are higher objects than the permitted 1.005m.
  - Within ten metres of Poachers Lane heading south towards Scothern, the road bends to the right and further along – but also within the required minimum 70m splay - lays the entrance to the car park which serves the adjacent playing field.
  - The start of the cycle path from Sudbrooke to Scothern begins by Poachers Lane and is quite well used at peak times by adults taking

their young children to Ellison Boulters School. The proposed 150% increase in traffic in and out of Poachers Lane can only increase the chances of accidents happening occurring in this busy 70m.

8. Very importantly we need to draw attention to the fact that drivers coming into Sudbrooke from Scothern, passing Poachers Lane in the process, are quite regularly reaching speeds well in excess of 40mph, with some exceeding 60 mph even through there is a 40mph road sign approximately 110m before the entrance to Poachers Lane. Unfortunately, there is a combination of factors which appear to encourage the drivers using this route to ignore the legal speed limit:-
  - On leaving the Scothern Parish boundary the speed limit increases to 60mph.
  - There is a 400m predominantly downhill gradient along a straight road heading towards Sudbrooke.
  - Not a house or building is in sight, only agricultural land or greenery either side of the road.
  - The local knowledge that the first house in Sudbrooke does not appear for a further 150m past Poachers Lane.
  - Non locals unaware and some locals possibly forgetting that Poachers Lane exists as it is out of sight as it is only metres beyond the left hand bend.
9. The occupants of Poachers Lane had their houses built only on the very specific planning permission for the building of a village hall. This was imbedded in the original planning application and this information is available at West Lindsey DC and should be part of this application open for inspection.
10. The trade off of a footpath is now endangering the very old and treasured hedgerow which I believe the owner will rip out and replant. This hedge therefore must become an endangered hedge and steps must be taken to preserve this very necessary wild habitat. I therefore request that the planning officer places an order to retain this specific wild habitat.
11. There appears to be no plan to show how the public will get from the public footpath which ends at the church to the new footpath as the two bends are completely blind and therefore pose a severe traffic risk to anyone attempting to use this footpath.
12. The considerations of the present owners of the houses that Truelove obtained planning permission for in a unique exchange of land for the building of a village hall must be seriously considered.

**Nettleham PC (adjoining parish)** - We have no objection to the application but regard the footpath to Nettleham Parish Boundary as irrelevant and pointless unless the applicant wishes to extend it all the way to meet the existing footpath at Larch Avenue in Nettleham.

**LCC Archaeology** - This site has been subject to archaeological evaluation.

**Lincolnshire Police** – No formal objections.

**Environment Agency** - Although a small part of the site is in flood zone 3 (high probability) we are satisfied that the houses are in flood zone 1 (low probability).

The foul drainage for the development is not conveniently situated for connection to foul sewer so a package treatment plant, as proposed, may be acceptable.

Any surplus soil generated will be waste and may need to be removed to a permitted site.

### **Relevant Planning Policies:**

#### **The Development Plan**

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

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

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

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

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

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

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

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

RES 2 Range of housing provision in all housing schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES 5 Provision of play space/recreational facilities in new residential development.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

## **National**

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

## **Assessment:**

### **Introduction and summary of assessment**

It is noted that there have been no material changes in site context since the determination of the last application. In terms of policy context, the Technical Guidance to the NPPF has now been replaced by the NPPG. This does not materially change the consideration of the development.

The proposal has changed with the relocating of the dwellings further away from the existing houses on Poachers Lane and the submission of the Construction Method Statement.

In brief, it is considered that the relocation of the dwellings and the Construction Method Statement address the first reason for the previous refusal.

With regards to the second reason for refusal, the following assessment notes that there will still be approximately 760m between the site and the edge of Scothern village. The gap between the two villages is not a designated settlement break in the Local Plan and the extensive area of farmland between the site and Scothern will mean there will be no coalescence of the two villages.

Members are referred to the inspector's decision for Ryland Road, Dunholme, also reported to this Committee, and that the development of such greenfield sites beyond settlement boundaries should not be a reason for refusal per se if developments are sustainable and acceptable in all other respects..

## Principle of housing

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

The site lies outside of the settlement limit for Sudbrooke and is therefore classified as being within the open countryside. Policy STRAT12 therefore applies and is written in the prohibitive form, stating that development including housing should not be permitted in such locations unless there is justification for it being in that location or it can be supported by other plan policies. In the absence of a justification, such as agricultural need, this policy context appears to suggest that housing should be refused on this greenfield site outside of the settlement limit. However, the restriction of housing to sites within the settlement limits is not considered to be consistent with the presumption in favour of sustainable development, the objective of growth and the need to maintain a deliverable 5 year housing supply contained within the NPPF; it is incorrect to state that development cannot be sustainable outside of the defined settlement limit. Furthermore, a 5 year deliverable supply and growth cannot be achieved solely within sites within defined settlement limits.

Paragraph 49 of the NPPF specifically 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. The relevant policies include STRAT3, STRAT9 and STRAT12 in this case.

It is noted that the supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing provision and, in March 2010, the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), made up of the elected members of the four partner authorities (City of Lincoln, North Kesteven, Lincolnshire County Council and ourselves), approved the Central Lincolnshire Strategic Housing Land Availability Assessment (SHLAA). The latest incarnation of the SHLAA is the 2013 update. At page 4 it states that "until a new housing target has been decided, the Central Lincolnshire Authority will continue to use the adopted East Midlands Regional Plan figures as they are the only targets that have been through a formal examination in public." The 2013 Update accounts for the shortfall in delivery over the 2006-2011 period by applying it across the residual period. This sets a five year requirement of 11,320 new dwellings (2,264 per annum) across the Central Lincolnshire Housing Market Area as a whole. A five year requirement of 6,985 dwellings is identified within the Lincoln Policy area of which Sudbrooke is part. Using that criterion the SHLAA can identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years' supply. 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 undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight given the context of paragraph 29 of the NPPF. Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. The Ryland Road, Dunholme appeal (WLDC ref 130168) the reporting of which is included on this Committee agenda is a very recent example of this approach; the appeal was dismissed due to specific village coalescence grounds rather than being outside of the settlement limits for Dunholme and Welton.

In this context, there should be a presumption in favour of housing development, even within the areas outside the Local Plan Review defined settlement limit, provided that the development is delivered early (a condition can secure an earlier than normal commencement), sustainable and is acceptable when considered against other material planning considerations.

The NPPF defines the three roles of sustainability as economic, environmental and social and, whilst the withdrawn Core Strategy is not afforded any weight itself, policy CL6 did provide a series of criteria against which the developments could be assessed for such sustainability. Whilst not quoting the Core Strategy itself, these criteria are drawn forward here as being relevant considerations to assess the sustainability of the proposal (many of these considerations are also cited in policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review and those elements of the policies are afforded weight here). 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 (does) not automatically render a proposal unsustainable."

*Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)* – The site is considered, at the very least to be adjacent to the built up area of Sudbrooke, if not, within it given that it is no further north than the playing field to the west and adjoins housing to the south.

In response to the reason for refusal for the previous application, it must be noted that the site, nor the land to the north, is defined as a settlement development break within the Local Plan. Furthermore, whilst the appeal at Ryland Road, Dunholme referred to earlier in this assessment was dismissed on coalescence of settlement grounds, the relationship of this site to Scothern is very different. Indeed, there would still be over 760m between the site's



northern edge and the village envelope of Scothern. In addition, the intervening topography and mature landscaping means that the site is not visible from Scothern.

*Accessible and well related to existing facilities and services (social and environmental sustainability)* – Sudbrooke does have some facilities, such as a convenience shop (on Holm Drive), a café (The Cherry Tree on North Lane) a garage (Barber's on Wragby Road), various small businesses, a village hall (on Scothern Lane) and the Church of St. Edward (opposite the site). This level of services is reflected in the Portrait of Place categorisation as a Primary Supporter (the Portrait of Place being part of the Sustainable Futures evidence base of the Central Lincolnshire Local Plan). This level of services and the critical mass of the population of Sudbrooke provide a basis for the development proposed to be sustainable (approx. 1,600 inhabitants).

However, the nearest primary school, the Ellison Boulters Church of England Academy, is in Scothern and much of the facilities used by Sudbrooke residents lie in Nettleham, the next village to the west. Scothern is connected to the site by a cycleway/footway alongside Scothern Lane. The school lies at the southern edge of Scothern village, approximately 800m from the site. The distance and presence of the footway and cycleway offer a degree of potential for the environmental sustainability of the trips taken by future residents of the development.

