



PL.17 14/15
<b>Planning Committee</b>
<b>29 April 2015</b>

**Subject: Planning applications for determination**

Report by:	Chief Operating Officer
Contact Officer:	Derek Lawrence Interim Development Manager 01427 676640
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices.

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

**IMPLICATIONS**

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

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

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

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

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

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**



## **Officers Report**

### **Planning Application No: 131357**

**PROPOSAL:** Planning application for construction of 7no. dwellings

**LOCATION:** Land off Bentley Lane, Grasby, Barnetby, North  
Lincolnshire, DN38 6AW

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

**APPLICANT NAME:** Lindum Group Ltd

**TARGET DECISION DATE:** 01/09/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

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

1. The mechanisms for ensuring the affordable homes are affordable and are prioritised for a local need

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**Description:** The application site comprises a parcel of land on the edge of the village of Grasby. The site is off Bentley Lane but is currently accessed along the east boundary of the site. Public footpath Gras/47/1 runs from Bentley Lane along the east boundary of the application site.

The site slopes up from the road and there is a dry pond towards the front of the site. The boundaries comprise of mature hedging and trees.

The application seeks permission to erect 7 dwellings comprising of 3no. 2 storey terraced houses (1no. 3 bed 5 person, 2no. 2 bed 4 person) and 4no. 1 bed 2 person flats, for the provision of affordable housing. The dwellings are to be set back from the roadside boundary in order to maintain the pond and roadside treeline. The site will be accessed directly from Bentley Lane.

The application was deferred at your meeting on the 1<sup>st</sup> April 2015 to allow a site visit to take place on 16<sup>th</sup> April 2015. Further discussions have been held with the applicant and they have confirmed that due to the viability of the scheme they wish the application to be determined in its current format with just the three additional car parking spaces as previously offered.

**Relevant history:** None

#### **Representations:**

**Chairman/Ward member(s):** Cllr Strange requests the application be determined by the Planning Committee, the reasons given are; Affordable Housing – That affordable housing was ring fenced directly for the use of the parishioners of Grasby and the inhabitants of Searby and Owmbly only. Much more detail regarding the chosen social housing provider and future

management of the units is required. Reference is made to agreements in place for recent affordable housing developments in the Kelsey and Great Limber. Visual Impact – The current design and layout of the development is poor and in no way in keeping with the vernacular of the village of Grasby. It was noted that the Design and Access Statement refers to the units as 'townhouses', clearly this is not appropriate for the site or village. A high quality design using traditional local materials is required. Infrastructure Services – That all sewage and associated services, such as surface water run off are reviewed, surveyed and proven to withstand additional housing development. Highways Issues – That a proper traffic survey is carried out to identify the affects that this development will have on the single carriageway, which does not have footpaths for children and elderly, clearly this also has health and safety implications. Ecology – That a wildlife survey is undertaken by an independent body, as there is some conflicting reporting. Sustainability – Consideration is given in regard to the relative lack of amenities within the village, limited public transport, or local services.

Further reasons added: 'Grasby is a community without a shop, with only one bus per week. Locally people are being advised in Searby, and one application in South Kelsey has been refused as being unsustainable.

Surely those choosing affordable housing would prefer regular public transport, and there are plenty of lodge homes now available at Wolds retreat just 2 kilometres away.

The development is situated on a narrow single carriageway, cul-de-sac.-very dangerous for emergency vehicles.

There are drainage problems and no footpath as highlighted in the Highways input.

Drainage and flooding is already, an ongoing problem for the existing residents, on Bentley lane.

The development is very basic, when compared with much of the lovely village of Grasby, with parking provided for only one vehicle per house, when if both residents are working, 14 spaces would be needed.

Heritage-the field is a traditional meadow and the loss would be a direct threat to wild life, and visual aspect, also whilst not a planning matter opening up the field would be a foot in the door, for development.

At least in nearby North Kelsey, the affordable housing is limited for local people whilst this development would be available for non- rural people, who we know from experience, do not find living in a community without facilities easy, and this can lead to unease, with their neighbours especially existing ones.'

Further to objections that you have received 50 in all and I gather none in favour, from Grasby residents and their parish council.

As a result of the meeting held in the village hall last Wednesday 25<sup>th</sup>, I wish to add the necessity in requesting Anglian water for their view on the development proposed, as a result of last weeks, Lincolnshire county councils, Flood and drainage scrutiny committee where Anglian water were asked why they were not statutory consultees, they stated if asked they could comment!

I am therefore asking you to investigate not only their thoughts about drainage where there is only one small drain in the length of road affected but more

important the volume of sewerage that Messrs Boyles of Osgodby are having to tank out of the Grasby sewage farm, on a regular basis and now coping with a further 80 properties, pumped from Searby and Owmbly, since the piping scheme only completed last year.

Also I gather in Osgodby village, eight proposed houses, have been refused on the following grounds at appeal by The Planning inspector- who stated- "that the proposed development would have relatively poor access to services and facilities and would foster a reliance on the private car, making it unsustainable."

The development, "would also encroach onto previously undeveloped open land, to the rear of properties on Washdyke lane., thus enlarging the existing developed extent of the village into the country-side. The combination of this uncharacteristic back-land development, into the open country side, would not safeguard the existing character and appearance of the area.-the judgement said".

And-"Such harm would out- weigh the benefit of extra housing supply".

Jonathan, Mark, and Derek, I humbly submit that Grasby would regard this as backland development, with its proximity to Front street! However the Inspectors words regarding encroachment of open countryside and the reliance on cars travel are paramount in his judgment which applies equally to Grasby.

With this additional information and a senior Inspectors views and judgment I am asking on behalf of local residents that you will now if not dismiss, then at the very least, support Grasby residents, in recommending refusal of this application.

**Parish/Town Council/Meeting:** 'The application submitted is lacking in detail and in order for the Parish Council to consider this planning application further it would require: Affordable Housing – That affordable housing was ring fenced directly for the use of the parishioners of Grasby and the inhabitants of Searby and Owmbly only. Much more detail regarding the chosen social housing provider and future management of the units is required. Reference is made to agreements in place for recent affordable housing developments in the Kelsey and Great Limber. Visual Impact – The current design and layout of the development is poor and in no way in keeping with the vernacular of the village of Grasby. It was noted that the Design and Access Statement refers to the units as 'townhouses', clearly this is not appropriate for the site or village. A high quality design using traditional local materials is required. Infrastructure Services – That all sewage and associated services, such as surface water run off are reviewed, surveyed and proven to withstand additional housing development. Highways Issues – That a proper traffic survey is carried out to identify the affects that this development will have on the single carriageway, which does not have footpaths for children and elderly, clearly this also has health and safety implications. Ecology – That a wildlife survey is undertaken by an independent body, as there is some conflicting reporting. Sustainability – Consideration is given in regard to the relative lack of amenities within the village, limited public transport, or local services.

**Local residents:** Objections received from No's 3, 8, 16, 17, 18, 35 Station Road; 4, 11 Church Hill; 4, 7, 9, 11a, 15, 17, 19, Rose Cottage 21, 23, Wold House and Malvern Clixby Lane; 9, Hawthorn House 9a, 12, 13, 14, The Cottage 15, 17 and White Cottage Front Street; 1, Tennyson Villa, Vicarage Lane; 4 Wilmore Lane; 3, 4, 5, 8, 14, 16, 18, Bentley House, Grasby House Farm, Bull Pen Cottages, Lowery Workstands, Woodstock Cottage Bentley Lane; The Old Chapel Main Street; Laurel Grange Holland Drive; 1 Wold View Church Side and Little London House North Kelsey.

Objections and concerns mainly relate to (in summary):

- Village cannot sustain further development
- Development will be detrimental to village school
- The land should be kept for agricultural/equine use
- The new homes will spoil the AONB
- There are an abundance of properties already for sale in the village
- Traffic and highways concerns (increased traffic, narrow lanes, not enough parking spaces, increased danger to pedestrians, conflict with agricultural/delivery/refuse vehicles, no footpath)
- The housing survey is invalid
- There is a public footpath adjacent to the site
- Sewerage and drainage problems
- Inadequate parking facilities for the proposal
- The site has the potential to be extended in the future
- Visual impact on small village
- Safety risk for pedestrians
- Lack of village amenities/unsustainable location
- Damage to ecological site
- No public transport in the village
- New development will increase the risk of flooding
- The site is a greenfield site
- Construction traffic will cause obstruction
- Design of dwellings not in keeping with village
- Adjacent farm needs free access at all times
- Street lighting in Grasby is poor
- Other, more suitable sites available within Grasby
- Devaluation of property
- Injuries to children if enter nearby farm
- Grasby school oversubscribed
- Villagers of the understanding that there would be some form of village amenity built into the development eg playground for village children
- Dangers associated with open water (the pond)

**LCC Highways:** 'A frontage footway link should be provided to link to the existing footway on Bentley Lane; A 1.8m service margin is required alongside the estate road; The existing street lighting on Bentley Lane should be assessed and upgraded if necessary; Confirmation that the surface water drainage system, is taking both the private and highway drainage, is required. If this is the case Anglian Water will be the adopting drainage authority. Acceptance of the system should be obtained from them, prior to full planning

consent being granted; I am concerned about the limited number of parking spaces that have been provided. No provision has been made for visitor parking and due to the rural location it is likely that some of the residents will own more than one vehicle. I have concerns that any on street parking may obstruct the turning of large vehicles (such as refuse vehicles) visiting the site. This would result in them having to reverse out onto the public highway, which will be of detriment to highway safety.'

In response to additional comments received by the agent:

'The proposed development will increase the use of the lane, by both vehicles and pedestrians; It may be that the street lighting wont need updating, but this should be checked; There is an existing footway further up the lane, I don't think it is unreasonable to request that a footway link is provided; It is not acceptable for the drainage for the adoptable highway to be drained into a private drainage system.'

**LCC Footpaths:** No objections

**Archaeology:** 'The site contains earthworks of ridge and furrow which are the remains of a now extinct medieval farming practice. Ridge and furrow was once a commonplace feature in our landscape but development and new intensive farming practices has meant that surviving earthworks are increasingly becoming rare. We would prefer that this land is not developed and the medieval landscape remain intact. However if consent should be forthcoming then this site should be subject to an archaeological topographic survey and because there is a potential for medieval archaeology to be preserved beneath the earthworks a scheme of archaeological and monitoring should also be undertaken.'

**Housing and Communities Team:** 'A Parish Housing Needs Survey was carried out independently by Community Lincs in the Autumn of 2011 which identified a need for 7 units of affordable housing in Grasby. The findings were published in the Grasby Affordable Housing Needs Survey Report January 2012. This proposal will deliver a mix of affordable housing in terms of house type and tenure as recommended by the Rural Housing Enabler in the report which will meet the identified need. A call for land was also carried out by Community Lincs in February and March 2011 with the aim of identifying sites suitable for the delivery of affordable housing. At the time of the call for land there was only one site in question, however over a period of time 3 other locations were brought forward and assessed by officers from the Development Management Team and the Housing and Communities Team to ascertain whether there were any major constraints in relation to planning and sustainability. The application site was assessed in February 2013 as being suitable for the delivery of affordable housing as there were no high risk constraints although the narrowness of Bentley Lane and the possible impact of traffic on existing properties was noted for the benefit of the site promoter. Throughout 2013 meetings were held between the applicant and West Lindsey officers to move forward with the design of the scheme. A public consultation event was held in November 2013 where the developer presented the proposals to the residents of Grasby. Housing and Communities are satisfied that the proposal will meet the evidenced need



from the Parish Housing Needs Survey and will provide affordable housing in a location where there are currently limited housing options for those households in need of affordable housing and therefore are supportive of the proposal.

**Natural England:** 'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.'

**Environmental Protection:**

'Indication is that this development may be at risk of surface water flooding and cause flooding from surface water and this potential needs to be negated or addressed.

- Both accommodation units sit across a significant slope and may be impacted
- The access road for a large part sits across the slope and will likely redirect surface water flow towards Bentley Lane
- Said road will likely interfere with ground water mitigation
- Indicative surface water flood maps suggest that the developed part of Bentley Lane up to and including opposite the application site is already at risk of flooding in a 1:30 event.

Whilst there is no indication that surface water drainage arrangements are intended to be adopted, disruption of, indeed likely natural flow patterns, would suggest problems with adoption if not addressed at an early stage. There is nothing to suggest that natural drainage of the site and/or capacity of the pond is currently adequate let alone capable of dealing with the changes intended.'

