



<b>PL.02 12/13</b>
<b>Planning Committee</b>
<b>Date 27<sup>th</sup> June 2012</b>

**Subject: Planning applications for determination**

Report by:	Director of Regeneration and Planning
Contact Officer:	Simon Sharp Senior Growth Strategy & Project Officer 01427 676651
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 of the Scrutiny Procedure Rules apply?**

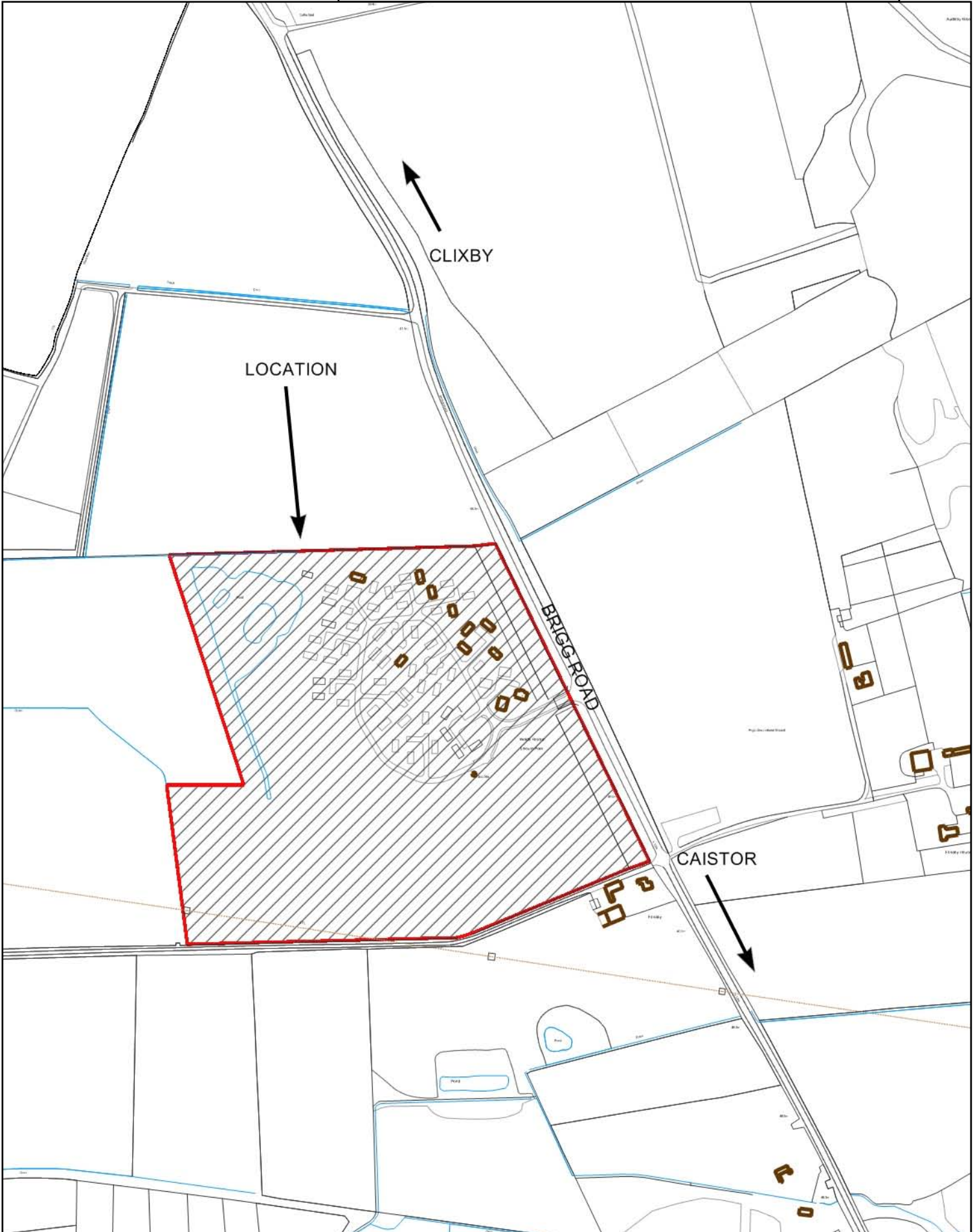
Yes

No

**Key Decision:**

Yes

No



## **Planning Application No: 128389**

**PROPOSAL:** Planning application to vary condition 1 of planning permission 120746 granted 26 January 2009

**LOCATION:** Wolds Retreat Brigg Road Caistor Market Rasen,  
Lincolnshire

**WARD:** Caistor

**WARD MEMBER(S):** Cllr A Caine, Cllr A Lawrence

**APPLICANT NAME:** Greens Park & Leisure Homes

**TARGET DECISION DATE:** 02/05/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

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

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### **Description:**

**Site** - Partly completed Holiday Park set within open countryside between the town of Caistor and Grasby. There are 14 log cabins on the site

**Proposal** – The application seeks to vary condition 1 of planning permission 120476. This application deleted the restriction on occupancy of the log cabins between 5<sup>th</sup> January and 1<sup>st</sup> March to enable use of the site for holiday accommodation all year round.

Condition 1 states that: “None of the buildings shall be used:

- (a) otherwise than as holiday accommodation ; or
- (b) at any time as a persons sole or main place of residence

Reason: The site is located in the open countryside where strict controls exist in relation to the location of the new housing development in the interests of sustainable development in order to comply with Policy STRAT 12 of the West Lindsey Local Plan First Review 2006. “

This application seeks to amend this by excluding 11 named plots (all already on site) from the restriction on use as a person’s sole or main place of residence. It then goes on to require that once the named plots are no longer inhabited by the current occupiers that they revert back to holiday accommodation use only.

## **Relevant history**

Planning permission was originally granted in 2002 for a total of 60 units comprising a mix of log cabins, static caravans and tourers (M01/P/1032). This was subsequently changed and permission was granted for 60 log cabins and a new access in 2005 (M05/P/0219). Application 120746, which is the subject of this current proposal, deleted the restriction on occupancy of the log cabins between 5<sup>th</sup> January and 1<sup>st</sup> March to enable use of the site for holiday accommodation all year. The deleted condition was replaced by alternative conditions which ensured the continuing nature of the occupation of the buildings as holiday accommodation and the prevention of use as permanent residences. In 2011 a Lawful Development Certificate was granted confirming it was lawful to use 60 cabins for holiday accommodation for up to 12 months.

A Breach of Condition Notice (BCN) was served on occupiers of 10 of the 11 log cabins in 2011. At the time it was deemed that there was insufficient evidence to support a prosecution.

## **Representations:**

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

**Caistor Town Council:** A paper copy of the Town Council comments will be circulated to members prior to the meeting. The comments have been taken into account in the officer's assessment.

**Local residents:** One letter has been received from Woodbine Cottage objecting to the application in its current form:

“The proposed wording means that none of the holiday cabins will revert to holiday accommodation until all original owners have moved on. The intention is that the cabins will revert to holiday accommodation one by one”

## **Relevant Planning Policies:**

### **Development Plan**

- **East Midlands Regional Plan 2009**  
Policy 13a – Housing Supply  
Policy 42 – Regional priorities for tourism  
[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006 (saved policies)**

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

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

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

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

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

- Good Practice Guide on Planning for Tourism (2006)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>
- National Planning Policy Framework 2012  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

### **Main Issues**

The principle of permanent residential accommodation in the open countryside

### **Assessment:**

**Introduction** - An application under Section 73 of the amended 1990 Planning Act is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This section provides a different procedure for such applications from that applying to applications for planning permission, and requires Members to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent Members from looking also at the wider considerations affecting the original grant of permission: the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited.

The options open to the Council are therefore as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. The new conditions cannot be any more onerous than the existing permission.
2. Grant permission unconditionally if it is considered that the existing conditions do not pass the six tests contained within Circular 11/95 (precision, necessary, relevant to planning,

- relevant to the development, enforceable and reasonable in all other respects)
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

**Condition 1** – Policy STRAT 12 is a prohibitive policy in relation to development in the open countryside unless it is “essential”, necessarily requires a countryside location or otherwise meets an objective supported by other Plan policies. This policy is predominantly geared towards preventing proposals that not only harm the openness of the countryside, its ecological and visual qualities but also result in an unsustainable pattern of development with dwellings, for example, located away from services and/or regular public transport. The original approval was supported as it was for a tourism use that was considered to be of benefit to the rural economy. Policy 42 “Regional Priorities for Tourism” within the East Midlands Regional Plan 2009 confirms that tourism continues to be a key driver for the region’s economy and that increasing the proportion of visitors who stay overnight remains a regional priority.

In the context of policy STRAT12 of the Local Plan First Review, there are no exceptional circumstances or policy support for the lodges being occupied as a person’s sole or main place of residence; their occupation is not needed to be in association with a use, such as farming, that requires a countryside location nor has evidence of any other exceptional need been demonstrated. In this open countryside location only access by car is likely given the absence of public transport, distance to shops and services and lack of safe pedestrian route connecting the site to anywhere else. At the time this was considered acceptable for a tourism use. However, permanent residential occupation entails different demands and patterns of movement compared to that of a holiday user. This proposal cannot therefore be considered to represent “sustainable development” as envisaged under the National Planning Policy Framework 2012. Further support for this view can be found in the sections dealing with the delivery of housing, in particular section 55 which states that:

“Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The 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. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area. “

None of the special circumstances referred to is applicable to the current proposal.