However, the most convenient route to Nettleham is across Scothern Lane via Church Lane; the A158 does include a cycle lane on its southern side but this would necessitate crossing this main road twice in each direction when travelling between the two villages as well as being a much longer route and necessitating travelling along Lodge Lane, Nettleham which does not have a cycle or footpath. Cycling alongside the busy A158 is also not desirable for many people.

Church Lane also presents significant highway safety concerns to the pedestrian and cyclists which deters its use by these environmentally sustainable methods of travel; the road is narrow, albeit with passing places but has relatively high levels of vehicular movements (presumably due to motorists also taking the shortest route between the two villages and avoiding the A158). The proximity of the hedges on either side of the road also means that there is little room for the pedestrian and/or cyclist to seek refuge within the highway.

In response, the applicant is proposing to construct a segregated footway on land within their control between points Y and Z on Plan A appended to this report following the alignment of the lane but separated from this adopted highway by a hedge to provide a high degree of safety. It must be noted that the footway proposed is limited to the length of the highway within the parish of Sudbrooke. Nevertheless, it is considered that the provision of this length is commensurate in scale to the development proposed and a requirement to provide additional length would not be commensurate and, therefore, not comply with the requirements of Regulation 122 of the CIL Regulations 2011. Furthermore, the land beyond the parish boundary to enable the pathway to

continue towards Nettleham is within the ownership of the applicant and there are reasonable prospects that it could be extended over time with the agreement of Nettleham Parish Council.

Therefore, despite the fact that some degree of highway safety issues would remain, the footway would contribute significantly to the environmental and social sustainability of the development. It is noted that the County Council would be willing to adopt the footway if the hedge was maintained by the owner of Parish Council and a link made to the existing pavement on Church Lane (point X on the appended plan). The latter is part of the proposal for application 131108 (Sudbrooke House) which is also intended to be on this agenda.

In terms of community and sports facilities, the site adjoins a playing field that is used by the public but is in private ownership (it is owned by the applicant). There is no known formal protection of this area as public open space; it is not designated as such in the Local Plan First Review, nor registered as a playing field or community asset. If it were lost then there would be a considerable distance to travel to the next area for formal recreation outside of the parish. In this context and with the layout showing no public open space, it is considered reasonable to require the transfer of the land to a local authority to provide social sustainability within the scheme. Discussions have taken place and the Parish Council are willing to take on ownership and responsibility for the land. Its transfer to the Parish Council is considered to be reasonably required, commensurate in scale and related to the development proposed and therefore an obligation under the amended section 106 of the Planning Act 1990 would meet the criteria of Regulation 122 of the CIL Regulations 2011 as well as according with policy RES5 of the Local Plan Review and the provisions of the National Planning Policy Framework 2012.

*Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability)* – Sudbrooke is served by regular bus services to Lincoln, Louth, Horncastle and Skegness but all of these services follow the A158, approximately 10 minutes walk from the site. The addition of the six proposed houses could not justify a new bus service but it is considered that the other improvements to sustainability detailed above and relatively short distance to the school at Scothern mean that the lack of a public transport directly to the site should not be an overriding factor to the acceptability or otherwise of this application.

*Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)* – The availability of community and transport infrastructure has been addressed above. There are no known other infrastructure issues relating to the development (members are referred to a later section of this report with specific regard to foul water disposal).

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

away from public vantage points and not used for such community facilities. Its current community value is therefore negligible although its development, as stated previously, provides the ability for an existing area used for formal recreation to be conveyed to the Parish Council.

It is also noted that the land is no longer in agricultural use; planning permission has most recently been granted for horsicultural use but it appears that it just remains unused and fallow. Therefore, there would be no loss of agriculturally productive land or a community facility.

*Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)* – It is national policy contained within the NPPF and its accompanying NPPG to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being “more vulnerable” to such flooding. This includes dwellings.

In this instance the sites falls within zones 1, 2 and 3a, the latter being areas that have the greatest probability of flooding outside of the functional floodplain. However, the layout proposed demonstrates that all of the dwellings can be located within land with the lowest probability of flooding, zone 1, including a means of escape to the public highway across zone 1 land (the playing field). In this regard the proposal passes the sequential test and no other mitigation will be required. The proposal also accords with policy NBE14 of the Local Plan Review in this context.

*Generally consistent with economic, environmental and social sustainability* - Such housing would normally be expected to the subject of a full application but despite this being an outline application it is contended that this development can be delivered within the next five years to contribute to Central Lincolnshire’s 5 year housing supply. Indeed, the relatively small scale of the proposal, the lack of abnormal development costs, the current viability (evidenced through a financial appraisal) and the fact that the infrastructure needed to deliver the development sustainably is also within the applicant’s control or within the adopted highway lead one to conclude that the proposal is deliverable and will contribute to the supply. The one area that the development is lacking is a range of housing including affordable homes; the layout illustrates a development of large detached dwellings. This is a finely balanced issue but, on balance, the application represents a deliverable scheme which finances sustainable infrastructure (members are reminded of paragraph 37 of the NPPF; “weakness in one dimension (does) not automatically render a proposal unsustainable

In summary the principle of the proposal can be supported. The following sections consider more detailed aspects although members are reminded that the application is in outline with only layout not reserved for subsequent approval.

## **Design, character, appearance and biodiversity**

These are considerations detailed in policies STRAT1, NBE20 and RES1 of the Local Plan Review and reflect and are consistent with the National Planning Policy Statement with regards to design.

The revised layout assists in residential amenity terms (see later in this report) but the considerations relating to design and character remain largely the same, with no material difference in impact.

Specifically, it is considered that the low density development proposed (6 dwellings per hectare) is appropriate. The existing dwellings on Poachers Lane, as with much of Sudbrooke, have been developed at similarly low densities with the ability for mature landscaping to develop between each building. The site is also on the edge of the settlement and, although not prominently visible from public vantage points such as Scothern Lane, it is visible from the playing field to the west and is on the edge of the open countryside. In this context a layout of higher density and/or of a greater plot ratio (size of building as a percentage of plot size) would not be appropriate.

There are mature trees which screen the site from the east but the transition to the countryside to the north towards Scothern would be assisted by a landscaping belt on the northern boundary. There is adequate room for such landscaping within the layout and it should be a requirement that the landscaping reserved matters includes such a feature. Such landscaping would prove a wildlife corridor from west to east across the site in the same way that the watercourse does on the southern boundary.

It is also considered that the height of the dwellings should be no more than two storeys to ensure that the abovementioned landscaping has a meaningful effect and the houses do not dominate this edge of settlement setting. This can be secured by a condition.

Policy RES5 of the Local Plan Review stipulates that sites of this size should include public open space equating to 3% of the total site area. This would be around 50 sq m in this instance and the adjoining playing field, to be secured through the legal obligation under the amended section 106 of the Planning Act 1990, is considered an appropriate provision to meet this policy.

## **Highways**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review.

The representations received make reference to highway safety and parking concerns. Access is a matter reserved for subsequent approval but it is clear from the application site boundary, the layout and the Construction Method Statement that much of Poachers Lane would be utilised with a new bridge built across the watercourse to gain access to the site. The exact details of the improvements to the existing length of Poachers Lane to be utilised, the bridge crossing and the private driveway to be constructed to the north of the bridge would be expected to be submitted as part of the reserved matters. However, the County Highways Authority have advised that, although the current junction and standard of Poachers Lane as existing are not

appropriate, there is the ability to improve them to the necessary standard (equivalent to adoption) with improved visibility splays, widening and passing places using land within the applicant's control and the existing highway verge. The works would not affect any historic assets, the watercourse or any trees or habitat for wildlife of any significant value. The County Highways Authority advice was given with knowledge of the concerns of the residents expressed in the representations detailed in this report.

### **Archaeology**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review and latterly in the National Planning Policy Statement which details the assessment of "significance" of historic assets including archaeology carried forward from the superseded Planning Policy Statement (PPS) 5. Desk top analysis revealed that there are such assets in the vicinity and a geophysical investigation undertaken on behalf of the applicant revealed the potential for building works, possibly from the Roman period, on the site. Trial trenches have now been commissioned and the County Historic Environment team has advised that no further action is required.

### **Flooding and drainage**

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

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

The application form states that surface water will be disposed of via the existing watercourse that runs alongside Poachers Lane. The NPPF advises that sustainable methods of surface water drainage should be used and it is important that the volume and runoff rate of the surface water draining off the site onto adjoining land or into the watercourse associated with the existing greenfield state of the land is not exceeded as result of the development proposed (up to and including a 1 in 100 year vent allowing a 30% increase for climate change). The layout proposed provides the potential for large areas of land to remain undeveloped and permeable and the natural fall of the land to the watercourse means that any runoff from impermeable areas and roofs would drain into the watercourse. There would be also be land available for open storage of water in basins and swales in the event high levels of rainfall during and following a storm. A condition is therefore considered necessary to ensure that surface water is attenuated and managed on site using sustainable principles.