**Anglian Water:** Sewerage system has capacity for the flows, foul drainage does not have capacity but AW will accept the foul flows from a development with the benefit of planning permission and take the necessary steps to ensure that there is sufficient treatment capacity. Text should be added to a permission to make applicant aware that assets owned by Anglian Water may affect the layout.

**Relevant Planning Policies:**

**The Development Plan**

**West Lindsey Local Plan First Review 2006**

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

policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

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

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

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

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

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

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

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

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

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

RES7 Rural Exceptions housing  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res7>

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

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

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

The **Preliminary Draft Central Lincolnshire Local Plan** was released in October 2014. It has just been subject to public consultation. At this early stage in its development, it can only be afforded very limited weight, in accordance with NPPF paragraph 216.

**Main issues:**

- Principle
- Visual amenity
- Residential amenity

- Biodiversity/ecology
- Drainage
- Highway Safety

## **Assessment**

### **Principle**

The West Lindsey Local Plan First Review was drafted in 2003 and adopted in 2006. It remains part of the development plan and contains a suite of strategic (STRAT) and residential (RES) policies that, together with national planning policy, is designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's growth objectives. These strategic policies together with policy RES6 of the Local Plan Review were originally designed to deliver the majority of open market and affordable homes through allocated sites identified in the same Plan. Other sites would be permitted within settlement limits in the towns and larger, so called Primary Rural Settlements, but there were and still are policies designed to permit housing outside of settlement limits. These include where there is a local need for specific housing, where a countryside use such as farming has identified a functional need and in other exceptional circumstances where material considerations could justify development in locations deemed to be unsustainable. Policy RES7 was included to acknowledge that there would be a need to deliver "exceptions sites" for affordable housing in small and subsidiary rural settlements (as defined by policy STRAT3) to respond to an identified need for such housing in these settlements. Towns and Primary Rural Settlements were explicitly excluded from the provisions of policy RES7 as the allocations included within policy STRAT2 were designed to deliver not only the open market housing to meet the Council's housing strategy but also affordable housing to meet local need. This is because policy RES6 required the Council to seek delivery of around 25% of the total number of dwellings within each allocated site to be affordable homes.

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

In summary, despite the site being beyond the settlement limit and on greenfield land, it is considered that the principle of the proposal can be supported as the proposal responds to an identified need for affordable housing and will provide a mix of units which will deliver that need in accordance with Policy RES 7.

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

Ensuring that development is sustainable is the key theme of the NPPF and also a material consideration within policies STRAT1, SUS4 RES7 and RES1 of the Local Plan Review.

The site is to the east of Grasby but nevertheless contained within the main settlement. Grasby itself has a church and school which would be in walking distance of the site. There is one bus service a week to Market Rasen and Scunthorpe and one bus to tesco in Brigg on a Monday Wednesday and Friday.

There are therefore limited services within the village but the aim of Policy RES7 was to enable affordable housing which meets a local need to be provided in such locations as an exception to market housing.

Concerns have been expressed by some residents about the ability of the infrastructure serving the village to take new development. Specific concerns relate to overstretched education facilities and drainage.

There has been no request for a contribution to housing from the Education Authority. The recent change to planning policy within the National Planning Practise Guidance makes it clear that the Government does not expect developments beneath 10 dwellings to have to contribute to local facilities. Drainage infrastructure is discussed below.

It is considered therefore that the provision of affordable housing is acceptable only to meet a local need. A S106 agreement will need to be entered into to secure this and this will prioritise occupancy by local people. The Housing Needs Survey Report was carried out by Community Lincs, an independent body and was based on Grasby and Searby cum Owmbly. Thirteen households responding to the survey considered themselves to be in housing need. Analysis revealed that 7 of the 13 households are unable to resolve their housing need through the open market. The majority are living with family or friends and unable to access the local housing market without expending more than 25% of their income on housing costs either rent or mortgage payments. The survey revealed a need for a mix of property types at affordable rents. The majority need is for properties suitable for single people. The development will therefore meet this need for local people.

### **Flood risk and drainage**

The site is located within Flood Zone 1 as indicated on the Environment Agency Flood Maps categorising it at low risk of flooding. The applicants are suggesting that the surface water drainage will be via a swale into the existing dry pond on site. The highways authority have requested confirmation of Anglian Water commitment to adopt the scheme given that the system is taking both private and highway drainage. The applicants are happy to accept a condition requiring further details of the drainage both in terms of the design and the maintenance of the system

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

Anglian Water has been consulted on the proposal. Initially they responded that they would not provide comment as the scheme was below 10 dwellings, but were asked to provide comments given the concerns raised by local people.

It is anticipated that drainage associated with only an additional 7 dwellings could be accommodated within the existing system and this is one of the reasons Anglian Water do not comment on proposals below 10 dwellings. In an email to one of the local residents Anglian Water did comment that “Having looked at the jobs raised in the last 6 months, we have had only 2 reports of a sewage overflow, both were in fields near a brook”

It is considered therefore that a condition would adequately control the way that the site is drained and the future maintenance of the drainage system.

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

The site is located on the fringes of the village and the closest dwellings are to the west and south and are a mix of houses and bungalows in various designs facing Bentley Lane. Grasby itself has a range of architectural styles and types.

As the site is currently undeveloped any buildings will by their nature have a visual impact. Taking this into account the scheme as designed ensures that the dwellings are set back within the site. The existing hedgerows and trees are retained to soften the edge of the development. This can be supplemented by additional planting including strengthening and reinforcing the existing hedgerows and making good any gaps which can be secured by the use of a landscape condition.

The dwellings themselves are accommodated in two blocks of building of a simple design not dissimilar from those on the opposite side of Bentley Lane to the application site. It is considered therefore that the development, subject to the imposition of the conditions above in relation to landscaping, is appropriate to its setting and can be supported.

### **Highway Safety**

There are no objections raised on the grounds of highway safety and the main concerns appears to be the lack of car parking spaces and the footpath links and service margin.

The applicant has agreed to provide a further 3 parking spaces within the scheme and provide a 1.8 metre service margin alongside the estate road.

The scheme will now provide 10 parking spaces to serve the seven dwellings which is considered to be an acceptable level of provision for this development. In terms of the street lighting and footpath, a balanced

approach is required here. The site provides affordable housing only and there is little opportunity for funds over and above the provision of the housing to be available to provide other facilities as this will have an impact on the viability of the scheme. In addition the location is in a rural area it would appear harmful to increase the urbanisation of the area.

On balance it is considered that the provision of 7 dwellings without the footpath and lighting would be acceptable to meet the local need for affordable housing.

The road here is narrow, however the access road would be taken at the point where Bentley Lane is at its widest. Given the low level of additional housing it is considered that the additional traffic would not be seriously harmful to highway safety.

### **Residential Amenities**

The proposed houses are located over 30 metres from the nearest existing residential property and therefore it is not considered that they will cause harm to the amenity of the surrounding residents.

### **Biodiversity/Ecology**

The applicants have submitted an ecological survey of the site undertaken by a competent person. The report found that all habitats and plant communities recorded on the site are common and widespread. The hedgerows on the south and east boundaries have local biodiversity value. The current condition of the pond offers poor aquatic habitat for great crested newts and other amphibians. No further surveys were considered necessary for protected species.

The report found that no work should be undertaken in the bird nesting season without further survey. The mature trees and hedgerows should be retained. Improvements should be made to the pond to deepen it and create open areas to increase its value to wildlife. All of this work can be secured by a condition attached to any permission.

### **Conclusion**

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, RES 7 Rural exceptions housing CORE 10 Open Space and Landscaping, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006

as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption of favour of sustainable development and the National Planning Practice Guidance

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

Specifically, notwithstanding the fact that the site is classed as being in the open countryside and therefore policy STRAT12 applies and that the site constitutes greenfield land (the lowest category for land release defined by policy STRAT9), the site is still considered to be an appropriate location for a development which enables affordable housing to be delivered to respond to a specific outstanding need.

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

**2. The mechanisms for ensuring the affordable homes are affordable and are prioritised for a local need**

**Time commencement condition**

**1.** The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

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

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

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

**3:** No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been

submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that surface water run off generated up to and including the 100 year plus climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: Details of how the scheme will be maintained and managed after completion and who will adopt the surface water system and detailed calculations of the surface network design based on the allowable discharge rate of 5 l/s.

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

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

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

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

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

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

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

7. Notwithstanding the details on the approved plans no development shall commence until details of a revised parking layout incorporating 3 additional



spaces has been submitted to and agreed in writing by the Local Planning Authority. The approved layout shall be implemented on site prior to the completion of the development and maintained at all times.

**Reason:** In the interests of highway safety as required by the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan.

**8.** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

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

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

**9.** With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: **31468 263 01D, 02, 03B dated March 2014**. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

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

**11.** No works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August in any year until, a detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

**Reason:** In the interest of nature conservation in accordance the National Planning Policy Framework and with saved Policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006.

**12.** The recommendations contained in the Ecological Survey carried out by ESL (Ecological Services) Ltd dated September 2013 shall be carried out prior to the completion of works on site

**Reason:** In order to positively create ecological environments as required by the National Planning Policy Framework

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

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

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

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

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

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

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

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

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in a speedy and diligent way and that initial plant loss is overcome, in the interests of helping to integrate the approved development within its setting in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

**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.



1:3000



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## **Officers Report**

### **Planning Application No: 131940**

**PROPOSAL:** Outline planning application for erection of up to 151 no. dwellings, landscaping and open space, including the demolition of the Jays. Access to be considered and not reserved for subsequent applications.

**LOCATION:** Land At Hackthorn Road, Welton, LN2 3PA

**WARD:** Welton

**WARD MEMBER(S):** Cllr M J W Parrish & Cllr Mrs D M Rodgers

**APPLICANT NAME:** Welton and Jays Ltd

**TARGET DECISION DATE:** 02/01/2015

**DEVELOPMENT TYPE:** Large Major - Dwellings

#### **RECOMMENDED DECISION:**

That the decision to grant planning permission, subject to conditions and a Unilateral Undertaking for a capital contribution towards highway junction improvements (£210,000), be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- i. A minimum of 15% Affordable Housing;
- ii. Financial Contribution (£64,175) in lieu of on-site health care provision;
- iii. Financial Contribution (£567,899) in lieu of on-site education provision;
- iv. Financial contribution towards works within Highway (£6,000);
- v. Financial contribution towards Bus stop improvements (£7,000);
- vi. Medical Centre – land provided for this.

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

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#### **Description:**

The application seeks planning permission to erect up to 151 dwellings with associated landscaping and open space. An area of public open space (0.3ha) is earmarked as a “potential area for future D1 medical centre”. Development would result in the demolition of the Jays on Hackthorn Road, a residential property. There would therefore be a net gain of 150 dwellings.

The application had originally proposed a 427 square metre Medical Centre (use class D1) as part of the proposals. The applicant has however removed this from the scheme, on funding grounds and following discussions with NHS England and the Welton Family Health Centre.

The application seeks outline permission with access to be considered as part of the proposals. Two access points are proposed off Hackthorn Road, one to the north and one to the south of High Barn (a residential property). Matters of scale, appearance, landscaping and layout are all reserved for subsequent approval (“reserved matters”).

The application site measures 6.16ha and is located on the north eastern edge of Welton, on the eastern side of Hackthorn Road. The site comprises three agricultural fields separated by boundary hedges / planting. It also includes the Jays, a residential property enveloped by the southernmost field. High Barn, a residential property in the central field, is excluded from the application site.

It is positioned approximately 65 metres to the north of the settlement boundary (set to the rear of residential properties along Northfield Road) in the Local Plan. The intervening field has outline planning permission to erect 63 dwellings (application 130150).

Residential properties front Hackthorn Road to the west, directly opposite the central and southern fields. These properties, opposite the site, are contained within the settlement boundary. Opposite the northernmost field is the Manor Park Sports Centre and associated playing fields.

Open fields adjoin the site to the north and east.

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

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

### **Relevant history:**

There is no particularly relevant planning history within the site itself, which relates both to householder development at the Jays and agricultural works.

The adjoining field to the south is subject to the following planning permission: 130150 - Outline planning application for erection of 63 dwellings-all matters reserved. (Additional information received regarding drainage and archaeology). Approved 22/10/2014.

### **Representations:**

#### ***Cllr Mrs D M Rodgers (Ward Member):***

Has some serious misgivings about the assumptions on which this proposal is based, and is sceptical about the offer of an on-site health facility.