The current state of housing supply within the district is another factor that does not lend support to approval of the proposal. The Central Lincolnshire Housing Market Areas Assessment 2012 states that there is currently a 6.6 year deliverable supply (outside of the Lincoln Principal Urban Area) of land for housing. This is in excess of the 5 year plus 5% deliverable supply required by the National Planning Policy Framework. Permanent dwellings would undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply and be contrary to Policies STRAT 1 and STRAT 9.

With regards to any other specific justification, the occupiers of the log cabins are concerned that, notwithstanding the certificate of lawful use and subsequent correspondence from West Lindsey, that at some point in the future the Council may question whether their occupation is on a holiday basis or on a residential basis. They go on to state that approval would give the occupiers of the log cabins the certainty about occupation that they desire whilst ensuring that West Lindsey retains absolute planning control.

This is not a reason to grant permission for proposals that are clearly unacceptable as discussed above. The case officer considers that clarity and certainty to the occupiers is present in the existing wording of condition 1. As long as the log cabins are occupied for holiday purposes and do not represent a person's sole or main place of residence there is no conflict with the condition.

The existing condition 1 was placed on the original permission for sound planning reasons. The reason for the condition is still relevant and probably even more so given the nature of housing supply in the District. The condition is still necessary, it is precise, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

Approval without this condition would be contrary to policies designed to protect the open countryside from inappropriate development and would run counter to the interests of sustainable development and to the management of housing supply.

**Condition 2** - This states “The owners/operators of the land on which the buildings stand shall maintain an up-to-date register of the names of all owners/occupiers of the individual buildings on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.” The reason is “The site is located in the



open countryside where strict controls exist in relation to the location of the new housing development in the interests of sustainable development in order to comply with Policy STRAT 12 of the West Lindsey Local Plan First Review 2006.” For the reasons outlined above under the consideration of the necessity of condition 1 this is still relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 3** - This required the submission of landscaping details for approval within 3 months of the original grant of planning permission with the agreed details to be implemented within 12 months of approval. The site sits at a lower level than the public highway and is largely screened by planting along the road frontage which restricts views on the northern and southern approaches. The clearest views of the site are from the access into it. Given this it is not considered necessary for a landscaping condition to be imposed on any grant of approval.

**Condition 4** – This prohibited any “system or apparatus for broadcasting amplified sounds” in the absence of approval from the local planning authority. There no noise sensitive properties in close proximity to the site so the condition is not considered necessary, relevant or reasonable.

### **Conclusion**

Conditions 1 and 2 of the original approval for the reasons outlined above are still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects. The original wording of the two conditions follows the advice set out in the Good Practice Guide on Planning for Tourism (2006, Annex B “Seasonal and Holiday Occupancy Conditions) and do not need to be amended. The reasons for the two conditions are still valid; however, in light of the current situation in relation to the supply of housing land reference should also be made to policy STRAT 9 in any new conditions.

Conditions 3 and 4 for the reasons outlined above are not considered necessary, relevant or reasonable. Option 1 outlined above in the introduction to this report is therefore, considered the most appropriate course of action.

### **Recommendation: Grant planning permission subject to the following conditions:-**

1. None of the buildings shall be used:

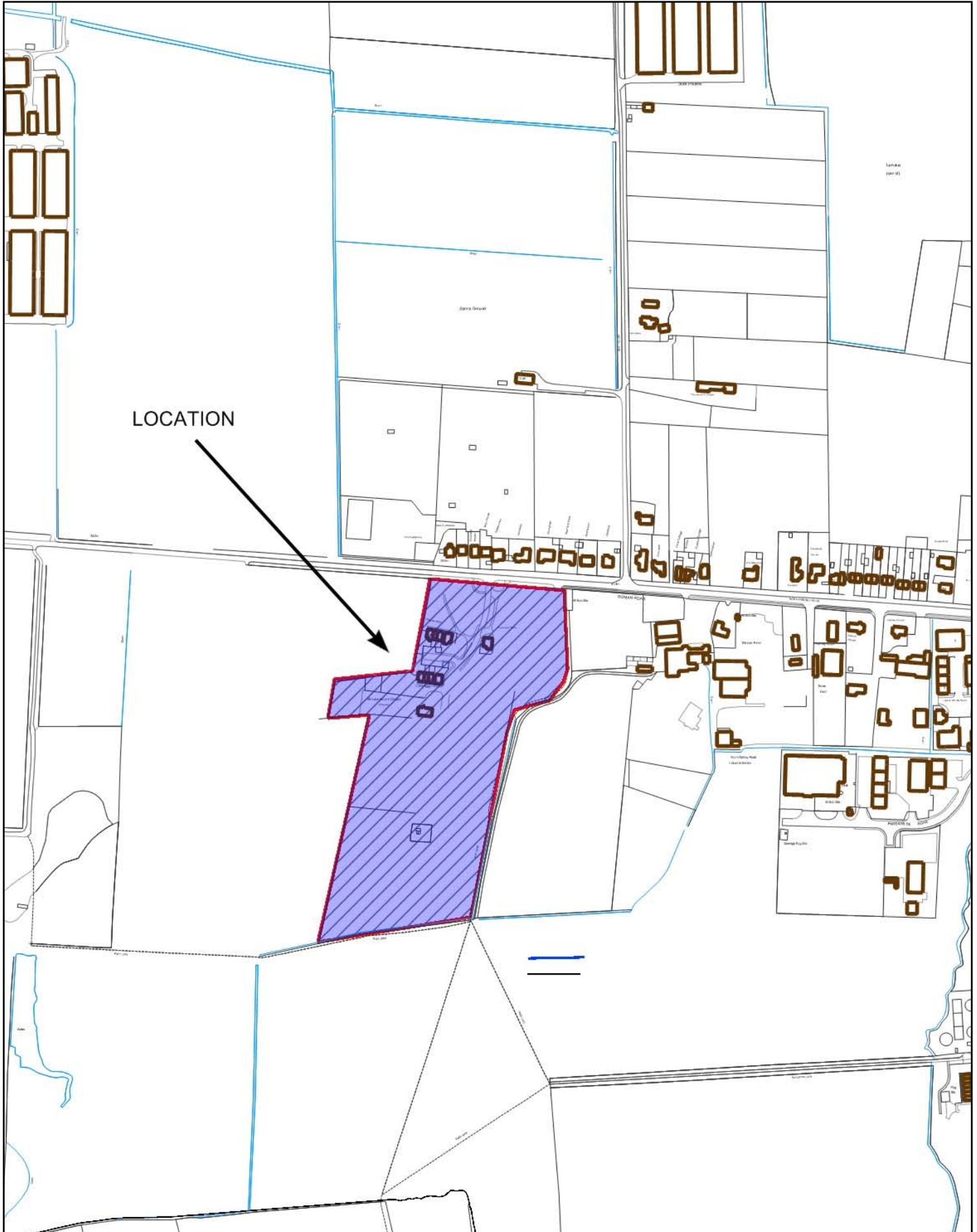
- (a) otherwise than as holiday accommodation; or
- (b) at any time as a persons sole or main place of residence

**Reason:** The site is located in the open countryside where strict controls exist in relation to the location of new housing development in the interests of sustainable development, and, in the interests of achievement of the Local Planning Authority’s policy objectives on the

management of housing supply in accordance with policies STRAT 9 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

**2.** The owners/operators of the land on which the buildings stand shall maintain an up-to-date register of the names of all owners/occupiers of the individual buildings on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

**Reason:** The site is located in the open countryside where strict controls exist in relation to the location of new housing development in the interests of sustainable development, and, in the interests of achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with policies STRAT 9 and STRAT 12 of the West Lindsey Local Plan First Review 2006.



## Planning Application No: 127782

**PROPOSAL:** Planning application to carry out development without complying with conditions previously imposed - removal of conditions 14 and 22 and variation of conditions 3, 18 and 21 of planning application M05-P-0486

**LOCATION:** Caistor Hospital Site North Kelsey Road Caistor Market Rasen

**WARD:** Caistor

**WARD MEMBER(S):** Councillors Caine and Mrs Lawrence

**APPLICANT NAME:** Lindsey-Caistor Developments Limited

**TARGET DECISION DATE:** 17/11/2011

**DEVELOPMENT TYPE:** Small Major - Dwellings

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the provision of affordable housing.

### Description and relevant history:

- **Site** – Former Caistor Hospital site on the south side of North Kelsey Road. The site is allocated for residential development in the West Lindsey Local Plan First Review and is partly developed with new housing, the hospital building having been cleared a few years ago.
- **Proposal** - The application seeks to carry out development without complying with conditions 14 and 22 of the previous permission (M05/P/0486) and variation of conditions 3, 18 and 21.

This was an outline permission for 148 dwellings subject to 22 conditions and a section 106 agreement that included provision of monies towards a car park within the town and a contribution towards education. The subsequent reserved matters was for 148 dwellings but varied the layout (as discussed in the assessment) This approval (ref 123208) followed a notifications for the demolition of all of the buildings except for the old chapel.