Foul water is proposed to drain to package treatment plants. The existing dwellings are not on or near to mains drainage. It would not be practicable or viable to connect to the nearest mains and package treatment plans are the

next most preferred solution (policy NBE14 of the Local Plan Review and the NPPG refer).

### **Residential amenity**

Examination of the layout plan reveals that there is now a minimum of 55m metres between the dwellings proposed and existing dwellings on Poachers Lane. This is an increase in over 10m from the previous application.

This will ensure no significant loss of residential amenity in terms of overlooking, overshadowing or overbearing (policy RES1 of the Local Plan Review refers). There is also considered to be adequate private garden space for each dwelling for household recreation and the drying of clothes.

There are also valid material considerations relating to noise and disturbance and human rights. The Construction Method Statement submitted with the application is considered to address this issue and respond to a previous reason for refusal. To recall, this proposes early delivery of the new bridge to avoid the use by construction traffic of Poachers Lane past existing houses. It also proposes construction of the nearest house to the existing houses first to allow this dwelling to provide a buffer between existing houses and the construction sites for the other proposed houses. It also proposes to limit construction hours to 8am to 4pm Mondays to Fridays (excluding Bank and Public Holidays) until the first plot is completed and then between 8am and 6pm thereafter until completion of the development. A copy of the Statement is available to view on the web-site along with the other application particulars:-

<http://docs.west-lindsey.gov.uk/WAM/showCaseFile.do?appName=planning&appNumber=131207>

A condition tying the construction to this Statement is considered relevant, necessary and reasonable. It is also considered necessary to ensure that the conditions requiring reserved matters to be submitted and approved stipulate that access to the development will be as per the indicative access arrangements via a new bridge. This will ensure that residential amenity of existing residents is preserved post occupation of the new dwellings.

### **Conclusion**

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

material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption of favour of sustainable development. The development plan policies have been assessed for their consistency with the National planning Policy Framework

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

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review and therefore policy STRAT12 applies, it is considered that the development will constitute an environmentally, socially and economically sustainable development that can contribute to the growth objectives of West Lindsey, Central Lincolnshire and the national government and contribute to a 5 year deliverable land supply for Central Lincolnshire provided the section 106 agreement is signed to deliver sustainability.

**RECOMMENDED DECISION: That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon:-**

**The signing and completion of a s106 that delivers:-**

- d) The proposed new pedestrian footway to the parish boundary between points Y and Z marked on the plan A appended to this report to an adoptable standard to enable adoption by the County Council but only following the completion of an adopted footway between points X and Y on the same said plan;**
- e) The transfer of the hedge between points Y and Z to the Parish Council together with a commuted sum for its continued maintenance.**
- f) The transfer of the playing field on Poachers Lane to the Parish Council marked hatched on Plan B appended to this report as community infrastructure for the village.**

**but enables 3 but no more than 3 of the 6 dwellings to be completed and occupied prior to a), and b) being delivered with c) having to be delivered prior to the first occupation of any dwelling.**

**That, if the s106 is not completed and signed by the applicant, West Lindsey DC, Sudbrooke PC and Lincolnshire County Council within 6 months, the application be reported back to the next available Planning Committee for determination.**

**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).

### **Pre-commencement conditions**

2. No development shall take place until, plans and particulars of the scale and appearance of the building(s) to be erected, access to the development 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. The landscaping matters shall include a landscaping belt adjoining the whole length of the northern boundary of the site. The scale of the dwellings shall be more than two storeys above ground level. The access to the development shall be via Poachers Lane between points A and B on the approved indicative plan TL-024-12-01 D received on 1<sup>st</sup> April 2014, utilising a new bridge at point C on the same said plan.

**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 the West Lindsey Local Plan First Review Policy STRAT 1. The landscaping specification is required due to the edge of settlement location and in the interests of biodiversity to accord with the provisions of policy NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. The height of the dwellings restriction is required to minimise the visual impact of the proposal from the countryside to the north to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. The specified access route is required to preserve the residential amenity of existing residents of Poachers Lane.

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

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended) and to ensure a deliverable supply of housing as this consideration has been afforded weight in the assessment of the development in the context of paragraph 48 of the National Planning Policy Framework 2012. . .

4. Notwithstanding the details annotated within the submitted application form no development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the



disposal of surface water from the site based upon the principles of sustainable drainage that ensures that the runoff from the site does not exceed the existing rate up to and including a 1 in 100 year storm event (allowing an additional 30% increase for climate change) .

**Reason:** It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

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

5. All construction associated with the approved development shall be carried out in strict accordance with the Construction Method Statement received on 1<sup>st</sup> April 2014 including observing the hours of construction detailed in section 3.2 of the Statement.

**Reason:** To preserve the residential amenity of the existing occupiers of Poachers Lane and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

### **Pre-occupation and other conditions**

6. The approved surface water drainage system referred to in condition 4 shall have been completed before the first occupation of any of the dwellings hereby approved and shall thereafter be retained.

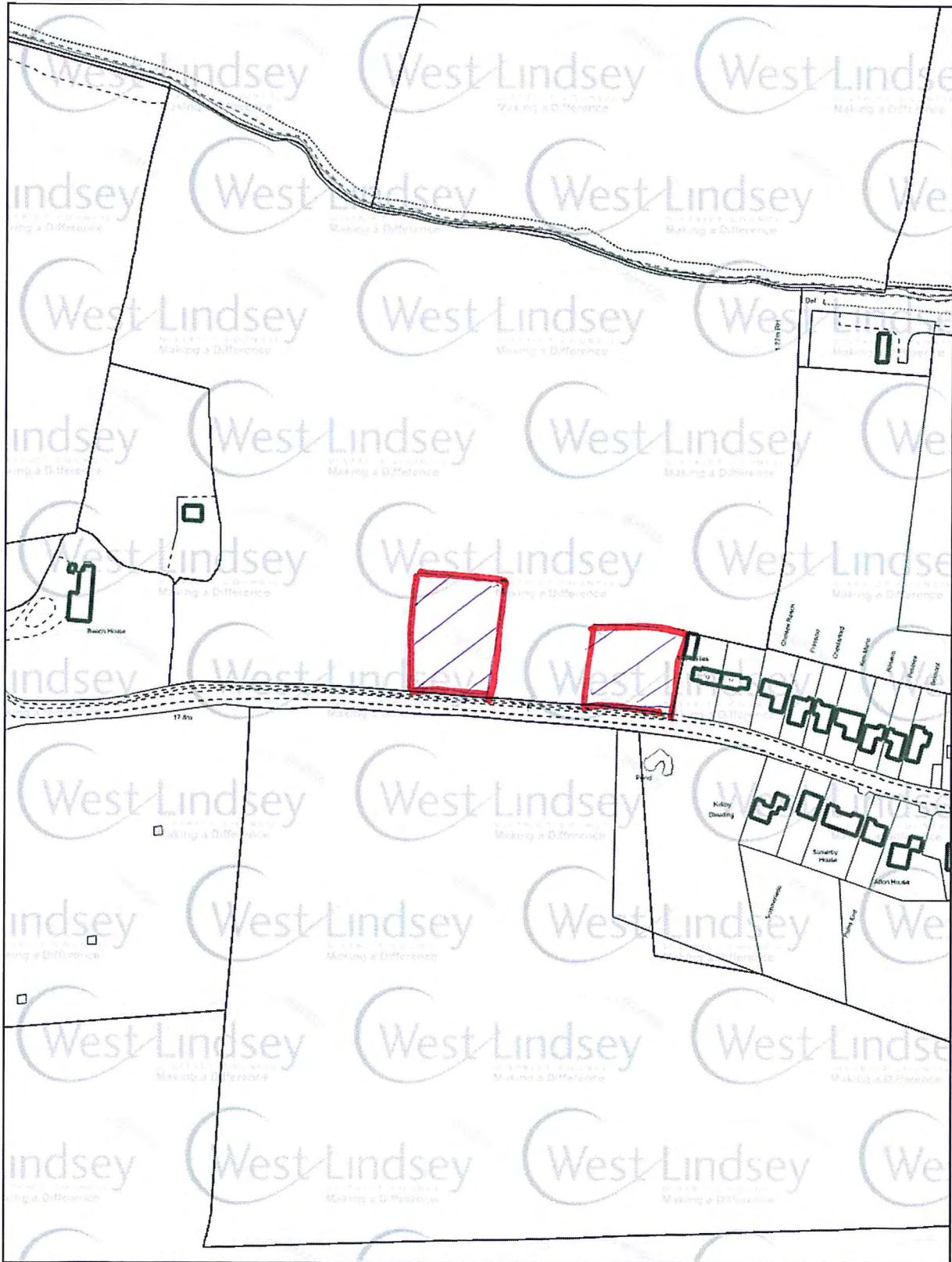
**Reason:** It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

### **Human Rights Implications:**

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

### **Legal Implications:**

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



## **Officer's Report**

### **Planning Application No: 130937**

**PROPOSAL:** Outline planning application to erect 3no. detached dwellings, to include 2no. live-work units, additional annex to one dwelling and materials store building for fencing business, together with associated garages and infrastructure. Access, layout and scale to be considered and not reserved for subsequent applications.