The indicative site layout shows it abutting a tract of land to the south, which appears to be 'developed'. This was the subject of Planning Application 130150, for which outline planning permission was granted, in respect of 63 dwellings. The land is now being offered for sale by J H Walter, so it would seem that the original applicant no longer wishes to build 63 dwellings, and it cannot be assumed that a purchaser would take advantage of the outline planning permission in the short term, or at any time in the future.

This means that Planning Application 131940 must be taken in isolation, and it must be noted that it is bounded by Hackthorn Road (with public open space) to the West, and open fields to the North, South and East. Surely, the dispensations relating to land supply cannot be extended to 'leapfrogging' into open countryside in this way.

In a previous application for 350 dwellings the LCC Education stated that this would create a requirement for 79 places beyond the capacity of William Farr School, and the School authorities have already stated that they cannot create more capacity. They will simply reduce the catchment area. This will have the effect of excluding children in the surrounding villages, who will have to travel greater distances for their secondary education.

The alternative will be for parents to move into Welton and Dunholme, with the consequent closure of village schools, in a systematic destruction of rural communities. Using the LCC formula: if 350 dwellings would create a requirement for 79 places, 151 dwellings would create a need for a further 26 places, bringing the total to 105 places over and above William Farr's capacity.

I knew nothing of the event that was held in Welton Village Hall, on 13 November 2013, and I am told that the Parish Council was not invited. Please note the methodology regarding publicity for the event. "Flyers were distributed to houses within 300m of the centre of the application site". As already stated, the site is in open countryside, so the flyers would only reach a few houses. Small wonder that only 20 residents visited the event. Please also note that only 6 of these visitors left comments, and only one spoke in favour of the development.

Reference is made to the provision of a health centre on the site which was "generally well received". It is almost a given that the 20 residents consulted would welcome a health centre on their own doorstep. But they are hardly representative of the whole of Welton; and what of the practical considerations? In response to a recent application for 350 dwellings the Manager of Welton Health Centre expressed 'grave concerns about the future quality, safety or availability of healthcare facilities for the residents of the area'.

Has made a direct approach to NHS England Estates, and suspicions have been confirmed. The location and construction of NHS health care facilities is not a matter for local government or private enterprise. The major expenditure and long term costs for a health centre would be in the form of

specialist equipment and qualified staff, and the allocation of resources would be considered under a strategic plan and on the merits of an identifiable need. I was informed that Central Lincolnshire is well served, when compared with East Lindsey, and it therefore follows that affluent villages on the Lincoln fringe do not enjoy a high profile or high priority when it comes to public investment in more health facilities and more health care staff.

Has taken advice on the so called ring-fencing of S106 monies for a community that is directly affected by a new development. 'Ring fencing' is not an appropriate term, because it simply means that local health care providers would be allocated the funds if, and only if, they could present a suitable business case. But who would validate the business case? There needs to be more public visibility on this S106 issue.

In connection with a recent application, LCC Highways clearly stated that the (Centurion Garage) A46 road junction was already over capacity, so the applicant was required to allocate moneys towards improving the junction. This application would add even more weight to the traffic problem, so when will LCC Highways commission the work? There needs to be a clear and unequivocal statement because our Council Leader recently wrote to the press saying that WLDC would allocate S106 monies to the Lincoln-bypass.

Staying with S106 monies. Has witnessed in Welton the fact that affordable housing is given a low priority, when development is underway; and is concerned by the caveat that their eventual construction is 'subject to viability'. In other words, if the developer can claim that his profitability margins will fall, affordable housing need not be built.

Saddened by the fact that a legislative void was created when the production of a Central Lincolnshire Local Plan was delayed. Especially when the Planning Statement that accompanies this application states that an officer in our authority alerted this applicant to "keen developer interest in Welton, and it was recommended to (sic) submit a planning application sooner rather than later".

Suggests that this application has been prepared in haste and the issues have not been adequately addressed. It should therefore be refused on a range of grounds that will be fully articulate at the appropriate planning meeting.

***Welton by Lincoln Parish Council:***

Although consultation with the Parish Council took place with the developer on this project, the number of dwellings discussed was 69; this application is for 151, more than a 50% increase!

With the potential development of 660 new homes currently proposed for Welton and up to 400 in Dunholme, there are major concerns regarding the impact this additional development will have on the infrastructure in Welton, in particular its Health Centre and Comprehensive School.



Currently Welton Family Health Centre has a list of 9500 patients with 5 partner doctors and one locum covering an area of approx 135 square miles, this means that 50% of patients come from the surrounding villages. In a future NHS plan the surgery area is to be extended to cover a wider area. Not only will new developments in the surrounding villages place greater pressure on health facilities, but also any new developments within the surgery boundary will have a substantial effect. Unfortunately there are no plans for the further development of this facility in its current location. Although the drawing includes for the provision of a new medical centre, this is only an outline planning application and may not come to fruition once permission has been granted and full planning is applied for. Have the Practice Manager and Doctors been consulted on this?

Problems of traffic flow and parking are a continual and ever increasing dilemma in the centre of Welton and further development will only add to this. Hackthorn Road will see a great increase in traffic, particularly at the junction with Ryland Road. Hackthorn Road is used by school children daily travelling to both schools in the village and youngsters using the facilities at Manor Park. There is no provision for making crossing this road any safer.

With the potential of up to 1,000 new homes proposed for Welton and Dunholme over the coming years there are major concerns regarding the junctions at the A46 and A15, with no planned improvements by LCC.

Drainage systems and sewers in the village are at full capacity with constant problems being encountered; in particular when there is heavy rainfall, flooding on Hackthorn Road is a common occurrence.

The site is not within easy walking distance to shops and other amenities particularly for those who are elderly or disabled, the distance would be considerable and there is no bus route on Hackthorn Road.

William Farr CofE Comprehensive School is at capacity and constantly oversubscribed. Any increase in student numbers must inevitably have a detrimental effect on their future intake from surrounding communities in the catchment area, resulting in a possible increase of travel requirements to schools further afield.

Appreciate that monies are allocated through Section 106 agreements to Health, Education and Transport, but they are not directed at the services in the village, merely into a larger pot of each authority to be allocated at their will and not necessarily to where the funding is seriously needed.

If development is permitted to go ahead in the area without suitable arrangements being put in place, at no cost or commitment to the village, have grave concerns about the future sustainability of the village and ask these views are taken into account when determining this application.

Whilst this is an outline application and permission, if granted, would be with reserved matters, the Parish Council requests that this application is refused until the Planning Committee and Officers have been given time to examine and evaluate the content of Welton's Neighbourhood Plan (target date end of 2014) and the consultation on the emerging Local Plan are completed.

**LCC Highways:** Access points should be designed in accordance with existing 40mph speed limit – 2.4m x 120m splay. A 2m footway onto Hackthorn Road is required along the whole of the site frontage. Make comments on Travel Plan. A S106 is required towards the A46 / Lincoln Road junction improvement scheme. Contributions are also required for a speed limit reduction and relocation of the reactive sign on Hackthorn Road, and towards an evening and Sunday bus service and the replacement of two bus stop timetable poles on Ryland Road.

**LCC Public Rights of Way:** Has no comments or observations.

**Environment Agency:** Withdraw initial objections subject to planning conditions to secure surface water drainage scheme and no infiltration of surface water drainage other than where agreed in writing. Recommend a number of smaller attenuation ponds rather than one large one.

**Environmental Health:** recommendations within the Phase 1 Contamination report to undertake intrusive tests for contaminants should be carried out and any subsequent remedial recommendations undertaken thereafter.

**Archaeology:** No archaeological input is required into this scheme.

**Natural England:** Advise that the proposal is unlikely to affect any statutorily protected sites or landscapes. Advise following standing advice on protected species. The authority should consider securing measures to enhance the biodiversity of the site. The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

**Lincolnshire Wildlife Trust:** Satisfied that there should not be any significant negative impacts on protected species. We support the suggestions for mitigation and enhancement including lighting plan to reduce disturbance to bats and native tree and shrub planting. Recommend species rich grassland habitats are incorporated. Strongly support inclusion of SUDS.

**LCC Education:** The secondary school in Welton is predicted, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is sought to enable capacity for 28 additional secondary school places and 5 school-based sixth form places, equating to £567,899.

**NHS England:** Seek a financial contribution of £64,175 to provide capital as an option to fund towards a new health care facility, subject to a full business case and approval by NHS England. Cannot agree to provision of onsite

medical centre. In order to agree in principle, would require a written outline of their proposal so that this can be taken to a decision group, their planning application does not provide enough detail.

**Welton Family Health Centre:** The applicant has met with and discussed proposals but stress that they have not entered any agreement. Presently work from leased premises which they are contractually obliged to. NHS England is currently unable to make any commitment in respect of any additional future funding and without this they are unable to consider any agreement. Feel it is very important that section 106 monies are secured rather than the provision of new premises that they are unable to utilise. Have very serious concerns about the future quality safety and availability of healthcare facilities for the residents of the area.

**Local residents:**

Objections received from **9 Ayam Close, 3 The Eshings, 10, 13, 17, 19, 35, 45, 47, 51, 53, 59 Hackthorn Road, 20 Keepers Close, 30, 40, 44, 50 Northfield Road, 54 Ryland Road.** Comments in summary:

- Developer-led not needs-led development;
- No local need for the development;
- Amount of housing proposed is excessive despite need for affordable housing;
- Development is not connected to Welton – no guarantee intervening field will be developed;
- Significant impact to the village from amount of traffic generated;
- Hackthorn Road and footpaths is dangerous;
- Consideration to a new roundabout on Hackthorn Road should be given;
- Traffic to A15/A46 will pass through village and schools;
- Construction vehicles should be restricted during school opening and closing times;
- Medical centre location is unsustainable and encourages car use;
- Medical Centre should remain in centre of village;
- Health Practice does not have capacity;
- Local schools do not have capacity;
- Developer has had undue assistance from WLDC Officers;
- Site contributes positively to the rural character of the village;
- Does not contribute towards protecting and enhancing the natural rural environment;
- Will significantly change outlook of Hackthorn Road;
- Adverse impact on protected trees;
- Ground stability and drainage issues;
- Site is prone to flooding;
- “Jays” should not be allowed to be demolished;
- Development fails to meet priorities in Welton Neighbourhood Plan;
- Lack of public consultation;
- How much more can Welton sustain before it becomes unsustainable and an unattractive place to live?

Letters of support from the **Jays, Hackthorn Road**:

- Existing parking congestion and safety concerns outside Welton Health Clinic and Co-op. [By relocating the medical centre] this planning application goes a long way to address those concerns.

## Relevant Planning Policies:

### The Development Plan

#### West Lindsey Local Plan First Review 2006

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

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

STRAT19 Infrastructure requirements

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

SUS4 – Cycle and pedestrian routes in development proposals

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE10 Protection of Landscape Character in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE 14 Waste Water Disposal

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

NBE20 Development on the Edge of Settlements

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

## Emerging Planning Policy

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

The **Preliminary Draft Central Lincolnshire Local Plan<sup>1</sup>** (CLLP) was released in October 2014 and has been subject to public consultation. The final adopted CLLP will replace the West Lindsey Local Plan. It is anticipated to be submitted for examination in 2016 with adoption towards the end of that year. However, at this early stage in its development, it can only be afforded very limited weight, in accordance with NPPF paragraph 216.

The **Welton by Lincoln Neighbourhood Plan 2015-2035 Pre-examination / Consultation Draft<sup>2</sup>** (November 2014) has been recently subject to a pre-submission consultation period of 1<sup>st</sup> December 2014 to 12<sup>th</sup> January 2015. As the outcome of the consultation is yet to be assessed, and the Plan has yet to be independently examined, it is considered only limited weight can be attached to its policies at this stage, in accordance with NPPF paragraph 216.

Policy H4 states that:

*All development on land East of Hackthorn Road, including that for which outline consent is in place, should be refused or at least deferred until the joint Central Lincolnshire Local Plan is in place and can properly, in conjunction with the WNP, determine its long term sustainability, taking into account Policy H7 in particular and other relevant policies of the WNP.*

## National Policy

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

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

<sup>2</sup> <http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/welton-neighbourhood-plan/119901.article>

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

## **Assessment:**

### **Principle of Residential Development**

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

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

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

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

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

### **National Planning Policy Framework – Presumption in Favour of Sustainable Development**

A significant material planning consideration to consider against the Local Plan provisions, is the National Planning Policy Framework (NPPF). Paragraph 49 states that:

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

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

The Local Plan no longer has sufficient housing land allocations to meet need - its strategic approach is out of date in this regard and national policy requires its housing supply policies be considered as out of date.