The relevant conditions of the outline permission state the following:-

3. The development shall be laid out in accordance with the amended application site plan number CO3/05/826/200 revision B unless the local planning authority gives its written agreement to any subsequent variation.

Reason: To define the terms of the permission for the avoidance of doubt and to ensure the integrity of the overall design concept for the development is not compromised, in accordance with policy H10 of the West Lindsey Local Plan..

14. No development shall take place until details of the means of signing and implementing the one-way entrance and exit arrangements to and from and within the development have been agreed in writing by the local planning authority and the agreed the measures shall be carried out before any dwelling on the site is occupied, following which they shall be retained.

Reason:- To provide safe and adequate access to the development in accordance with policy G1 of the West Lindsey Local Plan.

18. No dwelling shall be occupied until details of the arrangements for the provision of affordable housing on plots 9,10,11,15,30,38,56, 62, 71, 72, 105, 117, 135, 136, and 140 to 143 inclusive have first been submitted to and agreed in writing by the local planning authority. Such details shall include:-

- the type and nature of affordable housing provision to be made;
- a programme for the construction of the affordable housing;
- the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the provision of affordable housing in accordance with policy H8 of the West Lindsey Local Plan.

21. No development shall take place until details of the design and appearance of the community building to be erected adjacent the eastern boundary of the site have been agreed in writing by the local planning authority, following which the building shall be completed no later than the time when the construction of the 100<sup>th</sup> dwelling on the site is commenced.

Reason:- To ensure the design of the building is appropriate and that it is constructed in a timely manner in accordance with policy RC10 of the West Lindsey Local Plan.

22. No later than the time when the construction of the 50<sup>th</sup> dwelling on the site is commenced, details of proposals for the future management of the community building referred to in condition 21 shall be agreed in writing by the local planning authority, following which the agreed

management arrangements shall be put in place no later than the time the building is completed.

Reason:- To ensure management arrangements are in place by the time the building becomes available for use in accordance with policy G1 of the West Lindsey Local Plan.

A new section 106 agreement has been drafted following a viability assessment. The agreement does not include any contributions towards a community facility, education or car parking but does include 11 on-site affordable housing units and an additional £28,090 towards off site affordable housing provision (the monetary contribution is due to the fact that the viability assessment showed that a contribution of 11.33 dwellings could be afforded by the developer and the £28,090 equates to one third of a dwelling).

### **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. The development is Schedule 2 development as defined by the Regulations but, 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'. A copy of the Screening Opinion has been placed on the file and on the public register.

### **Representations:**

**Chairman/Ward member(s):** Councillor Caine – “I have grave concerns that, yet again, an agreement that would benefit and provide essential local funding appears to have been altered. I feel Committee should be aware that conditions at Committee are not adhered to.

**Parish/Town Council/Meeting:** Caistor Town Council accepts removal of condition 14 (one way signing).

Conditions 3 and 18 – The Town Council considers that the original application provides for a good mix of housing and the affordable housing is filtered around the estate. They strongly object to the amendments to condition 18 on the grounds that:-

- The number of affordable housing units does not correlate to the overall size of the development.
- By clustering the units, it increases the risk of creating a “no go” area and cites problems experienced at Sypher Close as a case in point. The Council considers integration of the units to be preferable.

- Siting the affordable housing at the furthest point from the road is unsatisfactory as residents are least likely to have vehicles.

Condition 21 – The Town Council does not accept removal of the condition to provide a community building. The development is dislocated from the main area of the town and a community building is essential.

Condition 22 – The Town Council feels that this should stand for reasons detailed above.

The Council also strongly objects to removal of the chapel on the grounds that it is of historic interest and needs conserving. The education monies should be paid directly to Caistor schools and not LCC. The Town Council should receive the £15,000 for the car parking.

It would seem that town and parish councils are badly served by s106 agreements in the main. Money and facilities very rarely filter down to the areas where the development takes place. The original proposals by the previous owner of the site were to give the chapel to the town to be used as a community building.

**Local residents:** Representations received from 30, Grimsby Road; Rest Haven, North Kelsey Road; Haze Cottage, North Kelsey Road (all Caistor):-

- To provide no public area or even earmark land for future needs within a larger development of main family dwellings needs further consideration.
- Whilst the monetary developer contributions may have already been agreed, the cost of the subsequent improvements let alone the practicality, locations for improvements and impact within the town have been greatly underestimated.
- The chapel should be left on site.
- Increase in traffic from this development and the impact on the town.
- The main customer base of the developer appears to be families as evidenced by the proposed housing mix. The ability to access the schools safely is under pressure at the moment and will increase as a result of the development. Improvements are required.

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

**LCC Public Rights of Way:** Expected to be no encroachment on public rights of way.

**LCC Archaeology:** No further archaeological input required for this application.

**Natural England:** Advise that the Council should ensure that all relevant species have been considered and not affected before determining the application.

**Lincolnshire Police:** No comments

## **Relevant Planning Policies:**

### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 13a – Housing provision

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

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

STRAT 1 - Development Requiring Planning Permission

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

STRAT2 – Residential allocations

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

STRAT 3 – Settlement hierarchy

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

STRAT5 – Windfall and infill housing development in Market Rasen and Caistor

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

RES1 – Housing layout and design

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

RES5 - Provision of play space/recreational facilities in new residential development

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

RES6 – Affordable housing

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

CORE10 – Landscaping and open space within developments

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

CRT3 – Loss of recreation and community facilities

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

### **Other policy**

- **The National Planning Policy Framework (2012)**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>



- **Circular 11/95 – The Use of Conditions in Planning Permissions**  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/324923.pdf>

## **Assessment**

### **Introduction**

An application under Section 73 is, in effect, a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This section provides a different procedure for such applications from that applying to applications for planning permission and requires the Council to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Council from looking also at the wider considerations affecting the original grant of permission: the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited and therefore assessment against housing supply, policy 13a of the Regional Plan and the strategic housing policies of the Local Plan Review (STRAT3 and STRAT5 in this case) is not relevant and the options are as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. The new conditions cannot be any more onerous than the existing permission.
2. Grant permission unconditionally if it is considered that the existing conditions are no longer relevant, necessary or reasonable.
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

All conditions should be considered against the six tests provided by circular 11/95, that is they should be necessary, precise, enforceable, relevant to planning, relevant to the development and reasonable in all other respects. Legal obligations secured through section 106 of the amended Town Planning Act 1990 must, if weight is afforded to them in the determination of the planning application, be:-

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

The new application will also be considered in the context of viability. This is a material consideration which government policy states should be afforded weight to ensure that, amongst other things, national objectives of growth and ensuring developers are able to viably complete developments are fulfilled.

### **Review of conditions referred to in the application:-**

**3.** This condition requires the development to be carried out in accordance with a particular layout plan, although it also includes a clause that allows variation at a later date. The reasoning behind the condition was to ensure the integrity of the overall design concept was not compromised. Much of the concept relied upon the semi-circular open space at the front of the site which provides identity to the development and provides a link with the previous hospital layout that also included this feature. Whilst layout was a reserved matter, it can be argued that the condition was necessary to provide clarity and direction for developers to follow so that the character of the site was not diluted (or lost) in the same way as masterplans work on larger sites. The condition is also relatively precise in terms of relating to a specific plan. It obviously relates to a planning matter and the development and is not placing any unreasonable requirements on the developer; the areas of open space outlined in the layout plan are not uncharacteristically large, accord with but do not significantly exceed Local Plan Review requirements (policy RES5) and still provide sufficient net developable land to make the development viable. The reference to a specific plan also makes the condition enforceable.

However, the subsequent reserved matters granted approval for a different layout (PL02 Rev C received 14<sup>th</sup> November 2008), albeit not a materially different layout. For example, the original plan included the retention of two buildings including the chapel, both to be converted into dwellings. The later plan granted at reserved matters stage followed a determination that permitted demolition of all but the chapel and this building was now shown as the only one to be retained, this time for community use rather than a dwelling.

The current application includes a new layout plan which includes further variations but, again, these are not considered to be material amendments to the original scheme. One change of note is the deletion of the community building which will be discussed later in this report. However, for the purposes of condition 3, it is considered that the new condition should refer to the latest plan and the reserved matters. In doing so the condition will be precise, necessary, related to the development, related to planning, enforceable and reasonable in all other respects. For precision, the subsequent variation clause will be omitted as this could provide the potential for material amendments to be made in the future without resorting to a new application.

**14.** This condition related to a requirement for a one-way system. It is unclear from any of the documentation associated with the original application as to why this was considered necessary and the County Highways Authority have confirmed that they are also unclear as to why it was imposed as the imposition was not derived from their advice and is not necessary. There are no objections from residents or the Parish Council relating to the proposed removal of this condition.

**18.** This condition relates to affordable housing provisions within the site. Policy RES6 of the Local Plan Review provides thresholds as to when such affordable housing should be required. The objective of the policy is to secure

25% of the dwellings proposed as affordable, which would be 37 in this case. The number specified in the condition was 16 with particular plots also specified.