**LOCATION:** Land off Church View Kirkby Cum Osgodby Lincs LN8 3PH  
**WARD:** Middle Rasen

**WARD MEMBERS:** Councillor Wiseman

**APPLICANT NAME:** Truelove Property and Construction Limited

**TARGET DECISION DATE:** 11/04/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

**RECOMMENDED DECISION:** Refuse planning permission

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#### **Description:**

The application site is within the open countryside immediately to the west of the village of Kirkby. The application site is split into two, with one portion being approximately 1820 sq. m in area with the other being 1710 sq. m. The western portion is divided from the hamlet by approximately 90m with the second portion adjoining the village itself.

The site is currently an open agricultural field to the west of the village. Fronting High Street, ground levels fall to the north. The site has a 3m plus high hedge to the road side with access via field gate to High Street. A pathway is positioned to road side giving access to Kirkby and Kingerby. To the east of the site is a semi-detached dwelling with a garage to the side/rear. Opposite the site, south, across the road and to the north are further agricultural fields. Further to the west is a large three storey detached dwelling, Beech House, grade II listed, whilst to the south west is Kingerby Manor another grade II listed building.

This application seeks outline planning permission for three dwellings with a residential annexe and an industrial unit to the rear of the western portion. Access, layout and scale are matters under consideration within this application.

Indicative plans provided show a five bedroom detached house to the western site with an attached garage. Also proposed is a single storey two bedroom annexe to the rear along with a commercial workshop/ store and yard area. The commercial structure takes the form of a metal framed building 14m x 10m with an overall height of 6.5m. Access would be directly from High Street

with the driveway serving both the residential dwelling and commercial building.

Two other detached dwellings are proposed within the eastern plot, one with five bedrooms, the other four. The dwellings would front the highway with a two storey live/work garage units proposed to the rear. Each dwelling would have an independent access to the highway.

**Relevant history:**

None

**Representations:**

**Ward member:** Objects and requests the application be determined by the Planning Committee, the reasons given are the same as the Parish Council.

Members should also note that there is a County Councillor with an interest in the development and therefore it needs to be referred to this Committee under Part IV page 34 (d) of this Council's Constitution.

**Osgodby Parish Council:** Objects: Development is on agricultural land contrary to the Local Plan. Personal circumstances would not be sufficient justification for approval contrary to local and national planning policies. Proposals would practically join the villages of Kingerby and Kirkby together which is poor planning. Both settlements are considered to be unsustainable due to the lack of facilities and their location. New development should only be allowed under exceptional circumstances, insufficient reasons have been provided. Under the Local Plan review up to 20 infill plots within the village were identified by the Parish Council indicating no need for development of agricultural land. The local sewerage system would need to be upgraded. The road between Kingerby and Kirkby is single carriageway and is unsuitable for additional dwellings and commercial premises without up grading. The proposals would be contrary to saved Policies NBE20, STRAT12 and ECON3 of the Local Plan.

**Local residents:** Objection: Frassino, Heathercroft Studio, Summerlede, Kenmarie, Kirkby Steading, Paths End (x2) Afton House,(x3) Kirby Cum Osgodby, The Dawdles, Kingerby Hall, Beech House, Kingerby (x2), Moor Farm, Osgodby, Priory Croft Little Redbourne.

- The address is incorrect and there was a lack of site notice.
- Proposals are outside the village boundary in the open countryside, approval would lead to further applications and is contrary to the Local Plan. What evidence is there that all vacant commercial and residential properties have been investigated? There are a number of derelict chicken and duck sheds in the area which could be utilised for the commercial element of the scheme owned by the applicant. Personal

circumstances would not be sufficient justification for approval contrary to local and national planning policies. There is no local link between the occupants of the main house and the area, they currently live and work in Swallow.

- Development would be contrary to the NPPF's focus on sustainable development. Is Kingerby designated as a sustainable rural settlement in the Local Plan? The development of three houses would not significantly ease lack of housing land supply within the borough. Previous proposals for dwellings have been dismissed. The villages are not seen as sustainable and the Parish Plan does not contain any proposals to expand the village, a proposal for social housing was recently dropped with existing social housing being taken by families from 11 miles away. The local shop has closed down and the school and nursery are at capacity. Lead to further development by the applicant once the principle of housing is established.
- The Kingerby Estate has been supported through the English Nature Stewardship Scheme at a higher level showing the value of the land.
- Scale and position is out of character with the area as many properties in the area which are smaller in scale. These proposals are for executive housing. The proposal will present a visual link between Kingerby and Kirkby which is a historic gap between areas. The detached nature of the sites would be contrary to the continuous nature of the village character. The proposal will create jobs but where will these people live, within the live work units?
- Surface water flooding is known in the area and a number of properties have been affected. In times of heavy rain, water flows onto the highway, proposals would increase problems due to the use of soakaways. Traffic generation will cause significant issues for the area particularly commercial traffic with deliveries and employees visiting the site. Car parking needs to be considered as 12 spaces is an under estimate when the business is taken account of. Further development of the land will be a significant highway concern. The highway is unsuitable for heavy traffic and has been designated as such by the highway authority. The carriageway is only just wide enough for single vehicles. The entrance to the site of the larger dwelling is close to a blind bend creating hazards for traffic users; also the national speed limit is in force.
- The fencing business will cause nuisance for neighbours from sawing and nailing. Also how will refuse from the business be removed?
- The proposal will have a detrimental impact on a grade I listed church and grade II dwellings in the area. A number of archaeological items have been found and the site forms part of an area known as the Swares. The site also includes the fishpond of the Convent and Priory at Elsham. No assessment on the impact on heritage assets in the

area in terms of the listed buildings and the Scheduled Ancient Monument 22754 Medieval Castle and Ecclesiastical Complex, Kingerby has been undertaken.

- Loss of rural context for St Peters Church, Kingerby which is part of the WLDC Churches Festival, a key element of tourist policy in the area. No ecology report.

**Environmental Protection:** Concerned that the application is in the name of the developer, proposal would need to provide details to demonstrate that noise nuisance would not be an issue. A noise assessment will be required. Fencing workshop could lead to contamination; this will need to be addressed. The Local Plan should have primacy over the withdrawn Lincolnshire Core Plan.

**LCC Highways:** Requires conditions be imposed on any approval

**Archaeology:** The proposed development is within an area of archaeological remains associated with the medieval settlement of Kingerby. At the time of the Domesday Survey (1086AD) there was a church with a priest, a mill and a minimum population of 33 heads of household. A variety of archaeological artefacts have been found in the vicinity including Roman coins, Anglo-Saxon brooches and medieval coins and artefacts.

The proposed development site is now part of an arable field and therefore the earthworks associated with the settlement have already been levelled, but there will remain significant sub-surface archaeological remains. The proposed development will impact on these remains.

It is recommended that conditions be imposed on any grant of permission to ensure that the site is investigated thoroughly.

The site is also close to a scheduled ancient monument and it is recommended that English Heritage is contacted to consider the setting of the nationally important monument.

### **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 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The site is outside of the settlement limit for Welton and therefore within the “open countryside.” Therefore, the relevant policies to be considered for their consistency with the NPPF are:-

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

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

STRAT8: Windfall and infill housing developments in small rural settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat8>

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

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

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

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

NBE8: Historic Parks and Gardens  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE20: Development on the edge of settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

### National Planning Policy Framework (NPPF)

The NPPF indicates a presumption in favour of sustainable development and instructs decision makers to “approve 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 NPPF also notes that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In particular it notes that the sustainable growth of all types of business and enterprise in rural areas should be supported through conversion of existing buildings and well designed new buildings.