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

This approach is verified in the June 2014 appeal decision for land west of Ryland Road, Dunholme (appeal APP/N2535/A/13/2207053<sup>3</sup>). The Planning Inspector found that the "*spatial application of [Local Plan Policy] should be seen as out of date*" and "*The unmet need for additional housing becomes a consideration of substantial weight*". He found that the second bullet point of NPPF paragraph 14 on decision making must apply - planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

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

For decision-taking this means:

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

The proposed development does not comply with the statutory Development Plan. But as its spatial approach and housing supply policies are deemed to be out of date, the second strand of the NPPF presumption should be applied. Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Sustainable location**

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is important to note from paragraph 37 of the Ryland Road appeal decision that "the NPPF enjoins the planning system to seek joint and simultaneous gains across the three

<sup>3</sup><http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.6709569&NAME=/DECISION.pdf>

mutually dependent dimensions of sustainable development: social, economic and environmental” and “the overall balance must look across all three strands” but that “weakness in one dimension did not automatically render a proposal unsustainable.”

Welton and Dunholme are allocated as Primary Rural Settlements in the Local Plan (policy STRAT3) and were identified as sustainable locations for new residential development in the Ryland Road appeal decision.

This is also reflected in the Preliminary Draft Central Lincolnshire Local Plan which places Welton in the ‘Lincoln Area’ at the top of its settlement hierarchy (policy LP2) although the Plan acknowledges this is presently in draft and could therefore change.

Welton is well served by bus routes and the services are considered to provide a sustainable method of connecting to the services and facilities in Lincoln and Market Rasen with some connecting directly to Lincoln Hospital. The nearest bus stops to the site are located in Ryland Road, approximately 375 metres away.

Suggested acceptable walking distances suggested by the Institution of Highways and Transportation<sup>4</sup> are set out below:

	Town Centres (metres)	Commuting / School (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

The Co-operative foodstore is approximately 725m from the site. St Marys Primary School is 750m away, and the William Farr Secondary school is 1225m away. These are therefore within what can be considered to be acceptable walking distances.

The location of development is considered to be accessible and sustainable in this regard.

### **Capacity of local infrastructure**

Local Plan policy STRAT1 requires development to be satisfactory with regard to the availability and capacity of infrastructure and social/community facilities to adequately serve the development. Policy STRAT19 states that development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.

<sup>4</sup> Guidelines for Providing for Journeys on Foot (IHT, 2000)



The Ward Member, Parish Council and local residents are concerned that local schools and health services do not have the capacity to accommodate the development proposed.

The NPPF (paragraph 72) advises that “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.” LCC Education confirm there is insufficient secondary school capacity to presently accommodate the development. They seek a capital contribution (£567,899) to create capacity for an additional 28 secondary places and 5 school-based sixth form places. The applicant has agreed to meet this contribution through a legal S106 planning obligation.

Healthcare is currently provided by the Welton Family Health Centre (WFHC) on Cliff Road. The existing leased premises are known to be limited and the proposed development would be anticipated to increase the patient population by 347 persons. The Practice would be contractually obliged to accept patients who choose to register at the practice within their prescribed practice area.

To address this, the application had originally proposed the on-site provision of a new 427 square metre (use class D1) medical centre, with associated car parking. However, without an agreed business case, NHS England could not agree to this proposition. Both they and the WFHC instead recommended a capital contribution (£64,175) made to NHS England to provide additional accommodation when the need arises. Residents had also questioned the provision of a new medical centre towards the edge of the village, rather than in its more accessible centre.

Due to the lukewarm reception to the proposal and difficulties in securing the required funding, the applicant has withdrawn the D1 use from the application and instead agrees to make the capital contribution being sought by NHS England. They nonetheless do still earmark an area of public open space for future D1 use if taken up by NHS England.

Capital contributions towards increasing healthcare and education provision would accord with Local Plan policy STRAT19 and meet the statutory tests for a planning obligation, being (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 obligation will require the contributions to be invested within the immediate locality, in order to meet criterion (b).

### **Landscape and Visual Impact**

Local Plan policy NBE20 states that development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond. Policy NBE10 gives *“High priority... to conserving the distinctive*

*landscape features, landscape character and the landscape amenity value of the District.”*

The site (along with Welton) is in the Lincoln Fringe Local Landscape Character Area (LCA) as defined in the West Lindsey Landscape Character Assessment 1999 (WLLCA). The WLLCA defines its key characteristics which include “flat agricultural landscape with a number of expanded settlements” and “approaches to settlements generally dominated by the built form”. It is not considered to be a highly sensitive landscape.

The WLLCA finds that buildings can be accommodated [on the edge of settlements] provided they are accompanied by sensitively designed tree and woodland planting.

The application site is positioned on the east side of Hackthorn Road. Directly opposite, on the west side are existing residential properties. Those travelling south on Hackthorn Road will therefore perceive that the village settlement has already been reached.

Development of agricultural fields on the settlement edge can be perceived to equate to harm. Nevertheless, subject to appropriate landscaping (a reserved matter), it is not expected that development will result in substantial harm to landscape character or visual amenity.

The application site does not adjoin the existing settlement boundary to the south. A 65m wide agricultural field intervenes. The field is currently advertised for sale and has outline planning permission (all matters reserved) for the erection of 63 dwellings. Permission was granted on 22 October 2014 and a condition requires commencement within two years (or within one year of approval of reserved matters for phase 1, which must be submitted in the first year).

The Ward Member and residents have raised concerns with the neighbouring site not being developed, and the proposed development therefore “leapfrogging” the village boundary. The Draft Neighbourhood Plan also recognises this, stating:

*“Given that the adjoining site is currently for sale, there is a significant danger that if it were to remain unsold, the development of [the application site] would take place on open greenfield land separated from the existing residential boundary of the village, placing it in contravention of the NPPF guidance.”*

Draft policy H4 consequentially states that *“All development on land East of Hackthorn Road, including that for which outline consent is in place, should be refused or at least deferred until the joint Central Lincolnshire Local Plan is in place...”*

The Neighbourhood Plan is at an early stage and whilst a material consideration, has not been robustly or publicly tested (the outcome of recent consultation is not yet known). Furthermore, such a policy would appear to

conflict with the NPPF's golden thread presumption in favour of sustainable development and requirement to deliver a wide choice of homes. The draft Neighbourhood Plan should only be afforded very limited weight in the decision making balance and this application should accordingly not be determined against policy H4.

Planning Practice Guidance ([Paragraph: 014 Reference ID: 21b-014-20140306](#)) states that *“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”*

Both the Central Lincolnshire Local Plan and Welton Neighbourhood Plan are at very early stages and it is considered that refusal on grounds of prematurity could not be justified.

Nonetheless, without the development of the field to the south, the proposed scheme will be separated from the existing village, with fields on three boundaries. The application site would no longer appear as a village extension, but would appear disaggregated from the village and a more discordant intrusion into open countryside as a result.

As the adjoining field is not within the control of the applicant, it is considered that a “Grampian”, or negatively worded, condition can be employed that would prohibit development of the application site unless development has already commenced on the neighbouring site. As the neighbouring site has planning permission, there is a reasonable prospect that this trigger will occur. Such a condition is therefore considered to be reasonable, as well as necessary, relevant and enforceable.

### **Cumulative Landscape and Visual Impact**

Over the course of the last 18 months, the Council has given planning permission (or is minded to grant, subject to completion of a S106 legal agreement) to a number of residential developments within the Welton / Dunholme area.

- Land east of Hackthorn Road, 64 dwellings. Ref 130150.
- Land at The Eshings, 50 dwellings. Ref 130995.
- Land off Prebend Lane, 350 dwellings. Ref 131681
- Land north of Honeyholes Lane, 49 dwellings. Ref 131807
- Land at Lincoln Road / Honeyholes Road, 275 dwellings. Ref 131882.

Residents have expressed concern that the level of development proposed will rapidly expand and dramatically alter the character of the villages.

For the Lincoln Fringe Landscape Character Area (LCA), the WLLCA states that:

Settlements within the area include Welton, Dunholme and Nettleham. While most have retained their distinctive historic core, with village greens, limestone buildings and churches, they have expanded to include some extensive residential areas, many of which are dominated by brick bungalows. All the villages are within easy commuting distance to Lincoln and this has been the catalyst for expansion. The new developments generally have a more open structure, with wide roads and properties set back from the road with front gardens. This has resulted in a lack of enclosure and loss of special identity.

The approaches to the settlements are generally dominated by buildings, which often form a hard edge against the arable fields. There is little integration with the surrounding landscape patterns. The flat agricultural landscape is characterised by long, relatively open views. There are generally few trees, although the oil well at Sudbrooke Park and the housing area nearby are generally well hidden by blocks of mixed woodland and boundary tree planting.

Welton very much fits this characteristic – it retains its identifiable historic core, whilst surrounded by 20th Century (and later) expansive residential development. The WLLCA identifies the historic village cores, not village peripheries, as one of the most sensitive landscape features. The WLLCA considers principles for accommodating new development and states:

*“There is scope for a more varied range of buildings (in term of height, scale and style) on the fringes of villages. Buildings can be accommodated provided they are accompanied by sensitively designed tree and woodland planting.”*

The proposed development will be visually perceptible to people traversing south on Hackthorn Road, towards Welton. It would amass with development of land east of Hackthorn Road (reference 130150) and read as one expansion from the village boundary. For the reasons previously set out, this should be encouraged.

The Eshings (130995) is located to the south-east of the application site. It would sit behind the proposed development, and therefore would not be cumulatively perceived by persons approaching Welton along Hackthorn Road. Mature planting would limit views from Mill Lane to the north.

The Prebend Lane development (131681) is located to the west of the application site, set to the rear of existing residential properties and the Manor Park playing fields. The application site would not be readily perceived in accumulation with this development.

Applications 131807 and 131822 seek development in Dunholme, and the proposed development would not be seen within the same context.

It is accepted that the developments taken together would lead to the perception of an expanding village. However, the WLLCA identifies villages within the Lincoln Fringe LCA as typically residential on the edges and seeks the opportunity to create more appropriate and softer transitions with the open countryside. Subject to reserved matters, the development enables such an opportunity.

It is concluded that the development, even when viewed cumulatively with other permitted residential developments, would not lead to substantial harm to the landscape character of the Lincoln Fringe or an unacceptably adverse visual impact.

### **Affordable Housing**

Local Plan policy RES6 states that “Where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”. There is a district wide requirement for affordable housing and policy RES6 applies.

The applicant offers 15% affordable housing (23 units in total). It is set below the RES6 target, on viability grounds. Officers are continuing to negotiate with the applicant for scope to increase this offer whilst drawing up the S106 legal obligation and this should therefore be treated as a minimum offer.

### **Highway Impacts and Safety**

Access is a detailed matter for consideration with this outline planning application. Two access points are proposed to connect to Hackthorn Road, either side of High Barn.

Local plan policy STRAT1 states development proposals must be satisfactory in regard to the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems. The NPPF (paragraph 32) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A comprehensive Transport Assessment has been submitted with the application. It indicates achieving visibility splays of 2.4m x 43m and extending the existing 30mph zone in Hackthorn Road to cover the site entrances. Because this will require a separate application for a Traffic Regulation Order (TRO) the Highways Authority has advised that 2.4m x 120m splays are incorporated as required within a 40mph zone. The latest indicative drawing (4263W/14/10 rev.G) now shows splays of 2.4m x 120m and it is recommended that this is secured by planning condition.

A pedestrian footway is proposed to connect to the existing within Hackthorn Road. A Grampian condition, which prohibits any occupation of dwellings until the footway is in place is recommended.

The Transport Statement predicts the following trip rates for 151 dwellings, during peak hours:

AM Peak Hours (0800-0900hrs)			PM Peak Hours (1700-1800hrs)		
Arrive	Depart	Two-way Total	Arrive	Depart	Two-way total
22	54	76	53	34	87

The revised transport statement still takes into account the 870sqm medical centre (predicted to generate 53 am movements and 36 pm movements). As the medical centre has been removed from the scheme, the likely effects of the development are therefore over-estimated by the assessment.