There are a number of issues relating to the condition. Firstly the layout changed at the reserved matters stage so that the condition is unenforceable. Secondly, the plots did not relate to an identified need, thirdly conditions should not be used for such matters with financial obligations being necessary to discharge the condition and, finally, an open book financial assessment has shown that a provision of only 11.33 dwellings is viable. With viability clearly being a material consideration and the viability assessment having been reviewed by Council officers, the section 106 agreement accompanying the application now specifies an on-site provision of 11 dwellings with the remaining one-third of dwelling provision being in the form of an off-site contribution. With this obligation in place, there is no need for the condition.

**21 & 22.** These conditions relate to the requirement for a community building to be provided. It is firstly noted that the condition 21 relates to the “erection” of a building and not the conversion of the chapel.

It is also considered that the conditions are not fairly and reasonably related in scale and kind to the development and therefore do not comply with the legal requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2011. The development is for 148 dwellings and is within a town which does have existing facilities, albeit the site is located on the edge of this settlement. As a comparison, it is noted that the 2,500 dwellings proposed within the new southern neighbourhood for Gainsborough on Foxby Lane could only justify the provision of a small community building and that site was also a similar distance from the main town facilities.

Further, even if it could be justified that some form of community provision was necessary to make the development acceptable, it is clear that it would not be viable to deliver such an obligation. The Council’s approved Section 106 priorities document states that infrastructure that is required to make the development acceptable should be the first priority for any obligations, followed by affordable housing if viable and then any other infrastructure. The viability assessment has demonstrated that a 25% provision for affordable housing is not viable with no other contributions.

### **Review of other conditions and the previous section 106 agreement obligations**

Conditions **1** and **2** are no longer necessary as the reserved matters have been subsequently submitted. The new condition 3 can cover the reference to the approved plans.

The conditions relating to highways junction improvements prior to development commencing and access arrangements (conditions **4**, **15** and **16**) are no longer necessary in some respects as the junction works have been carried out and the development commenced. The conditions also included the wording “near to” which is imprecise and unenforceable and also

included a requirement for the design and standard of construction to be such that it is “suitable for adoption for maintenance at the public expense.” This is again a little imprecise and refers to works that can be covered by the Highways Act. These conditions are therefore not retained but a different condition written in the “Grampian” style requiring works to the highway to be completed before first occupation of the dwellings is suggested instead, highway safety still being a material planning consideration relevant to this development and referred to in policy STRAT1 of the Local Plan Review and therefore a condition is still necessary.

Conditions **5** and **6** relating to parking and street lighting are both considered to be still necessary in the interests of highways safety, although the wording requires more precision to ensure that they are enforceable. Conditions would normally require retention of the parking and lighting thereafter but this would be more onerous than the existing conditions and is therefore not included in the revised wording.

Details of the boundary treatments required by condition **7** were submitted as part of the reserved matters and therefore this condition is no longer necessary. The same comments applies to condition **8** (landscaping) although a condition is still necessary to require details of the future management of the public areas of open space and details of play equipment as referred to in condition **10**. A Locally Equipped Area of Play (LEAP) would be commensurate in scale to the development proposed, viable and would also reflect the number of family dwellings proposed in accordance with policies RES1 and RES5 of the Local Plan Review. A new condition also needs to include details of the landscaping of the area currently occupied by the chapel building proposed to be demolished.

The provisions of condition **9** relating to footpath linkages are considered to be still necessary.

The public access to the burial ground as referred to in condition **11** can be ensured through other legislation and the quoting of such legalisation in this condition is inappropriate and should now be avoided.

With regards to condition **12** (historic building recording), the County Historic Environment Team has confirmed that no further archaeological input is required with regards to this application site. Nevertheless, the National Planning Policy Framework underlines the importance of significant heritage assets, including non-listed buildings within developments. The only remaining building, the Chapel, is just a shell of no architectural or historical merit. It is not statutorily listed and is afforded no protection by any planning condition either on the outline permission or the reserved matters approval. In the absence of protection, there is no need to retain it as a building and any condition requiring its retention would be inappropriate as that would be more onerous than the existing permission. The condition is, therefore, no longer necessary.

Condition **17** requiring protection to trees is still relevant and necessary, the trees subject to the TPO's are still worthy of protection.

Condition **19** which restricts permitted development rights is no longer necessary or enforceable. The details of the affordable housing have changed in terms of plot numbers resulting in the lack of enforceability and the submitted section 106 agreement will ensure that the dwellings remain affordable (the reason for the original condition). It would also be inappropriate to restrict development for affordable housing as the needs of the occupiers sometimes change and extensions are necessary to respond to their needs (such as a growing family).

Condition **20** required security measures to be installed in garage and parking courts. Such courts still exist in the revised layout but it is considered that natural surveillance of these areas through overlooking from dwellings and public areas is adequate and the condition is unnecessary and unreasonable.

Finally, the existing section 106 agreement included obligations relating to education contributions and car parking. The former is related to the development but within the Council's section 106 priorities document falls below affordable housing and therefore, in this instance, it is not viable for the developer to make such a provision. The car parking is not only not a viable provision but is also considered to be necessary to make the development acceptable in planning terms or directly related to the development. As such it fails two of the three clauses of Regulation 122 of the Community Infrastructure Regulations.

### **Other matters**

The review of the conditions above has included consideration of matters such as highway safety, residential amenity, the provision of public open space, housing mix and the balance between the natural and built environment.

There are no indications on site to suggest that the site is being used as habitat by protected species or is of any other significant ecological value. This judgement follows inspection of the chapel building and noting that the site has been an active building site for a significant period of time.

The development overall provides an appropriate mix of housing to provide the potential for a mixed, sustainable and balanced community. The architectural styles and forms of the buildings proposed draw some references from the local vernacular with the abundant use of brickwork, gabled roof styles and there is a clear hierarchy of space from the very public North Kelsey Road frontage through to the secure and screened private rear garden areas. There are adequate separation distances between dwellings to ensure no significant loss of residential amenity in terms of overlooking, overshadowing and noise and disturbance.

There is no known contamination within the site.

The site is in flood zone 1 as defined by the Environment agency's Flood Zone maps and there are no known flooding issues within the site although a condition relating to surface and foul water drainage is considered necessary

to ensure that sustainable means of are employed in the interests of the efficient use of resources and to accord with policy STRAt1 of the Local plan Review and the provisions of the National planning Policy Framework and accompanying Technical Guidance.

### **Conclusion and reason for granting**

The application has been considered in the contest of the development plan in the first instance, specifically policy 13a of the East Midlands Regional Plan 2009 and policies STRAT 1 - Development Requiring Planning Permission, STRAT2 – Residential allocations, STRAT 3 – Settlement hierarchy, STRAT5 – Windfall and infill housing development in Market Rasen and Caistor, RES1 – Housing layout and design, RES5 - Provision of play space/recreational facilities in new residential development, RES6 – Affordable housing – Landscaping and open space within developments and CRT3 – Loss of recreation and community facilities of the West Lindsey Local plan First Review as well as against all other material considerations.

In light of this assessment and in accordance with section 73 of the amended Town Planning Act 1990, a new permission is necessary subject to conditions and a section 106 agreement that vary from the conditions and agreements of the original permission.

The existing section 106 agreement included obligations relating to education contributions and car parking. The former is related to the development but within the Council's section 106 priorities document falls below affordable housing and therefore, in this instance, it is not viable for the developer to make such a provision. The car parking is not only, not a viable provision but is also considered to be necessary to make the development acceptable in planning terms or directly related to the development. As such it fails two of the three clauses of Regulation 122 of the Community Infrastructure Regulations.

With viability being clearly a material consideration and the viability assessment having been reviewed by Council officers, the section 106 agreement accompanying the application now specifies an on-site provision of 11 dwellings with the remaining one-third of dwelling provision being in the form of an off-site contribution. With this obligation in place, there is no need for condition 18 of the existing permission.

Conditions 21 and 22 of the existing permission related to the requirement for a community building to provided on site. It is firstly noted that the condition 21 relates to the “erection” of a building and not the conversion of the chapel.

It is also considered that the conditions are not fairly and reasonably related in scale and kind to the development and therefore do not comply with the legal requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2011. The development is only for 148 dwellings and is within a town which does have existing facilities, albeit the site is located on the edge

of this settlement. As a comparison, it is noted that the 2,500 dwellings proposed within the new southern neighbourhood for Gainsborough on Foxby Lane could only justify the provision of a small community building and that site was also a similar distance from the main town facilities.

Further, even if it could be justified that some form of community provision was necessary to make the development acceptable, it is clear that it would not be viable to deliver such an obligation. The Council's approved Section 106 priorities document states that infrastructure that is required to make the development acceptable should be the first priority for any obligations, followed by affordable housing if viable and then any other infrastructure. The viability assessment has demonstrated that a 25% provision for affordable housing is not viable with no other contributions.

Of the other existing conditions, many of the details were subsequently dealt with through the reserved matters approvals, many related to provision secured through other legislation and some, including the one-way system required by condition 14 are not necessary.