The NPPF seeks to significantly boost housing supply and authorities should ensure a 5 year supply of readily available land. 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, however, if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

To promote sustainable development in rural areas, the NPPF notes that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities, it states, should avoid new isolated homes in the countryside unless there are special circumstances to support such decisions. This includes:

- an essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

The NPPF underlines that design is an important consideration in determination of applications. Permission, it notes, should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Finally, the NPPF seeks local planning authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Main issues**

- Principle of housing in this location including exception circumstances
- Character, design and heritage matters
- Highway safety and drainage
- Residential amenity
- Other matters



**Assessment:****Principle of housing in this location**

Central Lincolnshire does not currently have a 5 year supply of readily available housing land. This shortfall is significant and is a material consideration in the determination of residential planning applications. Without a 5 year supply of housing land the provisions of the NPPF take precedence over the saved Local Plan policies. As such there is a presumption in favour of sustainable housing development. The proposal, therefore, has to be assessed with respect to this provision.

Kirkby is noted within the Local Plan as a small rural settlement which supports only limited services and facilities. Kingerby is not mentioned as it is only a small hamlet and is classified as open countryside within the saved policy STRAT3. The supporting text of saved Policy STRAT 8 notes that with such limited facilities and services (including public transport) approval of ad hoc housing within Kirkby would not meet sustainable goals as people would have to travel to access basic life facilities and services. Although policies this policy and policy STRAT12 are afforded little weight, it should be noted that the limited number of services provided within the vicinity of the site has not changed. Indeed, as observed by residents, the level of services has actually dropped since the Plan adoption in 2006. For example, the village shop has closed.

Exceptions to this policy stance are provided within policy RES7 which has a level of consistency with the NPPF. The exceptions noted include the provision of affordable housing or individual proposals which seek to meet a specific local need within the existing community as opposed to catering for inward migration. In particular it seeks to enable those people with a strong local connection to a particular settlement to remain living there.

The proposal does not provide affordable housing and the application notes that the proposal for two of the three properties would be sold on the open market, albeit to fund the principal residence, annexe and commercial building. Personal circumstances have been outlined to justify the proposal along with a business case for the industrial building in Kirkby.

The potential purchaser of the site currently lives within the Swallow area and has no specific ties to Kirkby except for a long term friendship with the applicant and his grandson's business, which also operates across Lincolnshire. The choice of this site therefore appears to be principally based upon the opportunity for purchasing the land from the applicant. Such a situation does not, on the face of it, represent sufficient connection to the area and a reason for granting permission in this inherently unsustainable location. The potential purchaser of this site, through the applicant, has outlined further justification for the proposal on family grounds and the need for commercial premises within a rural area. The difficult family circumstance is recognised

and, whilst sympathy with the situation should be noted, this is not sufficient justification to grant permission contrary to planning policies. Indeed such reasons could unfortunately be used regularly which would significantly detract from the policy objectives of seeking to support sustainable housing development.

The applicant also notes the purchaser's grandson's business providing employment for locals and businesses. This includes the supply of labour, plant and machinery and materials along with the creation of sand schools and ménages. General contracting includes the cutting/ topping and bailing of straw/hay, construction and maintenance of fencing/ hedging, ploughing, sowing, muck spreading, spraying of crops and harvesting along with general farm labouring.

The NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Limited detail as to the need for the business to be located in Kirkby other than contractual ties to the applicant's farm. The business, however, also has contracts across Lincolnshire including: Swallow, Riby, Goxhill, Barrow on Humber, Caistor, Kirton in Lindsey, Nettleham, Saxilby, Snitterby and Worlaby as well as Farndon in Nottinghamshire. Similarly, it is not known whether causal employees live within the Kirkby area or not. No significant detail has been provided as to the vitality of the business or any specific need to be physically connected to the dwellings and location proposed. No specific detail has been provided as to alternative accommodation investigated for the business. Similarly, although the applicant has indicated that the construction of a new building in this location is a model which would be financially viable for the business, no detailed analysis has been provided to support this assertion. On this basis it is not considered that the proposal would be justified under the provisions of the NPPF.

### **Character, design and settlement break**

The application site is positioned within the open countryside between the village of Kirkby and the hamlet of Kingerby. The location is not a designated settlement break in the Local Plan, but this 225m gap of open farmland is prominent and forms a distinct end to the built environment of Kirkby. Policy STRAT13 is also not confined to just designated settlement breaks and it noted from the inspector's decision for the Ryland Road, Dunholme appeal (also reported on this agenda), that he advises that each case should be considered on its own merits.

In this instance, it is considered that this proposal would significantly erode this gap by one third. In addition to this, the spacing of the two portions of the site with a 50m gap between would only increase the presence of urban development in this area leaving insufficient space to form a reasonable gap between Kingerby and Kirkby. The splitting of the site into two, the provision of two storey structures and the large scale industrial building would only increase the incongruity of the proposal and the impact of change to an urban environment from countryside. The nature of the hedging as a screen is noted but this would be ineffective in maintaining the appearance of open

countryside due to the position and nature of the two storey designs, the frontage position of the houses and the potential pressure to remove or at least reduce the height of the hedge by future occupiers. The proposal would therefore demonstrably reduce the countryside effectively leaving such a small gap between Kingerby and Kirkby that the individual identity of the settlements would be lost contrary to saved Policy STRAT 13.

The proposals would also extend along the road in a ribbon design which again would erode the original character of the village detracting from its character and settlement around the historic Church of St Andrews.

It is noted that the applicant and objectors note the potential for future development on the remaining land but this is conjecture at this time and would in any case be the subject of a future planning application.

### **Setting of heritage assets**

The site is close to Kingerby Hall and grounds a grade 2 listed building and registered historic park and garden. The grade 2 listed Beech House and grade 1 listed St Peter's Church are also within close proximity to the application site. Historically these areas would command a prominent position away from the general villages to which they are associated. The proposals would therefore erode their setting by effectively linking the village to the hamlet of Kingerby and the grounds of the hall contrary to NBE8 and the provisions of the NPPF.

Matters of scale and layout are under consideration but appearance is reserved despite indicative elevations being provided. The scale and layout are suburban in character with large detached properties fronting the site which is not a characteristic of the village. The significant scale of designs, lack relief and suburban layout with significant garaging/ driveways are more appropriate to an urban area rather than a village location and would be contrary to saved Policies STRAT1 and RES1 of the Local Plan.

### **Highway safety**

Many of the objections received raise concerns over highway safety due to the nature of the highway, the position of the access points and general increase in traffic. The proposals have not, however, generated any objection from the County highways authority indeed they have requested conditions subject to a recommendation for approval.

The highway is currently utilised by large farm vehicles and, although narrow, has a grass verge and a footpath linking it to Kirkby reducing safety concerns. The access would be sufficient distance from the bend in the highway to ensuring sufficient visibility of passing traffic which would allow safe access/ exit to and from the site.

Whilst the business premise and live work units proposed are noted, these along with the erection of three dwellings (and one annexe) would not

generate levels of traffic that would create unacceptable traffic flows. Similarly, driveways to properties could accommodate approximately 14 cars; more than sufficient to cope with demand.

### **Floor risk and drainage**

Concerns have been raised with respect to drainage. The site is not within Environment Agency designated flood risk zone 1 and therefore the preferred location to site more vulnerable uses; the development passes the Sequential Test detailed in the NPPF.

No objections have been received from Environmental Protection officers on this matter; the site is not recorded as having drainage problems. The detailed consideration of this matter can be adequately dealt with at reserved matter stage to ensure a technical solution can be found.

### **Residential amenity**

The plots are located to the east of existing houses at Kingeryby but would be sufficient distance to dwellings to protect residential amenity in terms of scale, massing, light and sunlight. Traffic generation, noise and nuisance for the live work units would not be significant given the detached nature of the designs. Landscaping to the development is a reserved matter but could nonetheless be utilised to further protect residential amenities.

The other concern raised is the impact of the workshop unit on the surrounding area. The applicant has indicated that the workshop would be more of a storage facility with no construction and minimal maintenance occurring on site. To maintain residential amenity a condition can be placed on the unit to ensure it is maintained simply for storage rather than manufacturing. Materials would be delivered to the site of work rather than the storage yard and whilst machinery may be brought to the site this would not be significantly different to agricultural traffic using the area. The storage building would also be approximately 140m from the nearest existing dwelling (Beech House) and 50m to the market dwellings proposed.

### **Other Matters**

The objectors to the scheme have outlined concerns that future phases of the scheme would cause significant traffic concerns. The current application is for the development outlined, future phases are not under consideration and would be assessed through a separate application.

The Natural England Stewardship Scheme is not a material planning consideration but the applicant has indicated the site's inclusion into the scheme is to be reviewed towards the end of the year.

Finally, the applicant has confirmed the address of the development and officers placed a site notice opposite the plot to publicise the proposals.

## **Conclusion**

Whilst assisting to meet the housing land shortfall within the district, the site is located unsustainably adjoining a small rural settlement where access to most life services would require the use of a motor vehicle. Without sufficient overriding justification through a defined local need the provision of three new dwellings and linked commercial premises, it is considered that there is no reason sufficient to overcome the demonstrable harm of locating the development in a highly unsustainable location.