The assessment also takes into account other 'committed' developments as follows:

- Land off Prebend Lane, 350 dwellings. Ref 131681
- Land east of Hackthorn Road, 64 dwellings. Ref 130150.
- Land north of Honeyholes Lane, 49 dwellings. Ref 131807
- Land at The Eshings, 50 dwellings. Ref 130995.
- Land at Lincoln Road / Honeyholes Road, 275 dwellings. Ref 131882.

The Transport Statement forecasts to 2019. It predicts that key junctions at Hackthorn Road / Poachers Rest; Hackthorn Road / Ryland Road; and A15 / Heath Lane would all still operate comfortably within capacity.

The Assessment acknowledges that the A46 Welton Road / Lincoln Road junction will operate above capacity in 2019. The applicant will offer a capital contribution (£210,000 through a S106 unilateral undertaking) towards the Local Highways Authority scheme to improve capacity and safety at the junction.

### **Residential amenity, design, character, and appearance**

Matters of scale, layout, appearance and landscaping are all reserved for subsequent approval (known as 'reserved matters'). An indicative plan has been provided which shows that the site can readily accommodate 151 dwellings and sufficient public open space (Local Plan policy RES5 requires 10% of the total site for play space / recreational facilities) without causing undue harm to neighbouring uses.

The only residential property which immediately adjoins the site is High Barn, which abuts the boundary with the northernmost field. Windows are contained within its northern elevation. The indicative plan suggests public open space would adjoin the dwelling. Consideration of any reserved matters application

would need to ensure that the final scale, layout and appearance would not unduly harm amenities enjoyed at the existing property.

### **Archaeology**

A desk based archaeological assessment has been submitted with the application. It identifies four areas of post-medieval quarrying activity, of negligible archaeological value. Whilst the report suggests further investigation due to Welton's historical heritage, the County Archaeologist has reviewed the assessment and advises that further works will not be necessary on the basis that the site is outside the core of the village so medieval material is unlikely, aside from a little manuring scatter. There is not much prehistoric potential and a section of the site has undergone quarrying which would have destroyed anything that was there.

The NPPF (paragraph 128) only requires archaeological assessment where the site includes or has the potential to include heritage assets with archaeological interest.

### **Flooding and Drainage**

The NPPF (paragraph 100) states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

A Flood Risk Assessment (FRA) has been submitted with the application. It identifies that the majority of the site is in flood zone 1 (low probability - <1:1000 annual probability of river flooding) although a small part of the south-eastern corner is within flood zone 2 (medium probability – 1:100 to 1:1000 annual probability of river flooding). Applying the sequential test should avoid development within FZ2 in the first instance, although there is sufficient flexibility within the indicative plan to suggest development can be achieved without this land (i.e. it could be used as public open space).

A separate Drainage Statement advises that infiltration drainage is unlikely to be viable (due to the presence of clay soils and impermeable bedrock) and surface water will need to be discharged to existing site ditches along the eastern boundary. The Statement indicates that a Sustainable Urban Drainage System (SUDS) with on-site attenuation is feasible, in order to discharge from the site at existing greenfield rates.

The Environment Agency has withdrawn its initial objections subject to planning conditions to secure a surface water drainage scheme for the site, and prohibit infiltration into the ground (without the Authority's consent). Such conditions are accordingly recommended.

The Environment Agency do advise a more sustainable solution would be to incorporate smaller attenuation ponds rather than one large one as has been indicated. As matters of layout and landscaping are reserved matters, these

matters of detail can be considered at the latter stage, and through discharge of the suggested planning condition.

The proposed development site will require a new foul water sewer connection. Given the topography of the site and distance to the nearest connection, the Assessment determines that the development will require a foul water pumping station for collection and onward pumping of the foul sewerage to the outfall. This can be accommodated on the site.

### **Land contamination**

The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

At the request of Environmental Health officers, the applicant has submitted a Phase 1 Geo-Environmental Assessment. It concludes that “some contamination may be present in near-surface and/or underlying natural undisturbed soils and groundwater. The extent, nature and concentration of any potential contamination (including pesticides and asbestos) is however unknown and will need to be confirmed. Remediation requirements will be confirmed following completion and assessment of laboratory test results.”

The report recommends: (1) Ground investigation to obtain an understanding of general ground conditions across the site and to facilitate the collection of samples; (2) Soil and groundwater analysis with risk assessment appropriate to the site’s proposed end-use (testing schedule to be determined); (3) The installation of ground gas wells in infilled quarry areas with a period of monitoring so that an assessment of risk to human health can be made; (4) Any remediation considered necessary (subject to confirmation of test results); (5) Foundation design; (6) In situ CBR testing.

The Environmental Health Officer advises that the assessment finds nothing to cause concern and that recommendations within the report to undertake intrusive tests for contaminants should be carried out and any subsequent remedial recommendations undertaken thereafter. This can be secured by planning condition.

### **Biodiversity**

The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

A Phase 1 Habitat Study has been submitted with the application.



It acknowledges that the site provides suitable habitat for nesting birds and recommends that site clearance takes place outside the main nesting season (early March to late July). Where the nesting season is unavoidable, a qualified ecologist will need to check to ensure no nesting birds are affected. This can be secured by planning condition.

The Report found no evidence or record of reptile species, but acknowledges the site provides suitable habitat for foraging and sheltering reptile species. The report recommends that grassland is kept to a maximum height of 15cm to discourage reptiles dispersing across the site prior to commencement, or failing that a further reptile survey is undertaken. However, In view of the site's potential for reptiles, a further survey prior to works commencing should be secured by planning condition.

The buildings on site were found to have negligible bat roosting potential (BRP), although a single Ash tree in the south-eastern corner was found to have low BRP. It acknowledges that the field boundaries provide opportunities for foraging and commuting bats. The report recommends that a sensitive lighting plan is developed so that following development, light spill onto the retained hedgerow boundaries is kept to minimum. This can be secured by planning condition. A condition to prohibit removal of existing hedgerows / trees is also considered to be necessary and reasonable for this reason. The report recommends that a licensed bat ecologist be commissioned in advance of any potential works to the Ash tree – this can also be subject of a planning condition.

The report recommends measures to protect hares and hedgehogs during construction – this can be required in the Construction Method Statement to be secured by planning condition.

The report also recommends the use of native plant species to enable biodiversity gain (a NPPF requirement, where possible). The Lincolnshire Wildlife Trust recommends incorporation of species-rich grassland habitats. The application is in outline, whereas landscape is a reserved matter. These matters will be considered in detail at that stage, but it is considered that these measures are deliverable in principle.

Subject to the aforementioned planning conditions, It is concluded that the development would minimise impacts to, and would offer the potential for gain in biodiversity value, in accordance with the NPPF.

### *Other matters*

Paragraph 112 of the NPPF states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Natural

England's broad Agricultural Land Classification (ALC) map shows the site and surroundings as grade 3 – good to moderate.

Some have questioned the level of consultation undertaken by the applicant. Whilst pre-application community consultation is encouraged by national policy (NPPF paragraph 189) there is no legal requirement or prescribed method for this type of development proposal. The applicant has submitted a Statement of Community Involvement (SCI) which refers to engagement with WLDC Officers and the Parish Council. It does affirm that a different scheme was presented to the Parish Council than that now under consideration (the northern field was excluded, and the neighbouring field to the south was included). An addendum to the SCI states that a Public Event was held on 13 November 2014 – the applicant sent flyers to residents within 300m radius.

Some have claimed that the applicant has been unduly assisted by Council Officers prior to making their application. The NPPF actively encourages local planning authorities to positively engage with applicants. It is explicit (Paragraph 186 onwards) that *“Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”* and that *“Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer.”*

### **Overall Planning Balance and Conclusions**

Development would take place on undeveloped land outside the settlement boundary of Welton. This would be contrary to the provisions of the West Lindsey Local Plan First Review, particularly policies STRAT9 and STRAT12. Planning law requires applications to be determined in accordance with the development plan unless there are material considerations otherwise.

The National Planning Policy Framework (NPPF), a significant material consideration, stating that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Local Planning Authority cannot demonstrate a five year supply.

The development would contribute up to 151 dwellings (150 net gain due to demolition of the Jays) towards the housing land supply, and this should be attached significant weight in view of the five year housing land shortfall.

15% of the dwellings would be secured as affordable housing, which can be attached weight in favour of development.

There is insufficient capacity in local schools and health provision to accommodate the development. However, the application proposes capital contributions to address these shortfalls and a neutral effect arises.

The local road network has the capacity to accommodate the development. A financial contribution will be made towards A46 junction improvements required to increase capacity and safety, which will otherwise be exacerbated by additional traffic generated by the development.

Protected species and habitats are unlikely to be harmed by the development and the proposal offers the opportunity to enable biodiversity gains.

The development will result in the loss of greenfield agricultural land (grade 3) outside of the settlement. This could equate to landscape harm although it would be expected to be less than substantial. However, with an appropriate layout, appearance and landscaping, the development could enhance the edge of the settlement.

On overall balance, it is considered that there is no significant and demonstrable harm that would outweigh the benefits, and the development is deemed to accord with the NPPF presumption in favour of sustainable development. On this basis, a departure from the Local Plan can be justified and it is accordingly recommended that planning permission is granted, subject to conditions and a S106 obligation to secure the necessary infrastructure improvements.

#### Recommendation

That the decision to grant planning permission, subject to conditions and a Unilateral Undertaking for a capital contribution towards highway junction improvements (£210,000), be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- i. A minimum of 15% Affordable Housing;
- ii. Financial Contribution (£64,175)) in lieu of on-site health care provision;
- iii. Financial Contribution (£567,899) in lieu of on-site education provision;
- iv. Financial contribution towards works within Highway (£6,000);
- v. Financial contribution towards Bus stop improvements (£7,000);
- vi. Medical Centre – land provided for this.

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

#### Pre-commencement conditions

1. Details of the **appearance, landscaping, layout, and scale**, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any

development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

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

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

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

3. No development hereby permitted shall take place, unless development of the immediately adjoining field to the south of the application site as indicated on drawing 4263W/14/13, has commenced.

**Reason:** In the interests of landscape and visual amenity in accordance with saved policies STRAT1, NBE10 and NBE20 of the West Lindsey Local Plan First Review.

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall include:
  - Details of how the scheme shall be maintained and managed after completion and the adopting authority of the SUDS elements;
  - Details of the surface water system including calculations of the network and SuDs features taking into account climate change and an agreed discharge rate;
  - The receiving watercourse and its condition to demonstrate it is in suitable condition;
  - Overland exceedance flows within the development and how these have been adequately managed.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water

drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

5. No development shall take place until, a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

6. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts, bird boxes and amphibian hibernaculum.

**Reason:** In the interests of landscape and visual amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework.

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

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

8. No development hereby permitted shall take place until a further reptile survey, undertaken by a suitably qualified person, has been submitted to, and agreed in writing with the Local Planning Authority. Where the presence of reptiles is found, the report shall include suitable mitigation measures. Development shall proceed in accordance with the agreed details.

**Reason:** In the interests of biodiversity, in accordance with the provisions of the West Lindsey Local Plan First Review.

9. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
  - a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
  - c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
  - d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Environmental Health Manager in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

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

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

11. No works to the Ash Tree identified as TN7 in the Extended Phase 1 Habitat Survey shall take place, unless the presence of bats has been checked by a licensed bat ecologist and the findings submitted to, and agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

14. None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by condition 4. The approved system shall be retained thereafter.

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

15. No dwellings shall be occupied unless a lighting plan has been submitted to, and agreed in writing with the Local Planning Authority. Development shall proceed in accordance with the approved plan.

**Reason:** To maintain dark corridors for retained hedgerows, in the interests of foraging and commuting bats. This is in the interests of biodiversity and in accordance with the provisions of the National Planning Policy Framework.

16. No dwellings shall be occupied before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing 4263W/14/10 revision G has been completed.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway in accordance with policy STRAT1 of the West Lindsey Local Plan First Review.

17. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 4263W/14/10 revision G) and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

18. None of the dwellings shall be first occupied until a 2 metre wide pedestrian footway, to connect to the existing footway on Hackthorn Road, has been completed in accordance with drawing 4263W/14/10 revision G.

**Reason:** In the interests of environmental sustainability and to accord with the provisions of the National Planning Policy Framework 2012.

19. Notwithstanding the details submitted with the application, none of the dwellings shall be first occupied until a Travel Plan has been submitted



to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, where it has been demonstrated that there will be no resultant unacceptable risk to controlled waters.