The development overall provides an appropriate mix of housing to provide the potential for a mixed, sustainable and balanced community. The architectural styles and forms of the buildings proposed draw some references from the local vernacular with the abundant use of brickwork, gabled roof styles and there is a clear hierarchy of space from the very public North Kelsey Road frontage through to the secure and screened private rear garden areas. There are adequate separation distances between dwellings to ensure no significant loss of residential amenity in terms of overlooking, overshadowing and noise and disturbance. The development site is not of any significant ecological value or archaeological significance and there are no known contamination issues.

The site is in flood zone 1 as defined by the Environment agency's Flood Zone maps and there are no known flooding issues within the site although a condition relating to surface and foul water drainage is considered necessary to ensure that sustainable means are employed in the interests of the efficient use of resources and to accord with policy STRAt1 of the Local plan Review and the provisions of the National planning Policy Framework and accompanying Technical Guidance.

**Recommendation: That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the provision of affordable housing.**

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1. The development shall be completed in accordance with the reserved matters approved on 6<sup>th</sup> February 2009 (WLDC ref 123208) as amended by layout drawing 09711 SKo1 dated 10<sup>th</sup> January 2012.

**REASON:** To define the permitted particulars which have been considered as part of this application which are considered acceptable in the context of policies contained within the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

2. No dwelling shall be occupied before the parking and/or garaging for that dwelling has been completed in accordance with the approved plans and particulars.

**REASON:** In the interests of highway safety and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within the National Planning Policy Framework (2012).

3. No dwelling shall be first occupied until the street lighting has been completed and is operational between the junction with North Kelsey Road and the highway frontage of that dwelling in accordance with the details specified on drawings 070594/C/046A and 070594/C/047 dated 10<sup>th</sup> November 2009 prepared by Pick Everard.

**REASON:** In the interests of highway and pedestrian safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

4. The hard and soft landscaping and public open space approved as a reserved matter on 6<sup>th</sup> February 2009 and specified on drawings 08.728.011 to 025 (inc) dated 16<sup>th</sup> September 2008 shall be completed and subsequently maintained in accordance with the schedule and programme detailed in the Landscape Management Plan dated 12<sup>th</sup> November 2009 (ref CIN.07.728) prepared by Ian Stemp Landscape Associates unless otherwise agreed in writing by the local planning authority with the exception of the areas cross hatched on drawings 08.728.017 and 08.728.023 (the community building), details for the landscaping and future management of which shall be submitted to and approved in writing by the local planning within 3 months from the date of this permission. The said cross-hatched area shall be landscaped and subsequently maintained in accordance with the approved details and programme.

**REASON:** To ensure that there is an appropriate landscaping scheme provided in this edge of settlement position, to achieve an appropriate balance between hard and soft landscaping features and to ensure the timely provision of the landscaping to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

5. The pedestrian routes, including the linking footpaths to the eastern and southern site boundaries shall be completed in accordance with the details approved as a reserved matter on 6<sup>th</sup> February 2009 and



specified on drawing 070594/C/038 Rev D dated 21<sup>st</sup> October 2009 and in accordance with the schedule and programme detailed in the Landscape Management Plan dated 12<sup>th</sup> November 2009 (ref CIN.07.728) prepared by Ian Stemp Landscape Associates unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure there are pedestrian routes provided within the development at the appropriate time in the interests of sustainability and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

6. No dwelling shall be first occupied until a drainage scheme for foul and surface water serving that dwelling has been completed in accordance with details to have been previously submitted to and approved in writing by the local planning authority.

**REASON:** To ensure the provision of adequate sustainable surface and foul water systems to prevent localised flooding and pollution of ground waters and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012)

7. No dwelling shall be occupied until the junction with North Kelsey Road, the access road and/or driveway leading to it from North Kelsey Road has been completed, less its final wearing course in accordance with a specification to have been previously submitted to and agreed in writing by the local planning authority. The final wearing course shall be completed prior to the occupation of the penultimate dwelling hereby approved.

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

8. The trees subject to the Caistor Tree Preservation Order 1990 No. 4 shall be protected during construction as follows:

- a chestnut pale or similar fencing shall be provided around the trees at a minimum distance from the trunks equal to the crown spread;
- b no site hut shall be erected within any crown spread;
- c no materials, including fuels, shall be stored within any crown spread;
- d no burning of goods shall take place within 3m of any crown spread;
- e no services shall be routed under any crown spread.

**REASON:** To protect the trees which are an important to the public amenity of the site and its surroundings and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

9. Within 3 months from the date of this permission details of play equipment to be installed within the approved public open space shall be submitted to and approved in writing by the local planning authority together with a schedule providing the timing and details of its implementation, future management and maintenance. The approved equipment shall be provided in accordance with the approved schedule.

**REASON:** To ensure that play areas are provided as an necessary part of the public open space to accord with eth standards contained within policy RES5 of the West Lindsey Local plan First Review 2006.

**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 :** 14<sup>th</sup> June 2012

**Signed:** .....

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

**Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee



# LOCATION



## **Planning Application No: 128609**

**PROPOSAL:** Planning application for the erection of 1no. dwelling, together with new access

**LOCATION:** Land adjoining Laburnum Cottage 15 Grimsby Road Caistor Market Rasen LN7 6QY

**WARD:** Caistor

**WARD MEMBER(S):** Councillors Caine and Mrs Lawrence

**APPLICANT NAME:** Mr A Allison

**TARGET DECISION DATE:** 20/06/2012

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Kirsty Catlow

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

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### **Introduction:**

This application is presented to the Planning Committee as two previous applications for a dwelling on this site were considered and refused by Members.

### **Site Description:**

The application site comprises of a square parcel of land located on the northern side of Grimsby Road in the settlement of Caistor. The site comprises of part of the side garden area of 15 Grimsby Road (Laburnum Cottage) and is hard surfaced. An access road to 15A Grimsby Road runs through the site. Grimsby Road slopes downwards towards the west and as a result the application site is at a higher level than properties to the north and west. The surrounding area is residential in nature with a mix of housing styles and construction materials. The site is located just outside the Caistor Conservation Area.

### **Proposal**

The application seeks planning permission for the erection of a detached three bedroom house with a new access to the western side providing off street car parking and turning. The dwelling will be constructed of brick with lime mortar mix, natural clay pantiles, cast iron gutters and timber sliding sash windows with stone cills and brick heads. The dwelling will be set back 4.4m from the site frontage which will be defined by a 900mm wall and 650mm wrought iron black railings.

### **Relevant history:**

**125775** – Detached house (two-and-a-half storeys with rooms in roof and dormers to rear – ridge height 8.27m). Refused 28<sup>th</sup> September 2010 for the following reasons;

1. *The proposed dwelling, by reason of its size, design and siting would result in an overdevelopment of the site which would appear overly dominant within the street scene and harm the character of the surrounding Area of Great Landscape Value as well as views into and out of the Caistor Conservation Area. As a result the proposal would be contrary to policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and guidance contained within PPS1 and PPS5.*
2. *The proposal would not afford future occupiers of the proposed dwelling adequate outdoor amenity space, which would be detrimental to their residential amenity and contrary to policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.*

**126843** – Detached house (two storey, ridge height 7.5m). Refused on 5<sup>th</sup> May 2011 for the same reason as given at no.1 above.

An appeal was subsequently lodged with the Planning Inspectorate who dismissed the appeal. A copy of the appeal decision is attached as an appendix to this report.

When assessing the proposal and its impact on the character and appearance of the surrounding area and the Caistor Conservation Area, The Inspector made the following comments;

*‘Development of this site, which is separated from the Laburnum Cottage and the greater part of its side garden by a right of access to No.15A to the rear, has the potential to make a positive contribution to the street scene. I consider the size, scale and design of the proposed house acceptable. Development further forward than the neighbouring Nos. 13a and b could satisfactorily introduce a greater degree of enclosure to this part of Grimsby Road. However, the siting now proposed would be so close to the back of the footway (1 – 1.5m) that the new house would appear cramped against the front boundary retaining wall and would have an over dominant presence on the surrounding area, an effect which would be exacerbated by its elevation above the adjacent footway. Whilst I note the references in the officer’s report, and the appellant’s statement, to the proposal forming a gateway to the town, I consider the effect would be harmful to the character and appearance of the surrounding streetscape. In this respect the proposal would conflict with Policies STRAT 1 (i) and RES 1 (i) of the West Lindsey Local Plan First Review June 2006 (the Local Plan).*

*The proposed house would be unduly prominent in views into and out of the Conservation Area. At present, views from the within the*

*Conservation Area looking along Grimsby Road include Laburnum Cottage which draws the eye from, and softens the impact of, Nos. 13a and b and the development at Greenacres. Development of the site would screen Greenacres from such views but the forward siting of the proposed new dwelling would also effectively remove Laburnum Cottage from sight. The loss of Laburnum Cottage and the over prominence of the proposed dwelling, despite its traditional style, would alter the composition of views out of the Conservation Area to their detriment. On balance, I conclude that the proposed siting of the new dwelling would render it harmful to views both into and out of the Conservation Area and as such contrary to Local Plan policy STRAT 1 (vii).*

This latest application retains the traditional two storey dwelling (ridge height 7.7m) but it is now set back 4.4m from the site frontage (as opposed to 1 – 1.5m) and is positioned towards the eastern side of the plot (as opposed to the western side). A new access is provided to the western side of the dwelling with 2 off street car parking spaces and a turning area, the access and parking were previously proposed to the eastern side and to the rear of the property. The site frontage comprises of a 900mm brick wall with railings above, compared with the previous application which retained the existing 1.3 – 1.6m high brick wall.