In addition to this, the siting of the development within countryside adjoining two settlements would lead to the coalescence of Kirkby and Kingerby which would detract from the traditional character of both areas and detract from the setting of a group of listed buildings contrary to both Local Plan policies and the provisions of the NPPF.

## **Recommendation: Refuse Permission for the following reasons**

1. The proposed residential/ commercial development would be located within an unsustainable and isolated location, where future occupiers would not have access to essential services without the use of a motor vehicle. Without an overriding defined local need, it is not deemed essential to locate this development at the application site and is considered contrary to the principles of sustainability contained within the provisions of the National Planning Policy Framework 2012.
2. The proposed development would close a small area of open countryside eroding the traditional visual gap between Kirkby cum Osgodby and Kingerby which would detract from the character of the area, create a ribbon development and detract from the setting of listed buildings contrary to saved Policies STRAT1, STRAT13, NBE20 of the West Lindsey District Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 which seeks to protect heritage assets.

## **Informative**

The plans refused as part of this application are as follows: Drawing nos: TL-017-13-01 rev J, TL-017-13-11 rev B, TL-017-13-12 rev A, TL-017-13-13, TL-017-13-14, TL-017-13-15, TL-017-13-16, TL-017-13-17, TL-017-13-18, TL-017-13-19, TL-017-13-20, TL-017-13-21, TL-017-13-22 and TL-017-13-22 rev A along with documents titled: Design and Access Statement.

## **Human Rights Implications:**

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

**Legal Implications:**

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



## **Officer's Report**

### **Planning Application No: 131289**

**PROPOSAL:** Planning application for erection of a 500kw wind turbine with a hub height of 50m and height to tip of blade of 77m, to include transformer station at base and all ancillary works.

**LOCATION:** Land to east of A1133 Newton-On-Trent Lincoln LN1 2WZ

**WARD:** Torksey

**WARD MEMBER(S):** Cllr S F Kinch

**APPLICANT NAME:** P A Arden & Son

**TARGET DECISION DATE:** 03/07/2014

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

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

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#### **Description**

**Site, surroundings and relevant history:** It is located on arable land in the open countryside to the east of the Furrowland complex which contains a number of large cold storage buildings and a recently erected 77 m high blade to tip single wind turbine (approved in 2013, ref: 129323), 180 metres to the North East. The location of the site is 650m from the northern limits of the village of Newton on Trent to its south west, 760 metres from the southern fringes of Laughterton and 1.3km south west of Kettlethorpe. Access to the site is gained from the A1133 through the existing farm entrance. The site is bordered by agricultural land, with free range chicken farming taking place on parts of the site which contains a number of chicken sheds

The nearest residential property, is a dwelling known as "The Conifers" approximately 560m west of the proposed location of the turbine.

**Proposal:** The proposal is for a triple blade, horizontal axis, 500Kw wind turbine, the hub height of which would be 50m above ground level, mounted on a monopole tower. Each blade would be 27m long (radius from the hub) thereby giving a total height of the structure of 77m above ground level when a blade is in the vertical position above the hub. A small cabinet will hold the electrical switch gear. The cabinet is finished in dark green. Both the turbine and ancillary equipment will be housed on a concrete plinth. The turbine will be located to the rear of the cold storage buildings 530 metres to the east of the A1133 and 700 metres from the A 57 to the south.

In support of the application the following information was submitted:

- Landscape and Visual Impact Assessment (LVIA)
- Ecological Report



- Acoustic Report
- Archaeological Geophysical Survey
- Transport Statement
- Flood Risk Assessment

The submitted planning statement also incorporated an assessment of the impacts on heritage assets.

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

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

### **Representations**

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

**Newton on Trent Parish Council:** My Council has no comments.

**Kettlethorpe Parish Council:** This is the second application for a turbine to be provided at Furrowland, the first having received approval from West Lindsey in August last year although the parish had only learned of it recently. The same objections apply to this application as the first, in that whilst the effect is minimal to Newton on Trent (where the applicant lives) it has exactly the opposite effect on premises in this Parish, where it is close to a number of homes on Westmoor Lane and an eyesore to Laughterton and Kettlethorpe residents. As with other applications, this rural community is being inundated with these monstrosities and with a height almost equal to Lincoln Cathedral, they belong on an industrial development rather than in a rural environment. My Council asks, are more turbines to follow in the Parish? Why was advance notice not given of the disruption that would be caused by cable laying, not only to traffic but to the business community? Will other developers latch onto the use of cables now laid, to install yet more turbines? It is felt that as before no notice is taken of the residents views on these turbines. They are far too close to people's homes and members hope that West Lindsey will have the courage to say no, as per LCC.

**Local residents:** 37 representations have been received: The Conifers, High Street; Lodge Pines, Marsh Lane; 12 Home Farm Close; Lilac Cottage, Sallie Bank Lane; Bredon, Sallie Bank Lane; 25 High Street; 26 High Street; (Furrowland Limited) 28 High Street; 30 High Street; 32 High Street; 33 High Street; 37 High Street; 41 High Street; 47 High Street; 55 High Street; 57 High Street; The Pantiles, High Street; Listers Timbers and Builders, 71 High Street; Kenvia, Newark Road; 10 The Brambles; Anvil House, Dunham Road; Vine Cottage, 2 Dunham Road; 4 Dunham Road; 6 Dunham Road; 10 Dunham Road; 16 Dunham Road; 18 Dunham Road; 30 Dunham Road; Trent

Lodge, Newham Road; 7 The Grove; 4 Cockerels Roost; 10 Cockerels Roost; 1 Marsh Lane; Willow House, The Paddocks; 18 The Paddocks ; 3 Orchard Close and Kettlethorpe Hall;

3 representations are objections; 13 have written to say they have no objections to the proposals; 20 have written in support of the proposals and 1 has no objection subject to two provisos.

**Objections are:**

- The site layout plans are not available to see in the Planning Application Documents, everything else is.
- My property is probably the closest to the proposed site which already has planning for one turbine for which I understand building work has commenced. I would like to see what impact this turbine has on the landscape before any further construction is allowed
- There are many applications for turbines in the area and to have them dotted around in a small area will ruin our villages making a countryside area look like an industrial park.
- Wind turbines are bigger than necessary and are being built for revenue generation not to power own homes or businesses
- If the council feel there is a need for so many large wind turbines in this area why do you not find a suitable plot and build a wind farm?
- Sadly I am told that many people who are against turbines do not bother to respond to these applications as they feel that the Council take no notice of them and the late notification of this one seems to confirm their thoughts. I hope some consideration will be given to the various single applications that are being put forward at what appear to be pre planned intervals.
- It would be a prominent feature in the Green Belt and would conflict with the objective in the NPPF paragraph 81 of planning positively for opportunities to retain and enhance landscapes and visual amenity. The proposal would have significant adverse landscape and visual effects and would harm the character and appearance of the area. The impact of the proposal would be inappropriate and harmful to it and therefore very special circumstances would not apply.
- The applicant claims that the development would be temporary but the harm to a valued landscape would last for 25 years and so would be significant.
- The appellant's assessment understates the likely harm. Loss of Visual Amenity; the installation of these alien objects to the environment will mean a loss of visual amenity. This is a particularly important objection for residents living within the 1KM Zone.
- Noise Impacts: The World Health Organisation in 2010 set the European target of outdoor night noise levels at 40 decibels to protect the public. Environmental noise damages human health, particularly at night. Wind Turbines are measured by the audible range of noise, but not the lower frequencies. The DTI commissioned a report that concluded that a phenomenon known as Aerodynamic Modulation was

occurring in ways not anticipated by UK regulations ETSU-R-97. It was found that when a wind turbine generates even at low speeds considerable infrasound can be detected as far out as 10km. We should have a Health Impact Assessment.

- We and our children live in close proximity to the proposed site the audible noise, low frequency and vibration may have a detrimental effect to our Health. There is also a primary school within close proximity to the turbine. The strobe effect from wind turbines, when the sun is behind the rotating blades, can cause dizziness, headaches and trigger seizures (epilepsy). Shadow flicker and reflected light from blades can also cause problems. For these reasons a Health Impact Assessment should be carried out.
- No Economic Benefit. The financial benefit will be experienced by the developer Furrowland, from the generous Government set feed-in tariffs. There are no local economic benefits. A recent High Court Judge (May 2012) ruled that local villagers had a right to preserve their landscape that was more important than the Governments renewable energy targets.