**Reason:** The northern part of the site is located within a source protection zone (SPZ1) for a public water supply abstraction.

### **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



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## **Officers Report**

### **Planning Application No: 132242**

**PROPOSAL:** Planning application to erect 4no. broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building- resubmission of 130639.

**LOCATION:** Land off Gulham Road North Owersby Market Rasen

**WARD:** Middle Rasen

**WARD MEMBER(S):** Councillor G Wiseman

**APPLICANT NAME:** Mercer farming

**TARGET DECISION DATE:** 18/03/2015

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** Zoe Raygen

**RECOMMENDED DECISION:** Grant with conditions

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The application site is a field off Gulham Road in North Owersby. The land is gently undulating sloping downwards to the north. To the north of the site is a dense tree belt. To the south and east the land is open countryside and to the west there is a tree lined access road before a further dense area of trees.

The surrounding countryside is characterised by undulating land with individual farmhouses sited within the area. The nearest residential property to the application site is some 544 metres away.

The site is within close proximity to Kingerby Beck Meadows Site of Special Scientific Interest.

The land is within a larger farming enterprise of 700 acres in the ownership of the applicant and they propose diversifying the agricultural business into poultry production through the erection of a broiler rearing unit extending to 4 broiler rearing buildings each measuring 97.5 x 22.5 metres with an eaves height of 2.75 metres and a ridge height of 5.7 metres. In addition there would be associated control rooms, catching canopy, feed weighing rooms, feed bins, storage building, site office, access road and hard standings to facilitate the use. The proposed buildings will house up to 45,000 broilers per building with a total of 180,000 birds proposed on the site in total.

The proposed buildings will be clad with a polyester coated profile sheeting for the walls and roof. The finished colour of the wall will be juniper green and the roof natural grey.

Ventilation within the buildings is based on high velocity chimneys with side inlet vents.

The poultry units will produce standard birds based on a 37 day growing cycle with 7 days at the end of each cycle for clean out and preparation of the buildings for the incoming flock. The unit will operate with 8 flocks per annum. At the end of each flock cycle the machines are cleaned out and the manure removed and loaded directly onto waiting sheeted vehicles and removed from the site for disposal. The building is then washed with high pressure hoses. The dirty water management system is a requirement for the Environmental permit from the Environment Agency and ensures that the proposal does not have the potential for contaminated run off.

Clean roof water and yard water will be discharged to an attenuation pond, then into the land drainage system.

The application forms a resubmission of planning application reference 130639 for 6 broiler units which was refused for the following reason:

*The proposed development would lead to an increase in the number of HGV vehicles along a stretch of road from the junction of the A631 with the site. The existing carriageway is not in a suitable condition to accommodate any increase in HGV movements and no works have been proposed to improve the overall construction of the roads from the junction with the A631 to the site. Any increase in HGV movements will therefore have a detrimental effect on the condition of the access roads which will compromise and be harmful to highway safety contrary to the requirements of saved policies STRAT 1 and ECON 5 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.*

The applicant submitted an appeal against this refusal and this was subsequently dismissed by the appeal Inspector who considered that:

*“it is acknowledged that the proposed development would benefit North Gulham Farm and create jobs. Furthermore the scheme would provide a commodity which is in much demand across the country and make a contribution to reducing food imports. However I have concluded on the main issue that the proposal would be likely to be severely prejudicial to highway safety along Gulham Road on particular days of the year. This finding constitutes compelling grounds for dismissing the appeal and outweighs those arguments that favour the scheme”*

The current scheme therefore proposes a reduction to 4 broiler units to try and overcome the reason for refusal.

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

The application is ‘EIA Development’ under the 1999 Regulations and an Environmental Statement has been submitted with the application. (Required for all proposals exceeding 85,000 birds)

**Relevant history:** No relevant planning history

**Representations:**

Chairman/Ward member(s):

**Councillor Wiseman:** As the Ward Member and District Councillor I strongly object to planning application 132242 on highway grounds. This road from the A631 along Kingerby Fork is not suitable for HGV vehicles.

Referring to the Planning Inspectors Report reference planning application 130639. Although in the present application the applicant says the flow of traffic is less. In my opinion the Road is not suitable still for the amount of HGVS will be used. There is a notice which says this road is not suitable for HGVS. The vehicles will be on the edge of the carriage way, and could even make the road crumble. There is no lighting and the number of pedestrians, cyclists and horse-riders that use this road would be dangerous. There are no passing places for vehicles to pass.

**County Councillor: Councillor Strange:** I wish as the local elected county councillor to formally object to this application I believe the highways issues are still as great an issue as at the previous application. This is the wrong development in the wrong place!

Parish/Town Council/Meeting:

Osgodby Parish Council – Councillors unanimously and most strongly object to this application. The proposed route for traffic to and from the site lies along roads (between the A631 and Gulham) in the parish of Osgodby. These roads are already considered unsuitable for HGV traffic and any increase in HGV traffic, however, slight, would have a detrimental effect on the condition of the highway and thereby on safety. There are insufficient passing places for HGVs and the damage that is likely to be caused by HGVs mounting the verge would cause further deterioration of the highway

Owersby Parish Council – Object on the grounds the access road was unsuitable for heavy goods vehicles

Local residents: Objections received from Dixon Market Rasen Road Holton Le Moor, Afton House Kirkby cum Osgodby (x 3), Greenwood Cottage Moor Road, Greenwood farm Moor Road, No 1 The Old Smithy Kirkby cum Osgodby, Thornton House Thornton Le Moor, Top Farm, Gulham Road, Kirkby Steading Main Street, Kirkby cum Osgodby, Riverside Butt Lane Goulceby, The Gables Retreat Gulham Road, 3 Lowgarth Yaddlethorpe, Westholme Moor Road North Owersby (x 2), Beech House Kingerby, Kirk House Kirkby-cum-Osgodby, The Grange Gulham Road, 4 Parsons Court Louth, Osgodby Primary School, Hooks Farm Gulham Road, Summerlede Kirkby cum Osgodby, Cater Lane Farm Cater Lane, Hillbury Kirkby cum Osgodby, The Dawdles Kingerby, jesmond farmhouse kingerby, The Studio Kirkby cum Osgodby, West Haven, Main St Osgodby, Abingdon Wash Dyke Lane Osgodby, Red House Main Street Osgodby

- Applicant will secure permission for four units and then apply for a further two as environmental permit already held for 6
- Concerned about surface run off and potential for flooding
- The woodland is a commercial plantation and will be felled as it approaches maturity
- Impact on cyclist from increased use by HGV's
- Proposal will have an impact on the holiday property and the ability of the occupants to enjoy the local area in particular relating to odour noise and traffic
- Report fails to take into account of tractor and trailer manure movements, vacuum tankers, box vans for carcass removal and movement for straw for biomass boiler
- Concerned about increase in traffic going past primary school
- Gulham Road is used by walkers (including tourist), cyclists and for horse riding
- In places the grass verge has a drop of 30-45 cms
- Understand chickens are typically caught at night and therefore substantial amount of traffic at night leading to noise problems
- Unsuitability of roads for use by HGV's poor quality surfaces, no passing or overtaking places, badly damaged road edges, verges damaged and deeply rutted. Road condition will deteriorate quickly
- Junction from Gulham Road has limited visibility in both direction. Serious safety concerns over slow HGV's using this junction
- Doubts about adequacy of passing places
- During the day there will be cyclists horse riders and walkers affected by cars needing to reverse.
- Detailed ammonia modelling required due to proximity to SSSI
- Scale and industrial size of development and impact on rural landscape
- Pollution of water table
- Existing lanes too narrow and verges too soft to pull in
- Smell and nuisance and impact on surrounding resident, businesses and tourist facilities.
- Impact of noise from HGV's
- Odour when cleaning out the units
- Visual impact will be devastating

- Scale of buildings will dominate the surrounding area
- HGV management plan is unworkable

### **Second consultation 27<sup>th</sup> March 2015**

Objections received from Beech House Kingerby (x2), 4 Parsons Court Louth, Thornton House Thornton Le Moor, Cater Lane Farm Thornton Le Moor, Kirkby Steading Kirkby Cum Osgodby, The Gables Retreat Gulham Road, The Gables Gulham Road

- Irrecoverably damage the local road network, small improvements are quite insufficient. Road structurally unsuitable with inadequate passing places. Road will deteriorate
- Detrimental impact on business at Gables Retreat as people unlikely to book property again if the access route posed vehicle damage concerns
- Increase in traffic will have major impact on all road users safety and will industrialise the rural area and change it irreversibly for all other road users
- Only minor improvements to an already inadequate road system in a serious state of disrepair and combined with the narrow and soft verges will not enable oncoming cars let alone lorries to pass
- County Council has no surplus funds to upgrade roads. Road already determined unsuitable for HGV`s. No funds available for future maintenance
- Soft verges already damaged enough by agricultural vehicles
- Data in TA is misleading
- What is the relevance of the feasibility study for the outdoor pig unit. This decision should be decided on its own merits
- Lorry movement figure appear inflated they are suggesting 66 pigs per lorry rather than the standard 200
- Area is a Nitrate Vulnerable Zone

The above comments have been received at the time of writing the report any further comments will be reported directly to the Committee meeting.

LCC Highways: Notwithstanding the reduction in Broiler units and reduction in HGV trips to and from the site, the highways authority requests that the highway refusal is upheld.

Despite the low increase in HGV movements to and from the site, the existing carriageway from the junction with the A631 to the site, is not in a suitable condition in terms of width, passing places and construction to accommodate further increased HGV trips. Indeed any increase in HGV trips will have a detrimental effect on the condition of these access roads which will compromise highway safety.

The scheme of passing places that has been proposed as part of this application is inadequate to address these concerns. Any scheme of passing places should be of sufficient size to enable 2 HGV's to pass one another. A widening scheme for the tight bend at Youngs Wood would also be required, as extensive damage to the verges would be exasperated by the increase in HGV movements and the increased likelihood of vehicles meeting.

For the reasons stated above the Highways Authority considers that the proposal would be detrimental to highway safety.

### **Second consultation (27 March 2015)**

Based on the additional information that has been provided and confirmation from Zoe Raygen at WLDC that the farm could operate as a pig farm without the need for planning permission (which will generate many more HGV trips with no mitigation works), the highways authority can confirm that under the circumstances, it is prepared support the application. The proposed mitigation works must be completed prior to construction.

In addition to these works the highways authority also requires that the section of carriageway from the site access to the T-junction is reconstructed as it is showing significant signs of failure and can only support the application if these additional works are carried out.

An additional passing place is also required south of Youngs Wood, as the bend is not visible from the passing place that has been provided. This will result in vehicles pulling onto the verge to allow vehicles to pass as they come round the bend.

### **Third consultation (15 April 2015)**

The highways authority requests that the application is refused.

Although some betterment has been proposed by the applicant by means of some carriageway widening and passing places. No improvements have been proposed to improve the carriageway itself. The carriageways from the A631 to the proposed site are considered to be inadequate in terms of width and construction to accommodate the HGV trips associated with this development.



Any increase in HGV traffic will undoubtedly be of detriment to highway safety and traffic capacity.

Fourth consultation 17<sup>th</sup> April 2015 following confirmation all requested highway works will be undertaken

Support application works should be carried out prior to the start of development on site.

Environment Agency: No objections subject to the addition of a condition requiring the development to be carried out in accordance with the Surface Water Management Design

Archaeology: No objections

Lincolnshire Wildlife Trust: Require confirmation that manure spreading will not occur within the vicinity of Kingerby Beck Meadows

WLDC Environmental Protection: Potential of odour nuisance arising from the transportation, storage and application of manure needs to be addressed through the production of a manure odour strategy. Restriction on the HGV movements through the night should be considered through a condition.

Natural England: Welcome the Manure and Nutrient Management Plan that has been submitted in support of this application. This has detailed where manure will be applied and the conditions that will restrict its application. These conditions are compatible with best practice guidelines and legislation such as nitrate vulnerable zones designation to ensure that nutrient losses will be minimised in the manure application areas. This will negate the impact upon Kingerby Beck Meadows SSSI. The SSSI does not therefore represent a constraint in determining this application.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework

#### West Lindsey Local Plan First Review 2006

STRAT 1 Development requiring planning permission

STRAT 12: Development in the open countryside

ECON 4: Farm diversification

Econ 5: Intensive livestock units

NBE 14 Waste water disposal

## NBE17: Control of potentially polluting uses

### Main issues

- Principle of use
- Odour
- Drainage
- Noise
- Access
- Archaeology
- Ecology

### Assessment:

The previous application was only refused on the issue of highway safety with all other impacts being deemed acceptable. This was confirmed by the appeal Inspector. All accompanying reports have been updated to take into account the reduction in the number of units and demonstrate that these impacts remain the same if not decrease. The contents of the previous planning report are replicated below with only the revised access details, submitted to address the reason for refusal, being discussed in detail. Elsewhere changes are highlighted in italics.