### **Representations:**

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

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

**Local residents:** Three letters of representation have been received from 4 North Street, 13B and 15A Grimsby Road, Caistor, objecting to the application on the following grounds;

- Previous applications for a dwelling on the same plot have been refused
- Out of keeping with street scene
- Overlooking of neighbouring properties
- Detrimental impact on the living conditions of 16 Grimsby Road
- Limited outdoor amenity space
- Highway safety
- Obstruction of private access

**LCC Highways:** No objections on highway safety grounds subject to conditions relating to the provision and retention of the access, off street parking and turning areas.

**Conservation Officer:** The proposed dwelling is a modest development which responds to the scale, massing and traditional design which features throughout Caistor, therefore it is considered to make a positive contribution

to local distinctiveness and the street scene. Its position on the building line allows for a continued appreciation of Laburnum Cottage whilst also framing the approach and setting of the Conservation Area and reinforcing the sense of enclosure which defines much of Grimsby Road.

**WLDC Environmental Protection:** There is contaminated land with 50m and 250m of the application site.

**LCC Archaeology:** Caistor is a well known Roman settlement with considerable evidence for re-settlement during the Saxon period. This development lies within the medieval settlement area of Caistor and has the potential to impact on remains from this period. As a result the level of archaeological input is deemed to be that which can be dealt with by condition. It is recommended that the developer be required to commission a scheme of archaeological works involving the monitoring of all ground works with the ability to stop and fully record archaeological features.

### **Relevant planning policies**

#### **The Development Plan**

- **East Midlands Regional Plan 2009**

Policy 13a – Housing supply

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006 (saved policies 2009)**

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>

STRAT 5 – Windfall and infill housing in Market Rasen and Caistor

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

STRAT 9 – Phasing of housing development and release of land

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

RES 1 – Housing layout and design

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

CORE 10 – Open space and landscaping within developments

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

NBE 14 – Waste water disposal

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

## National and other policy documents

The National Planning Policy Framework

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

Circular 03/99 Planning requirement in respect of the use of non mains sewerage

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>

## Main issues

- Principle of Development
- Impact on Character and Appearance of Area (including the setting of the adjacent Conservation Area)
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Archaeology
- Other Issues

## Assessment:

**Principle of Development** - The suite of strategic (STRAT) policies within the West Lindsey Local Plan First Review usually supports the principle of limited residential development within the defined settlement limits of Caistor. However, both policies STRAT 5 and STRAT 9 include the caveat that this presumption in favour is subject to there being no over supply of housing against development plan targets.

In this instance it is the Regional Plan rather than the older West Lindsey Local Plan Review that provides such targets. The most recent snapshot provided within the Central Lincolnshire Strategic Housing Land Availability Assessment Update 2012 states that there is currently a 6.6 year supply in West Lindsey when measured against the 480 dwelling provision for the district (outside of the Lincoln Principal Urban Area) cited in the Regional Plan. This is significantly in excess of the 5 year + 5% deliverable supply required by the National Planning Policy Framework and therefore, whilst not being a reason per se to withhold the granting of permission, there needs to be another material consideration which is afforded weight to outweigh this policy position. Such a consideration also needs to be afforded sufficient weight to outweigh the fact that garden land has been removed from the definition of previously developed land (thereby removing garden land from the preferred categories for development in policy STRAT 5 and STRAT 9).

With this in mind, it is relevant that Paragraph 137 of the National Planning Policy Framework states that '*Local Planning Authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those*



*elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'*

In this regard, the Council's Conservation Officer has stated that the proposed dwelling is a modest development which responds to the scale, massing and traditional design which features throughout Caistor. Therefore, it is considered to make a positive contribution to local distinctiveness and the street scene. Furthermore the Inspector, when considering the previous appeal, stated that the size, scale and design of the proposed house were acceptable and the development of this site has the potential to make a positive contribution to the street scene.

It is therefore considered that the potential contribution this proposal could have on enhancing the setting of the Caistor Conservation Area carries sufficient weight to outweigh the current oversupply of housing in the District and this site's low priority for the release of land for housing.

**Impact on Character and Appearance of Area (including the setting of the adjacent Conservation Area)** - The existing hard surfaced site currently forms a gap within the existing street scene and contributes little to the character and appearance of the area. The proposal would close up this gap and reintroduce an active street frontage incorporating front boundary treatment which would enhance the street scene and the setting of the adjacent Conservation Area. The siting of the dwelling would allow continued views of Laburnum Cottage but would also screen the less attractive Greenacres site from the Conservation Area. The scale of the dwelling reflects the scale of 13a and b to the immediate west of the site.

The dwelling would be constructed of; natural clay pan tiles; brick in a lime mortar; cast iron gutters; and timber sliding sash windows with stone cills and brick heads, all of which are considered to respect the materials palette of the surrounding area and enhance the setting of the nearby Conservation Area. A condition will be attached to any approval requiring a sample panel of the bricks and lime mortar mix to be made available on site for approval prior to construction of the dwelling commencing.

The front boundary treatment will comprise of the existing boundary wall lowered to 900mm with 650mm wrought iron black railings above with planting to the rear. A condition will be attached to any approval requiring the boundary treatment to be completed in accordance with the block plan before the dwelling is brought into use and retained as such thereafter.

**Impact on Residential Amenity** - In terms of any impacts upon surrounding dwellings, the front elevation of the proposed dwelling will be sited 16 metres from the front elevation of the cottage opposite 16 Grimsby Road. Whilst this is lower than the traditional 21 metre separation distances, in the context of a busy street and the overlooking currently experienced by 16 Grimsby Road by passing pedestrians, it is considered that the separation distance is acceptable. Members may also wish to note that far shorter distances are common in Caistor.

Overlooking has also been raised as an issue by the residents of 15a Grimsby Road to the north and 4 North Street to the north west. 15a Grimsby Road is located 43 metres from the rear elevation of the proposed dwelling with its front garden area 9.5 metres away. Whilst there may be some increases in overlooking to the front garden area of this property from the modest first floor bedroom windows in the proposed dwelling, given that this is not a private amenity area it would not result in significant harm. 4 North Street is located approximately 25 metres to the north west of the rear elevation of the proposed dwelling, with its garden area between 10 and 17 metres away. Given the drop in levels and the presence of a substantial and mature hedge there will be no increase in the levels of overlooking which this property currently experiences as a result of 13a and b Grimsby Road.

In terms of the amenities of future occupiers of the dwelling the proposed garden area is considered sufficient to serve a 3 bedroom house however, it is considered that permitted development rights need to be removed to ensure that adequate amenity space is retained. Specifically, extensions and outbuildings need to be controlled so that the area of garden is not significantly reduced, whilst additions to the roof to create additional living space needs to be controlled to ensure that the dwelling size is not too large for the outdoor space proposed. Removing permitted development right will also ensure that any alterations can be assessed in terms of their impact on the character and appearance of the surrounding area including the setting of the Conservation Area.

**Impact on Highway Safety** - The proposed development includes the provision of a new access off Grimsby Road together with two off street car parking spaces and a turning area to allow vehicles to enter and exit the dwelling in a forward gear. Following consultation with LCC Highways they raise no objections to the proposal on highway safety terms, subject to a condition requiring the access, parking and turning areas to be provided before the dwelling is brought into use.

With regards to the issue of construction traffic impacting upon a private access, this is a civil matter and not a material planning consideration.

**Flood Risk and Drainage** - The application forms states that foul drainage will be disposed of to the mains sewer. This is the preferred option outlined by Circular 3/99 and can be ensured through the imposition of a condition. Similarly surface water drainage is proposed by soakaways. This method is preferable to using the mains sewer for disposal of surface water as it deals with drainage sustainably on site and soakaways are likely to be appropriate on this chalk based hillside. The site is in flood zone 1 as defined by the Environment Agency. Therefore the proposal passes the Sequential Approach advocated by the NPPF.

**Archaeology** - This development lies within the medieval settlement area of Caistor and has the potential to impact on archaeological remains from this period. The level of archaeological input is deemed to be that which can be

dealt with by condition and a number are suggested relating to an archaeological watching brief and the deposit of the results with the County Archaeologist.

**Other Issues** - With regards to **land contamination** a note will be attached to any approval advising the developer about the risks and responsibilities for site restoration.

**Conclusion and Reason for Recommendation:**

The contribution this proposal would have on enhancing the setting of the Caistor Conservation Area carries sufficient weight to outweigh the current oversupply of housing in the District and the sites low priority for the release of land for housing. The design, siting and traditional construction materials of the proposed dwelling would enhance the character and appearance of the street scene. The proposed dwelling would not result in significant levels of overlooking to result in the harm to the residential amenities of neighbouring dwellings. Subject to conditions the proposal would not harm highway safety or archaeological remains, nor would it increase the risks of flooding downstream. The proposal therefore accords with Policy 13a – Housing supply of the East Midlands Regional Plan 2009, Policies STRAT 1 – Development requiring planning permission, STRAT 3 – Settlement hierarchy, STRAT 5 – Windfall and infill housing in Market Rasen and Caistor, STRAT 9 – Phasing of housing development and release of land, RES 1 – Housing layout and design, CORE 10 – Open space and landscaping within developments and NBE 14 – Waste water disposal of the West Lindsey Local Plan First Review June 2006 and the guidance contained within the National Planning Policy Framework.