#### **The expressions of support:**

- Wind turbines are a viable and sustainable answer to helping offset global warming;
- We need more eco-friendly wind farms and the hysteria needs to stop.
- It is great to see local businesses turn to using and providing green energy
- Support renewable energy as it will reduce our impact on the planet, instead of burning fossil fuels;
- Please ignore those who will oppose it and who it won't affect in the slightest.

#### **Conditional no objection:**

Subject to two provisos I have no objection to the application. My starting presumption is that a land owner is entitled to develop his/her land as he or she pleases unless there is a powerful argument why they should not. The first proviso is that what is being sought is a turbine to service the land in question and not the start of a wind turbine farm at which point other considerations come into play, second, that the proposed application does not involve more road works especially through the village of Laughterton. We have just experienced extremely inconvenient road works within the village which were I think associated with an application for another turbine. I suspect that these road works caused real financial loss to the village shop and certainly inconvenience to local residents including myself. If the application is successful but road works are involved I would hope that very tight conditions would be imposed as to time limits etc. and backed by appropriate sanctions.

**Robin Hood Airport:** No objections in relation to Aerodrome Safeguarding.

**Archaeology (LCC):** The proposed area is within an area of extensive Prehistoric and Roman cropmarks. 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 Lincolnshire 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. It has been agreed with the agent that this will entail commissioning a professional archaeologist to visit the site when the top soil has been removed to record any archaeological features which may have been revealed and to send the report of any findings to the HER (Historic Environment Recording).

**North Kesteven District Council:** No objection

**LCC Highways:** Does not wish to restrict the grant of permission

**English Heritage:** Do not wish to comment in detail but offer the following general observations. It is essential that planning applications contain an adequate assessment of the significance of heritage assets and their contribution to their settings. There appears to be no in depth analysis of heritage assets or any assessment of the potential impact of the proposed wind turbine. We recommend that your authority should ensure that it has sufficient information in order to judge the impact of the turbine upon the setting of any heritage assets.

**Conservation (WLDC):** It is considered that the proposed turbine has the potential to affect the setting of the following heritage assets: Church of St Peter, Newton on Trent, grade II and Kettlethorpe Hall, Kettlethorpe, listed grade II. All other assets in the area benefit from substantial natural screening and intervening features.

The proposed turbine is located in close proximity with the existing turbine which itself has a close spatial relationship with the established large scale agricultural buildings. Views towards the site are limited and glimpses of the turbine both from and towards the heritage assets are equally limited and of a minor nature restricted to distant views of blade tips and views of the church in a landscape already populated by large scale industrial farm building. Consequently, it is considered in both cases that the architectural and historical significance of both assets is only affected in a very minor way and there is no harm which would require the refusal of the application

**Natural England:** The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. We would expect the LPA to assess and consider the possible impacts resulting from this proposal on protected species and on local wildlife sites if the site is on or next to a local wildlife site

**Ministry of Defence:** No safeguarding objections. In the interests of air safety the turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point.

If planning permission is granted we would like to be advised of the following;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of every turbine;

**NATS Safeguarding:** NATS is satisfied that the second turbine at Furrowland is encompassed within the mitigation for the first turbine. As such, NATS has no objections.

### **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). Therefore, the relevant policies to be considered for their consistency with the NPPF are:-

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

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

NBE 10 Protection of Landscape Character in Development Proposals  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE17 Control of potentially polluting uses  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe17>

#### **Other policy and relevant considerations**

- National Planning Policy Framework 2012 (NPPF)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- National Planning Practice Guidance 2014 (NPPG)  
<http://planningguidance.planningportal.gov.uk/>

The NPPF states that in assessing the likely impacts of potential wind energy development in determining planning applications for such development, planning authorities should follow the approach set out in:

- Overarching National Policy Statement for Energy (EN-1) – DECC (July 2011).
- [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CCAQFjAA&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F37046%2F1938-overarching-nps-for-energy-en1.pdf&ei=XhW8U6y0CcHsOpesgdAJ&usg=AFQjCNG7UfDWPUTidY-WXuhGNTDPr3AVkA&bvm=bv.70138588,d.d2k](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CCAQFjAA&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F37046%2F1938-overarching-nps-for-energy-en1.pdf&ei=XhW8U6y0CcHsOpesgdAJ&usg=AFQjCNG7UfDWPUTidY-WXuhGNTDPr3AVkA&bvm=bv.70138588,d.d2k)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) DECC (July 2011).
- [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CCAQFjAA&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F37048%2F1940-nps-renewable-energy-en3.pdf&ei=4BW8U6zpHcaOO4mmgZgJ&usg=AFQjCNEUkbNcNcLpWPXm\\_HC4K9-2MwQevQ&bvm=bv.70138588,d.d2k](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CCAQFjAA&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F37048%2F1940-nps-renewable-energy-en3.pdf&ei=4BW8U6zpHcaOO4mmgZgJ&usg=AFQjCNEUkbNcNcLpWPXm_HC4K9-2MwQevQ&bvm=bv.70138588,d.d2k)

### **Main issues**

- The principle of a turbine in this open countryside location
- The impact of the turbine on the landscape including consideration of cumulative impact
- The impact of the turbine on Heritage Assets
- Impact of the turbine on the living conditions of nearby dwellings
- Impact on Protected Species

### **Assessment:**

#### **Principle**

One of the core planning principles in the National Planning Policy Framework (NPPF) is to “support the transition to a low carbon future” and “encourage the use of renewable resources” (paragraph 17). Section 10 of the NPPF deals with meeting the challenge of climate change and planning is seen as taking a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure” which is “central to .....sustainable development” (paragraph 93). Local planning authorities should “have a positive strategy to promote energy from renewable and low carbon sources” (paragraph 97). The NPPF states that, when determining planning applications, local planning authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy” and “approve the application if its impacts are (or can be made acceptable)” (paragraph 98). This proposal although for a single turbine is estimated to achieve a reduction in carbon dioxide of 21,180 tonnes over the 25 year life span of the turbine. The proposal will also help offset the

energy costs of this farming business that according to information submitted in support of the application supports 7 full time staff. This will assist the economic viability of the business thereby supporting the rural economy. The principle of a wind turbine is accepted and its acceptability rests on consideration of the detail of the proposals.

### **Landscape Impact including cumulative impacts**

It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value nor an Area of Outstanding Natural Beauty. It is also important not to equate visibility with harm. It is located within the Trent Valley landscape character area as defined within the West Lindsey Character Assessment (1999). The key characteristics of this landscape character include;

- Significant blocks of deciduous woodland, good hedgerows and hedgerow trees create a relatively enclosed landscape.
- Main roads are significant features in the landscape; recent development is concentrated along the main roads, bypassing original village centres.
- Views towards the west are dominated by the power stations along the River Trent.

Accompanying the planning application is a Landscape and Visual Impact Assessment (LVIA) that includes photomontages from 19 viewpoints taking close, middle and long distance views. Cumulative impact is addressed in the LVIA as the photomontages include the approved turbine next to the site and two approved (although not erected at the time of the case officer's site visits) turbines located approximately 2.4 kilometres to the North West ( Ref 128502 and 128536, Lodge Farm and Ferry Farm).

The erection of the approved turbine at Furrowland allowed the case officer to travel to areas to all sides of the site in order to gauge likely visibility and in order to help assess impacts on Heritage assets. There are no public footpaths within close proximity of the site and the turbine will not be visible from within the village. The closest views of the turbine(s) will be from road users. The site is relatively flat with natural screening provided by hedgerows and intervening woodland, although there are some gaps in the hedgerows. To the north there is a small gap to the south of Laughterton which allows an uninterrupted view of most of the existing turbine from the A1133 at a distance of approximately 770 metres and also 765m metres to the south views are available from the layby to the north of the A57 east of its connection with the A1133. Travelling along the A1133 and the A57 the views of the turbines will be fleeting and transitory.

From the rear of Kettlethorpe Hall, 1.4 kilometres to the northwest, the case officer was only able to discern the tips of the blades above the intervening woodland. It would therefore be reasonable to assume that the proposed turbine which is further away than that existing would not be visible.

It is important to note that where views are available they already look towards an existing vertical structure in the wider flat landscape and, due to the close proximity of the new turbine, it will be seen as single group of two turbines rather than two individual turbines, which helps to limit and diffuse perceived impact. The structures will be noticeable but it is considered that the landscape has the capacity to absorb the impact. In relation to cumulative impact with the approved turbines at Lodge Farm and Ferry Farm, distance separation in excess of 2 kilometres together with intervening landform and woodland, limits the opportunities for the turbines to be viewed in the same vista and consequently the cumulative impact is considered to fall within acceptable levels.