### Development in the Open Countryside and Rural Policies

The NPPF (paragraph 28) requires Local Planning Authorities to “promote the development and diversification of agricultural and other land-based rural businesses.”

The development would take place in the Open Countryside. Local Plan policy STRAT12 restricts uses to those that require an open countryside location and this is considered to be the case with the current proposal.

Policy ECON 5 states that, generally development proposals for new or expanded livestock units in the countryside will be permitted provided it is not less than 400m from a building occupied by people, which is not directly and functionally related to the enterprise. The existing poultry farm on the site is located over 500 metres from the nearest residential property.

It is considered therefore that in principle this is an acceptable location for the use providing it meets the requirements of other policies regarding the impact of the proposal on surrounding residents, visual amenity and the highway network.

### Impacts on the living conditions of nearby dwellings

**Odour** -The Environmental Statement (ES) incorporates an assessment of the odour impact of the existing and proposed poultry units. Odour emission rates within poultry houses depend on the odour concentration within the building and the ventilation rate to the outside atmosphere. Internal odour concentrations depend upon many factors including the number of birds housed, building design and management methods, the age of the birds and manure management techniques.

The proposed broiler system uses the total floor area of the poultry houses. Chopped straw and shavings are spread on the floor and the birds have full access. With modern ventilation equipment the birds litter remains dry and is regularly moved by birds. It remains in situ for approximately 42 days. The spent litter is cleared out by Bobcats and loaded directly into trailers parked just outside the doors. The trailer is then sheeted and removed from the site. In practice there is little spillage. To ensure poultry disease guidelines are adhered to and for bio security the litter is taken off the farm immediately. No manure will therefore be stored on the site, even for a short period. (This is an amendment to the original proposal which suggested that manure would be spread on adjacent land)

The proposed poultry houses would be ventilated by uncapped high speed ridge mounted fans, which would be the primary source of odour. Modern well insulated poultry houses can help to minimise odour production at source through good temperature control and manure management.

The odour modelling adopts the Environment Agency's benchmark guideline of 3.0 European Odour Units per cubic metre of air (ouE/m<sup>3</sup>). The submitted odour assessment indicates that the predicted levels will be below 1.0 ouE/m cubed and therefore the odour will be rarely detectable.

*Now that the manure is to be retained on site and spread locally then it is imperative that there should be a manure odour strategy and this can be controlled through the addition of a condition.*

**Noise** -To assist evaluation in terms of noise a plant noise assessment was submitted in support of the application. The background noise levels used in the assessment comprised data obtained from 25<sup>th</sup> September 2013 to 26<sup>th</sup> September 2013. The noise from the extract fans has been included in the assessment. The receptors selected included the closest dwellings to the new poultry houses. The results show that the internal noise levels at these properties are predicted to be 15dB below the lowest measured background noise levels between 07:00 and 23:00 hours and 10dB below between 23:00 and 07:00 hours provided the noise attenuators are fitted. The Environmental Protection Officer has confirmed that this is acceptable.

The filling of the feed bins lasts about one hour and is a typical farm operation. The Environmental Protection officer has confirmed that this operation would be unlikely to cause harm to residential amenity.

In terms of traffic movements the ES states that the peak traffic flow of HGV will be 50 two way HGV trips which would occur on one day within the flock cycle. The next peak would be 22 two way HGV trips on two days in the cycle and then the remaining days would typically see between 0 and 2 journeys. In addition there would be lighter vehicles accessing the site on a daily basis. On average there are 22 larger vehicles a week (44 movements). Clearly this is an increase in the number of vehicles currently using the local roads and concerns have been expressed about noise and disturbance through the night

and early morning from vehicles and workers loading and unloading. This can be addressed by imposition of a condition [restricting transport and external movements](#) to and from the site to between [the hours of 07:00](#) and [23:00](#). Subject to this and for the reasons given above it is considered on balance that the proposals are acceptable in terms of noise impacts.

*Although the number of traffic movement have been reduced within the current application it is still considered necessary given the quiet location to ensure that vehicle movements are not undertaken through the night. The condition would therefore still be relevant.*

**Poultry Dust (Particulates)** – Within a poultry building the main sources of dust are the birds, their food and the floor litter. Dust can be dispersed via the extractor fans and there is a potential for dust when the poultry sheds are emptied and cleaned in preparation for the next “cycle”. Concerns about correlations between exposure to fine particulate and impacts on public health have led to measures to regulate atmospheric concentrations of fine particulates. Limits have been placed on Particulate Matter (PM) at a level of 10 µm (10 microns = 10 millionths of a metre), with no differentiation as to chemical specification or origin. In keeping with European limits, the UK Air Quality Strategy (2007) has set a limit of 50 µgm-3 (micrograms per cubic metre) over 24 hours not to be exceeded more than 35 times per year and a limit of 40 µgm-3 as a maximum annual mean value. With increasing distance from the source the concentration of dust particles which originate from poultry buildings will fall to a level below air quality guide-line values, and eventually be indistinguishable from normal background dust levels. Background dust levels in rural areas according to data collected from the National Air Quality Monitoring Network (2005) indicates that background dust concentrations in a rural environment are around 15 µgm-3. Calculations indicate that annual average concentrations of poultry dust are not expected at distances exceeding 100 metres from the source. The nearest dwellings are over 500 metres from the proposed buildings and therefore it is considered that the proposal is acceptable in this respect.

**Construction and Demolition impacts** - The proposed development programme of the site indicates that it will take 12-20 weeks to be completed. To avoid a prolonged impact on residents it will be necessary to limit demolition and construction works to between 0730 and 1800 hours Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand. In addition to this conditions will also be imposed requiring a Construction Method Statement to be submitted for approval and subsequent implementation. This will cover measures to control the emission of dust and dirt during construction, the loading and unloading of plant and materials, the storage of plant and materials used in constructing the development, the parking of vehicles of site operatives and visitors and wheel washing facilities. It is considered that these measures are sufficient to safeguard amenity.

### **Biodiversity and Ecology**

The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by:

- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Local plan policies NBE11 and NBE12 seek to protect nationally and locally designated sites. The ES incorporates an extended Phase 1 Habitat and Protected Species Survey. It concludes the site predominantly comprises habitats of an arable field bounded by a hedgerow with trees, semi improved grassland a mixed agricultural plantation and a tree line. Although there are no statutory sites within the site boundary, the site is 700m to the north west of Kingerby Beck Meadows designated as a SSSI.

The site is of low to medium conservation value, being dominated by improved grassland, bare ground, buildings and scattered trees and hedgerows. None of the habitats within the site interior or the species they contain are particularly ecologically rare or of high quality. The combination of hedgerows, scattered trees, woodland, pond and reed bed and semi improved grassland does offer a range of food and refuge to wildlife. There is the potential for the site to be used by bats, birds, badgers and reptiles at least for foraging for food.

The report concludes that there are no habitats or plant species considered rare in the United Kingdom but does support a number of habitats which support a number of species which add to the overall ecological value of the site. The report outlines mitigation measures and management regimes to ensure that hedgerows are maintained, the installation of bat boxes, bird boxes, tree protection and habitat enhancement. These items could be the subject of conditions on any consent. The report also gives recommendations regarding the levels of lighting which may impact on habitats and therefore it is also considered prudent to add a condition to any permission requiring further details of lighting to ensure that levels are acceptable.

Natural England and Lincolnshire Wildlife Trust confirm that they have no objections to the proposals subject to clarification of the spreading of the manure.

*Previously this element was deleted from the proposals with manure taken off site to Thetford. Now to try and reduce the number of HGV movements the plan is once again to keep the manure on the farm. A condition can be attached to any permission to ensure that manure is not spread on fields adjacent to or hydrologically connected to Kingerby Beck Meadows. Natural England has confirmed that the Manure and Nutrient Management Plan will ensure that no harm will be caused to the SSSI*

**Ammonia Impact** - The ES contains a detailed assessment of the Ammonia impact of the existing and proposed poultry units. The report acknowledges that high concentrations of ammonia can lead to direct damage to woodlands

(i.e. leaf scorching and loss) and excessive nitrogen deposition can lead to acidification of soils and eutrophication (artificial nitrates in water bodies leading to excessive algae growth). However the proposal complies with the Environment Agency's Environmental Protection Regulations having been assessed by the Environment Agency who have raised no objection to the proposal.

### **Water Disposal and Groundwater Pollution**

A detailed flood risk and surface management study has been submitted as part of the Environmental Statement.

As the development is on green field land the proposed development will increase the amount of covered surface area with the proposed buildings and hardstandings. The site is not though within a flood plain and has no history of flooding.

Foul and surface water drainage on the site will be separated to prevent discharge of dirty water to watercourses. Surface water drainage for clean roof and yard drainage will be directed into a swale channel which will transfer the clean roof and yard water to the proposed attenuation pond. The attenuation pond has a restricted discharge into the land drainage system in order to maintain a greenfield run off.

Some concerns had been raised by the Environmental Protection Officer, but these have now been overcome through additional work by the applicant. However, it is still considered that a condition is required to ensure that the strategy is implemented on site.

Wash out water from the cleaning of the units at the end of each cycle is drained to a sealed tank situated below ground. This will be constructed to required standards and have a capacity of 100,000 litres in accordance with IPPC permitting standards based on the floor area of the building. The tank will be periodically emptied by Environmental contractors.

It is considered that the water disposal and drainage methods are acceptable and would mitigate against the risk of flooding and water contamination.

### **Visual Impact**

The site is located within the open countryside in an area dominated by arable farming but with some significant areas of tree planting. This together with the natural dip in the land will provide screening to the units. In addition the applicants propose a belt of tree planting to the east and southern boundaries of the site.

It is considered therefore that the units will not have a significant impact on the visual amenity of the area.

### **Access**

Much objection has been received from local residents regarding the ability of the local highway network to accommodate an increase in traffic movements and in particular HGV movements. They point out the narrowness of the roads with lack of passing places, the poor condition and the fact that in winter the roads are not gritted or cleared.

The Inspector in his decision notice stated that *“there are a number of passing places along the road but no pedestrian footways or street lighting . Significant lengths of the road have a poor surface whilst the carriageway edge is eroded in places”*.

He goes on to say that *“with such an increase in the number of HGV`s (16 days per year of 22 movements and 8 days per year of 50 movements) I believe it is inevitable that the safe and free flow of traffic along the road would be severely affected. In particular it is likely, given the narrowness of the road and the lack of footways and lighting, there would be conflict between the additional HGV`s generated and other road users, including other farm vehicles, car drivers, pedestrians, cyclists and horse-riders. As a result conditions would be created in which accidents occur. Although there would be less chance of conflict if these HGV movements were taken at night the additional noise and disturbance generated at this time would be likely to have significant and detrimental impact on the living conditions of those residing along Gulham Road”*

He continues *“ In addition to causing conflict this (HGV`s meeting) is likely to lead to damage to the edges of the carriageway and the verges as vehicles leave the metalled road surface to pass when no convenient passing place is available. As such damage is unlikely to be repaired immediately this would then present particular risks to non motorised users... as they pass along the road and increase the likelihood of vehicular conflict as drivers seek to avoid the carriageway edge. Although account has been taken of existing passing places, together with the proposed minor junction improvements and the widening of the carriageway at several points, the potential for the problems identified to occur would still remain along most of Gulham Road.”*

Having visited the site it is considered that the roads and the condition of the road, particularly that of Gulham Road providing the main access into the site are not of a standard that could readily accommodate a number of HGV movements. The new application proposes a reduction in the number of HGV movements due to the reduction in the number of units and a reorganisation of the growing programme. In addition manure will not now be taken off the farm. This has implications for the adjacent SSSI which are discussed above. Now on 32 days of the year there will be an additional 14 movements, on 56 days of the year an additional 4 movements, on 64 days of the year an additional 2 movements and no additional movements on the remaining days of the year.

The applicant has also proposed three passing places, along with junction improvements at the Gulham Road corner and the immediate access to the site and the road will be widened at the Youngs Wood corner.