**Recommendation:**

Grant planning permission subject to the following conditions;

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

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

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

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.

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

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the guidance contained within the National Planning Policy Framework.

3. 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 2 of this approval 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 guidance contained within the National Planning Policy Framework.

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

4. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2 of this approval.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the guidance contained within the National Planning Policy Framework.

5. Following the archaeological site work referred to in condition 4 of this approval a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the guidance contained within the National Planning Policy Framework.

6. The report referred to in condition 5 of this approval and any artefactual evidence recovered from the site shall be deposited within 6 months of the

archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the guidance contained within the National Planning Policy Framework.

7. No construction of the dwelling shall commence until a sample panel of brickwork and lime mortar bond to be used for the external surfaces of the dwelling shall be made available on site for inspection by the Local Planning Authority for approval in writing.

Reason: To ensure that the external appearance of the development preserves or enhances the character and appearance of the nearby Conservation area and preserves the visual amenity of the street scene in general given the sites prominent location and to accord with West Lindsey Local Plan First Review 2006 policies STRAT 1 and RES 1.

8. The dwelling shall only be constructed in accordance with the materials as specified on drawing no. RDS 10732 04 and as approved in writing by the local planning authority under condition 2 of this approval.

Reason: To ensure that the external appearance of the development preserves or enhances the character and appearance of the nearby Conservation area and preserves the visual amenity of the street scene in general given the sites prominent location and to accord with West Lindsey Local Plan First Review 2006 policies STRAT 1 and RES 1.

9. The dwelling shall not be occupied until the boundary treatment to the site has been completed in accordance with the details specified on drawing no. RDS 10732 01A. The boundary treatment shall be retained as such thereafter.

Reason: To ensure that the external appearance of the development preserves or enhances the character and appearance of the nearby Conservation area and preserves the visual amenity of the street scene in general given the sites prominent location and to accord with West Lindsey Local Plan First Review 2006 policies STRAT 1 and RES 1.

10. The dwelling shall not be occupied until the access, parking and turning space for the new dwelling as well as the car parking area for Laburnum Cottage has been completed in accordance with the details specified on drawing no. RDS 10732 01A. The access, turning space and parking areas shall be retained as such thereafter and kept free from obstruction.

Reason: To provide adequate off street car parking and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with West Lindsey Local Plan First Review 2006 policy STRAT 1.

11. The dwelling shall not be occupied until the foul and surface water drainage from the site has been connected to the mains sewer and to a soakaway, respectively. The drainage connections shall be maintained as such thereafter.

Reason: To ensure that foul and surface waters are dealt with in a sustainable manner and to prevent pollution of the water environment in accordance with the guidance contained within Circular 3/99.

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

12. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 (or any order revoking and re-enacting that Order), no development comprising of extensions to the dwelling including additions to the roof shall be carried out without an express grant of planning permission.

Reason: To ensure that any extensions or outbuildings added to the dwelling preserve or enhance the character and appearance of the nearby Conservation area and preserve the visual amenity of the street scene, and to ensure that the area of amenity space is commensurate in size with the dwelling in accordance with West Lindsey Local Plan First Review 2006 policies STRAT 1 and RES 1.

**Notes**

1. The written scheme required by condition 2 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel. 01522 550382).
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. The development is advised that the site is located within 50m and 250m of known contaminated land. Should contamination be found on the application site during construction then the responsibility for remediation rests with the developer.

**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 :** Kirsty Catlow

**Date :** 12 June 2012

**Signed:** .....

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



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# Appeal Decision

Site visit made on 15 November 2011

**by Ron Boyd BSc (Hons) MICE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 December 2011**

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**Appeal Ref: APP/N2535/A/11/2154808**

**Laburnum Cottage, 15 Grimsby Road, Caistor, Market Rasen, Lincolnshire LN7 6QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Clare South against the decision of West Lindsey District Council.
  - The application Ref 126843, dated 10 December 2010, was refused by notice dated 5 May 2011.
  - The development proposed is erection of a detached house and provision of parking and turning space – re-submission of 125775 following refusal.
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## Application for costs

1. An application for costs was made by Mrs Clare South against West Lindsey District Council. This application is the subject of a separate Decision.

## Decision

2. The application is dismissed.

## Main Issue

3. I consider this to be the effect the proposed development would have on the character and appearance of the surrounding area and the adjoining Caistor Conservation Area.

## Reasons

4. The appeal site comprises an area of side garden to Laburnum Cottage fronting the north side of Grimsby Road. The proposal is an amended version of an earlier proposal for a detached 2½-storey 4-bedroom house on the site. This was refused on the grounds that the size of the proposed dwelling would be overly dominant in the street scene and would provide inadequate outdoor amenity space.
5. The present proposal is intended to overcome these reasons by reducing the height and footprint of the proposed dwelling, which is now proposed as a 2-storey 3-bedroom house, and re-locating it closer to the front boundary of the site. Whilst this would result in a satisfactory area of outdoor amenity space by virtue of a deeper back garden the Council again considered the proposed dwelling to be too dominant in the street scene and refused the application for that reason.



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*Character and appearance*

6. Development of the site, which is separated from Laburnum Cottage and the greater part of its side garden by a right of access to No.15A to the rear, has the potential to make a positive contribution to the street scene. I consider the size, scale and design of the proposed house acceptable. Development further forward than the neighbouring Nos. 13a and b could satisfactorily introduce a greater degree of enclosure to this part of Grimsby Road. However, the siting now proposed would be so close to the back of the footpath that the new house would appear cramped against the front boundary retaining wall and would have an over dominant presence on the surrounding area, an effect which would be exacerbated by its elevation above the adjacent footway. Whilst I note the references in the officer's report, and the appellant's statement, to the proposal forming a gateway to the town, I consider the effect would be harmful to the character and appearance of the surrounding streetscape. In this respect the proposal would conflict with Policies STRAT 1(i) and RES 1(i) of the West Lindsey local Plan First Review June 2006 (the Local Plan).
7. The proposed house would be unduly prominent in views into and out of the Conservation Area. At present, views from within the Conservation Area looking along Grimsby Road include Laburnum Cottage which draws the eye from, and softens the impact of, Nos. 13a and b and the development at Greenacres. Development of the site would screen Greenacres from such views but the forward siting of the proposed new dwelling would also effectively remove Laburnum Cottage from sight. The loss of Laburnum Cottage and the over prominence of the proposed dwelling, despite its traditional style, would alter the composition of views out of the Conservation Area to their detriment. On balance, I conclude that the proposed siting of the new dwelling would render it harmful to views both into and out of the Conservation Area and as such contrary to Local Plan Policy STRAT 1(vii).