The impacts on the existing landscape are considered to fall within acceptable levels and do not constitute a reason to withhold consent. Conditions will be required to agree the finished colour of the turbine and associated equipment to assist amelioration and integration within the rural landscape.

### **Impacts on Heritage Assets**

Newton on Trent which is the closest village to the site contains a number of Listed Buildings. The closest is the Grade II Church of St. Peter which is approximately 600 metres from the turbine. It is enclosed by mature trees and hedgerows with only the upper section of the church tower visible from the A1133 which runs along its eastern boundary and is unlikely to be present in the same views as the turbine. The impact on the setting is considered negligible.

The Grade II White House Farm House is located within the village to the east of High Street, 700 metres from the turbine. Due to the built up nature of this part of the village it is not likely to be seen in the same view as the turbine. The impact on the setting is considered negligible. Further south is the Grade II Reindeer which is approximately 710 metres away from the turbine. There is no shared view possible due to it being screened by new housing to its east and mature planting along the boundary with the A1133. There is no impact on its setting. 30 High Street, Grade II listed, is approximately 770m from the proposal. The main elevations look east or west and therefore away from the turbine. The setting is within the built up area of the village and it will not be impacted by the proposal. The Old Hall Farmhouse is a Grade II listed building, and is located opposite Lister's Timber Merchants at the southern end of the village. It is approximately 900 m from the turbine. There is no view of it due to mature planting along the A1133. There will be no impact on its setting

Kettlethorpe village, which is located 1.4 kilometres to the North West of the site, contains a number of Listed Buildings including the Grade II Kettlethorpe Hall and the Grade II Church of St. Peter and St. Paul. As can be seen from the preceding section, the case officer was only able to glimpse the blade tips of the existing turbine from the rear of Kettlethorpe Hall above existing woodland. Furthermore the main elevation of the Hall faces south so any views towards the site are at an oblique angle. The proposed turbine will in all



likelihood not be visible at all. Given this it is considered that there will be no impact upon its setting.

The Church of St. Peter and Paul is located to the north of Kettlethorpe Hall which together with its associated buildings effectively screens views towards the proposed turbine. There will be no shared views available and so there is considered to be no impact on its setting.

**Archaeology:** A geophysical survey was carried out on approximately 6 hectares of land around the turbine site. This work in agreement with Lincolnshire County Council Historical Services has enabled archaeological matters to be dealt with by imposition of conditions.

There are considered to be no grounds on which to withhold consent in relation to concerns about impacts on Heritage Assets.

### **Impact on living conditions (noise and flicker)**

There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gear box, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of blades through the air. Technological improvements have resulted in the mechanical noise generated by wind turbines being significantly reduced.

The Assessment and Rating of Noise from Wind Farms' (ETSU for DTI 1997) specifically deals with wind farm development and can be used as a basis for individual turbines such as the one under consideration here. The submitted acoustic assessment included consideration of the cumulative impact of noise from both the existing and proposed turbine. Noise calculations were undertaken for wind speeds at 5 m/s to 12 m/s in relation to the specific turbine applied for and cumulative noise outputs were modelled for the nearest 9 dwellings with the closest one 560 metres west of the turbine. The wind speeds used represent a worst case scenario in terms of noise generation as the wind speed database accessed by the case officer shows that the average wind speed at 45 metres above ground is 6.3 m/s. For low noise environments ETSU suggests that noise limits should be limited to an absolute level within the range of 35 to 40 dBA. The results show that the noise levels range from 28.8 to 34 dBA at the nearest properties which clearly falls within acceptable levels. It is considered that noise and sleep disturbance is unlikely to arise.

Shadow flicker can cause a problem to nearby properties early in the morning or late in the evening. It is caused by the rotating blades interrupting the light from sun when the turbine is between a person and the sun. This occurs early in the morning to the west of the turbine and late in the evening to the east of the turbine. Such flicker occurs when properties are close to a turbine, typically when they are within a distance equivalent to 10 x the rotor diameter. In this case the rotor diameter is 54 metres and, as detailed above, the nearest house is around 560m away. The residential properties would therefore be beyond the distance where flicker would typically occur.

In summary it is considered that the proposal will not materially affect living conditions.

### **Impacts on protected species**

A protected species was carried out in 2012 to support the application for the existing turbine which found that the proposal would not result in any significant effects on protected species. This original report has been supplemented by an Ecological Walk Over survey in 2014 carried out by a qualified ecologist. Subject to the imposition of conditions requiring the mitigation measures in the report to be implemented including the prohibition of works between 1<sup>st</sup> March and 31<sup>st</sup> August and for the submission of proposals to enhance the bio diversity value of the site there is no reason to withhold consent on the grounds of harm to protected species.

### **Aircraft Safety**

There are no safeguarding objections to the proposals from the MOD. The MOD has requested that Omni directional lighting is fitted to the turbine. This will be conditioned as part of any consent.

### **Grounds of objection**

These are primarily dealt within the main body of the report above. Comments in relation to the commercial nature of the proposal and the lack of economic benefit to others are not valid planning considerations. The site is not in the Green Belt. Health concerns in relation to wind turbines are noted as is the request for a Health Impact Assessment (HIA) to be submitted. The NPPF in paragraph 69 “promotes healthy communities” however this does not lend support to an examination of the impacts of turbines on human health outside those matters previously considered. The planning considerations that relate to wind turbines are set out in paragraph 014 of the National Planning Practice Guidance. In relation to specific issues that could be construed to concern health it refers to noise, shadow flicker and reflected light which have already been discussed previously. The only other reference is to “safety” however this is concerned with amongst other matters potential “fall over distance”, impacts on power lines, air traffic safety and on Ministry of Defence operations rather than “health”. On this basis there is no justification to require a HIA.

### **Conclusion and reason for decision**

This is a proposal that subject, to the imposition of the conditions discussed above is not considered to devalue or cause harm to the character or appearance of the open countryside, heritage assets, the living conditions of nearby dwellings, the interests of bio diversity and aircraft safety. It will positively contribute to meeting national targets for reducing carbon emissions and the development of renewable energy sources that will also reduce the

energy costs of a long standing rural business that will help to secure its future profitability to the benefit of the rural economy. Therefore having considered the proposal against the provisions of the Development Plan and specifically Policies STRAT 1- Development Requiring Planning Permission, STRAT 12- Development in the open countryside, NBE 10 – Protection of Landscape Character in Development Proposals and NBE17 – Control of potentially polluting uses of the West Lindsey District Local Plan First Review 2006 (Saved Policies) and against all other material considerations including the National Planning Policy Framework 2012 a grant of planning permission is considered appropriate.

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

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

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

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

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

2. No development shall commence until the following information is provided to the written approval of the Local Planning Authority:

- The date construction is to start and end;
- The maximum height of construction equipment ;
- The latitude and longitude of the turbine.

**Reason:** In the interests of aviation safety.

3. 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. Specifically the site has been identified as falling within an area of extensive Prehistoric and Roman cropmarks.

4. No development shall take place until, a scheme of bio diversity enhancement including additional planting and timescales for implementation has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of conserving and enhancing biodiversity in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

**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 the following drawings: L-ARD-056-SLPP, L-ARD-SLPX, L-ARD-056-BP and 1000900 REV 02 date stamped 08 MAY 2014. 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. No site clearance or preparation works shall take between 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless otherwise agreed in writing.

**Reason:** To ensure that the ecological value of the site is maintained and enhanced and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and in accordance with the National Planning Policy Framework (2012).

7. The development shall be carried out in accordance with the Mitigation Recommendations of the "Ecological Walk Over Survey" dated April 2014.

**Reason:** To ensure that the ecological value of the site is maintained and enhanced and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and in accordance with the National Planning Policy Framework (2012).

**8.** 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 3 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. Specifically the site has been identified as falling within an area of extensive Prehistoric and Roman cropmarks.

**9.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

**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. Specifically the site has been identified as falling within an area of extensive Prehistoric and Roman cropmarks.

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

**10.** Prior to bringing the hereby approved turbine into operation it must be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point.

**Reason:** In the interests of aviation safety.

**11.** The approved biodiversity enhancements referred to in condition 4 above shall be carried out no later than the first planting and seeding season following the completion of the development, and any plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation, and shall thereafter be maintained in perpetuity.

**Reason:** In the interests of conserving and enhancing biodiversity in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

**12.** 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. Specifically the site has been identified as falling within an area of extensive Prehistoric and Roman cropmarks.

**13.** The report referred to in condition 12 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:** 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. Specifically the site has been identified as falling within an area of extensive Prehistoric and Roman cropmarks.

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

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational 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 turbine shall be removed from the site if it is decommissioned or otherwise ceases to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

## **Informative**

The written scheme required by condition 3 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor

**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