*Other issues*

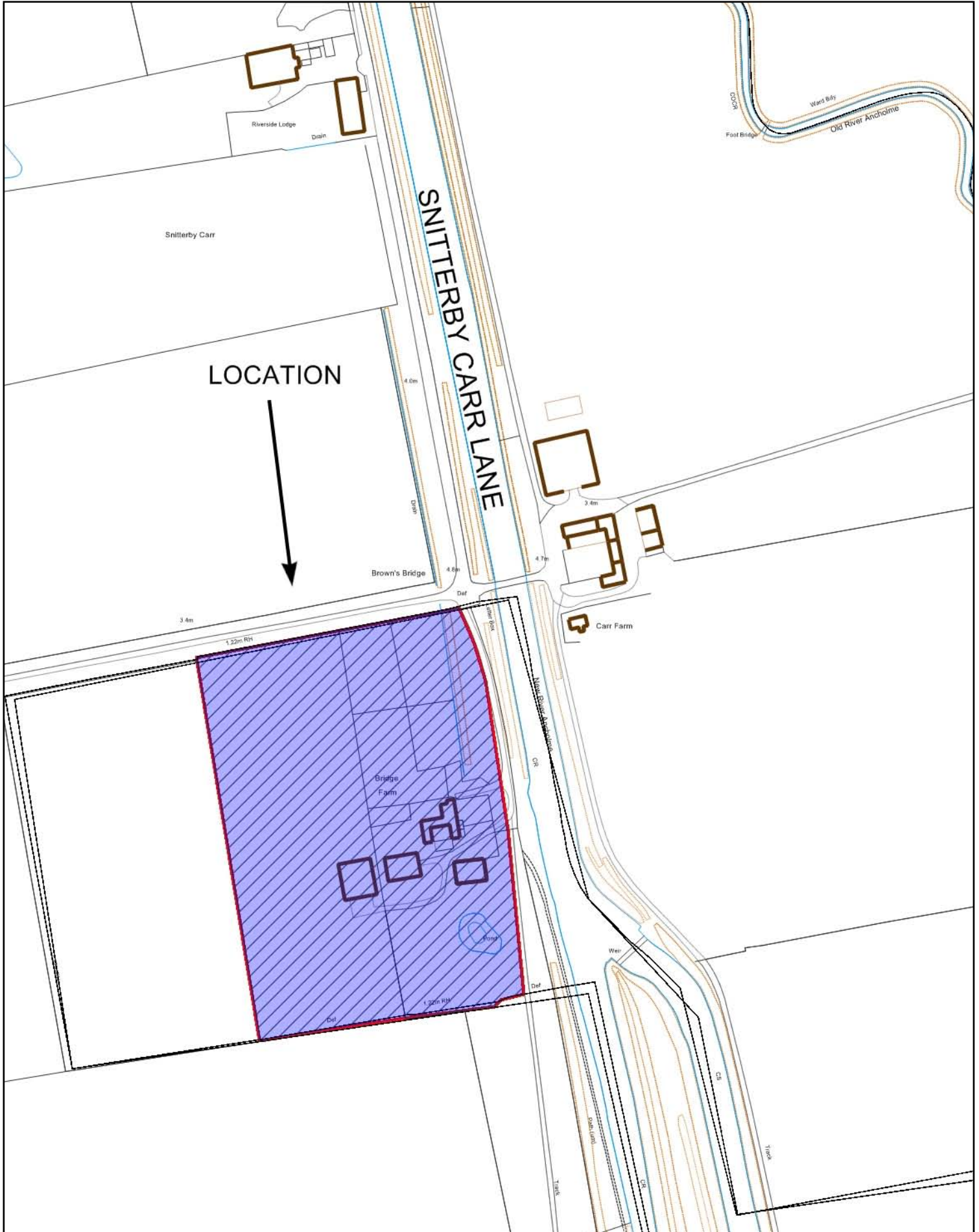
8. The proposed house would be directly opposite No. 16 with a minimum of 12.4m between them. Whilst such, and shorter, separation distances are common within the historic centre of Caistor, this would be a material change in the situation of No. 16 in respect of overlooking. It would represent an unacceptable degree of deterioration in the living conditions at present enjoyed by the occupants of that dwelling and as such would be contrary to Local Plan Policy RES 1(v).

**Conclusion**

9. I have taken into account all the other matters raised in the evidence, including that outline planning permission for a dwelling on the site was granted in 2006. However, neither this, nor any of the matters raised, is sufficient to outweigh my conclusions on the above issues which have led to my decision on this appeal. For the reasons given above I conclude that the appeal should fail.

*R.T.Boyd*

Inspector



## **Planning Application No: 128553**

**PROPOSAL:** Planning application for conversion of one dwelling into two

**LOCATION:** Bridge Farm Snitterby Carr Lane Snitterby Gainsborough, Lincolnshire DN21 4UU

**WARD:** Waddingham and Spital

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

**APPLICANT NAME:** Miss P Phillips

**TARGET DECISION DATE:** 06/06/2012

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Refuse permission

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### **Introduction:**

This item is being reported to committee at the request of Councillor Summers

Councillor Summers states:-

*'The applicant does not want to leave the house. She has been living in it for a very long time and there is the connection with the agricultural land around it. The house is now too big for her and the subdivision would allow her to stay in the same location whilst also retaining a residential use throughout. As such there would be no increase in residential floorspace. These exceptional circumstances justify the support of the application and on these grounds I wish the application to be referred to committee.'*

### **Description:**

The application site comprises a detached cottage which has had various extensions and alterations. The site is located within the open countryside adjacent to the River Ancholme. It is within flood zone 3. To the south of the site lie various farm buildings, to the east is the River and the rest of the site is surrounded by open countryside.

Public Footpath (Bishop Norton) No.68 runs along the east boundary of the site.

The application seeks permission to convert the existing dwelling into two to provide a 3 bed, 2 storey dwelling and a 1 bed single storey dwelling.

### **Relevant history:**

128164 – Planning application for conversion of one dwelling into two, Refused.

### **Representations:**

**Chairman/Ward member(s):** Cllr Summers requested the application be referred to committee stating:-

*'The applicant does not want to leave the house. She has been living in it for a very long time and there is the connection with the agricultural land around it. The house is now too big for her and the subdivision would allow her to stay in the same location whilst also retaining a residential use throughout. As such there would be no increase in residential floorspace. These exceptional circumstances justify the support of the application and on these grounds I wish the application to be referred to committee.'*

**Parish/Town Council/Meeting:** None received

**Local residents:** One letter of objection received from Slate House, Snitterby Carr. Main areas of concern relate to: Flood risk; proposed fencing not in-keeping; Increase in traffic; 60 year old Willow trees on site; Use of barns; Will the sensory garden no longer be accessible to the public?; If plans passed both properties should have agricultural ties on them; Conservation – the site has owls, bats, tree and house sparrows; Concern also raised regarding the amount of building work already carried out at the site.

**LCC Highways:** Requests application is refused

**Environment Agency:** Awaiting comments following submission of FRA

**Archaeology:** No objections

**LCC Footpaths:** No objections

**Ancholme IDB:** No objections

### **Relevant Planning Policies:**

#### **Development Plan**

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

STRAT 1 – Development requiring planning permission

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

STRAT12 – Development in the open countryside

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

RES1 – Housing layout and design

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

- **National guidance**

National Planning Policy Framework sections:  
 6 – Delivering a wide choice of high quality homes  
 10 – Meeting the challenges of climate change, flooding and coastal change  
 Technical Guidance to NPPF  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

### **Main issues**

- **Principle**
- **Flood risk**
- **Access/Highways**
- **Impact on surrounding countryside**
- **Other matters**

### **Assessment:**

**Principle** - The application site is located in Snitterby Carr. It forms part of a farm complex. Snitterby Carr is not listed as a settlement under STRAT3 of the West Lindsey Local Plan First Review 2006. This policy reflects national guidance on sustainable patterns of development. Under this policy dwellings outside the listed settlements are classed as being in the countryside based on a sustainability assessment which looked at the existence of certain service facilities.

The applicant has not provided any evidence to demonstrate that the dwelling is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. Accordingly it is contrary to local plan policy STRAT12 which seeks to prevent development outside the settlements listed in policy STRAT3 unless essential need is proven.

In terms of housing strategy there is an over supply of housing in the District. The Joint Planning Units Housing Market Area Supply Assessment 2012 confirms that there is a supply in the District of 6.6 years overall against regional policy 13a and local policies STRAT1, STRAT5 and STRAT9.

**Flood risk** - A Flood Risk Assessment has been submitted with the application.

Section 10 of the National Planning Policy Framework (NPPF) and the Technical Guidance to the NPPF requires a sequential approach to be taken at all stages of planning and it aims to steer new development away from areas at highest risk of flooding. The site is located within Flood Zone 3 which has a high probability of flooding.

The NPPF states only where there are no reasonably available sites in Flood Zone 1 should sites in Flood Zones 2 and 3 be considered. The sequential approach is not required in cases where a change of use is proposed.

However, this application is to convert the existing dwelling into two dwellings and not for a change of use. The applicant has not demonstrated that reasonable, alternative sites, at a lower risk of flooding, are not available. There are sufficient, alternative sites available within the district in areas of lower probability of flooding for this type of development. The additional dwelling would introduce more people into an area of high flood risk.

**Access/Highways** - Access to the site is to be via the existing driveway. LCC Highways officer has objected to the proposal as the site is located within a rural area which is not served by public transport or adequate pedestrian facilities, and as such the development would lead to increased vehicle movements to and from the nearest facilities.

**Impact on surrounding countryside** - The proposal is to convert the existing dwelling to create 2 separate dwellinghouses. There will be minimal alterations to the external appearance of the property and therefore there will be no adverse impact on the surrounding countryside in terms of visual amenity.

**Other matters** - Public footpath (Bishop Norton) No. 68 runs along the east boundary of the site along the banks of the River Ancholme. It is approximately 27 metres away. As the proposal is for the conversion of the existing dwelling with minimal external alterations it will not have an adverse affect on the setting of the public footpath.

**Recommendation: Refuse permission for the following reasons:**

1. The application site is located within Snitterby Carr, a small hamlet which is classed as being in the open countryside under policy STRAT3. The applicant has not provided any evidence to demonstrate that the dwelling is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. Accordingly it is contrary to policy STRAT12 of the West Lindsey Local Plan First Review 2006 which seeks to prevent development outside the settlements listed in policy STRAT3 unless essential need is proven.
2. There is an over-supply in the District of 6.6 years overall against regional policy 13a and local policies STRAT1, STRAT5 and STRAT9. As the site is not previously developed land and given the oversupply in the district the site is not a priority for residential development and the release of this site may undermine the achievement of the Local Planning Authority's policy objectives.
3. The site falls within Flood Zone 3 as identified on the Environment Agency Map. The NPPF states only where there are no reasonably available sites in Flood Zone 1 should sites in Flood Zones 2 and 3 be considered. No evidence has been put forward to demonstrate that there are no suitable sites available for this development within the

District on land at lower risk from flooding. The additional dwelling would introduce more people into an area of high flood risk. It is therefore contrary to the advice contained within the Technical Guidance to NPPF.