The Inspector concluded that on the main issue (highway safety) that the proposal would be likely to be severely prejudicial to highway safety along Gulham Road on particular days of the year. The key wording here is that the Inspector only considered it to be harmful on certain days of the year due to the high level of HGV movements on those days. The issue is therefore whether the reduction in HGV movements proposed by the applicant together with the proposed highway improvements is sufficient to overcome the harm to the highway network and therefore highway safety.

A further material consideration is the presence of a valid fallback position. Although the option of using the site for pig farming was presented to the Planning Inspector at the time of the appeal. He considered that

*In particular mention is made of pig-finishing/rearing and growing beet. To give significant weight to this fallback position it is necessary to demonstrate that such a scheme is liable to proceed. However no detailed information, including business plans, costings and profitability, has been submitted to indicate that a change in farming uses at North Gulham Farm is likely to occur if the appeal proposal is dismissed. Without this the fallback position can be afforded little weight.*

As part of their resubmission the applications have submitted business plans costings and profitability for the proposed pig farm and indicated that this would be implemented if the application for the broiler units is not successful due to the need to diversify the farm for long term security.

The use of the area for pig farming would not require planning permission as the land is already in agricultural use and the submitted details of the pig units demonstrate that these would be temporary moveable structures which would not require planning permission. This would therefore constitute a valid fall back position which could be implemented without planning permission and lead to around 1128 lorries (2256 2 way movements), which would on average be about 21.7 a week (43 2 way movements) and no highway improvement.

Concerns have been raised over the validity of the feasibility study particularly in relation to vehicle movements in relation to pig farms. The applicants have confirmed that the data supplied is based on the current operation of their pig farms. Each week they supply different abattoirs, which will then process the pigs to their customers requirements. This cannot all be done at one abattoir. For example one customers pigs require Freedom Food Slaughtering facilities, so they are sent to an abattoir in Bristol, which is also closer to the cutting plant used to make the cuts for the specific customer.

They then have the finished product delivered back our cold stores on our main farm, before using our own distribution network to get them to our end customer. They also supply product to our customers throughout the week, and they need the freshest possible product, so for some of the abattoirs they have to do 2 kills a week, to ensure we have fresh produce to sell.



The Highway Authority has stated that based on the additional information that has been provided and confirmation from the case officer at WLDC that the farm could operate as a pig farm without the need for planning permission (which will generate many more HGV trips with no mitigation works), the highways authority can confirm that under the circumstances, it is prepared to support the application. The proposed mitigation works must be completed prior to construction. They have though also requested that the section of carriageway from the site access to the T-junction is reconstructed as it is showing significant signs of failure. Also an additional passing place is required south of Youngs Wood, as the bend is not visible from the passing place that has been provided. This will result in vehicles pulling onto the verge to allow vehicles to pass as they come round the bend.

The applicant has advised that he is prepared to offer these further highway improvements and the highway authority are therefore now supporting the application.

It must be remembered that the Planning Inspector did not object to the use per se but instead the potential for severe harm to highway safety on the days of the high transport movements.

With the reduction of the numbers of movements on peak days, the comprehensive package of highway improvements and the relevant fall back position it is considered that the applicant has amended the proposals sufficiently to overcome the previous reason for refusal.

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

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission and STRAT 12 – Development in the Open Countryside ECON 5- Intensive Livestock Units, NBE10- Protection of Landscape Character in Development Proposals, NBE12- Development affecting Locally Designated Nature Conservation Sites and Ancient Woodlands, NBE14- Waste Water Disposal, NBE15- Water Quality and Supply and NBE17- Control of potentially polluting uses of the West Lindsey Local Plan First Review 2006(Saved Policies) as well as against all other material considerations including the National Planning Policy Framework 2012, Technical Guidance to the National Planning Policy Framework. National Planning Policy Guidance application reference 130639 appeal reference APP/N2535/A/14/2213798 and the valid fall back position on the site. In light of the above assessment, it is considered that the reduction in the peak levels of HGV movements and the highway improvements proposed mean the proposal would not have a severely harmful impact on highway safety.

Recommendation: That the application is granted conditionally subject to the following conditions:

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

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

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

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

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

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

3. No development shall commence until works to improve the public highway as detailed on plan reference 15382-05 have been certified complete by the local Planning Authority

**Reason:** In the interests of highway safety in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006

4. No development shall take place until details of a fourth passing place south of Youngs Wood has been submitted to and approved in writing by the Local Planning Authority. The passing place shall be implemented prior to the construction of the buildings on site.

**Reason:** In the interests of highway safety in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006

5. No development shall take place until details of the reconstruction of the section of carriageway from the site access to the T junction, including the materials, specification of works and construction method, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

**Reason:** In the interests of highway safety in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006

6. No development shall take place until an odour management strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the odour management strategy at all times.

Reason: In the interests of residential amenity in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: IP/MF/04/05/07/08 dated 17 December 2014. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

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

8. Surface water shall be dealt with in accordance with the Surface Water Management Design document prepared by Land Drainage Consultancy dated December 2014 Revision A

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

9. There shall be no HGV's movements associated with the site between the hours of 23:00 and 07:00

Reason: In the interests of residential amenity as required by policy STRAT 1 of the West Lindsey Local Plan First Review 2006

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

11. The disposal of the manure shall be undertaken in accordance with the Manure and nutrient Management Plan prepared by Agrogate Professional Farming Services dated 1<sup>st</sup> December 2015.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Notes to applicant

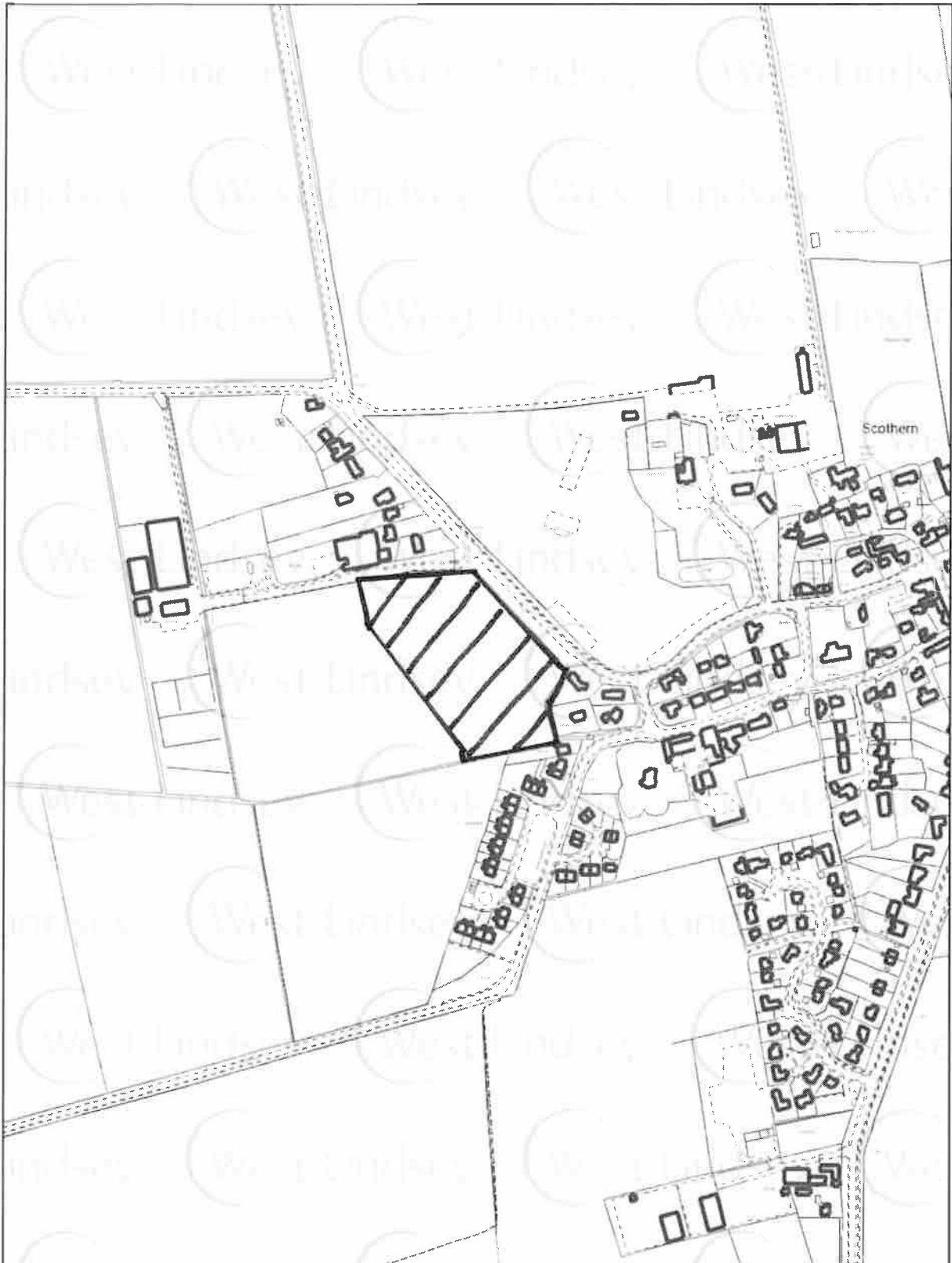
Contact Divisional Highways Manager

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.

The highway improvement works above are to be carried out by means of a Minor Works Permit. Please contact Liz Burnley for further details.



1:5000



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**Officers Report**  
**Planning Application No: 132275**

**PROPOSAL:** Outline planning application to erect 33no. dwellings- access and layout to be considered and not reserved for subsequent applications

**LOCATION:** Land off Dunholme Road, Scothern, Lincoln, LN2 2UD  
**WARD:** Sudbrooke  
**WARD MEMBER(S):** Councillor S Curtis  
**APPLICANT NAME:** Messrs R Day, C Day, C Meace, R Woodhouse

**TARGET DECISION DATE:** 24/03/2015  
**DEVELOPMENT TYPE:** Small Major - Dwellings  
**CASE OFFICER:** Zoe Raygen

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

- a. 25% of the dwellings to be delivered on-site as affordable housing, with an 80/20 rented / shared ownership tenure split.
- b. Provision of Open Space, to be managed in accordance with an open space management plan;
- c. A contribution of £184,356 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath within the highway
- e. A contribution of £14,025 towards capital infrastructure for health services necessary to serve the development.

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

**Description**

**Site** – The site extends to approximately 1.83 hectares and is located on the western edge of the village of Scothern. The site is currently undeveloped and in agricultural use and has an access in the north eastern corner alongside the entrance to Scothern Nurseries off Dunholme Road. To the North West and south east are residential properties and to the south west and north east open countryside. The site falls outside the designated boundary for Scothern within the West Lindsey Local Plan (First Review).

**Proposal** – This is an outline application for residential development with layout and access to be considered with all other matters (scale, appearance, and landscaping) reserved for subsequent approval (known as “reserved matters”). Although in outline, a series of context and analysis plans were

submitted with the application, including a layout plan. The layout indicates that the proposal is for 33 houses

The application was also accompanied by a suite of supporting documents including a flood risk assessment, transport statement and habitat survey.

A list of contributions to mitigate the impacts of development, as detailed in the recommendations section of the report, has been agreed with the applicant. These relate to health, education and affordable housing to be secured through a section 106 agreement.

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

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

### **Relevant history:**

None

### **Representations:**

**Ward Member** – Request consideration at Planning Committee

**Scothern Parish Council** – Oppose this application. Although this site preferable to the one granted consent however

No longer an identified need for affordable housing in Scothern since previous approval. Scothern is a small village and as such is under resourced, should committee be minded to approve the application any contribution in lieu of affordable housing should be used in the village for village people and to increase the limited leisure facilities

This development together with 132027 will change the character of rural village, lead to 25% increase in total settlement housing, would contribute to the centre of the village moving outwards, would lead to the creation of a dormitory or satellite to Lincoln as little employment in the village which is inconsistent with the status of Scothern in the West Lindsey village hierarchy

Distance from the village is such that cars will be used to access the school and other facilities in the village adding to congestion.

Scothern is served by two medical practices one in Nettleham and one in Welton. With this and other developments the pressure on the surgeries would be further stretched.

An increase in numbers of children aged 5-11 wishing to attend the successful community academy may not be successful in being awarded a place. There will be an impact on pupil numbers at the nearby William Farr comprehensive school.

Confirmation should be sought from the Environment Agency/Anglian Water that adequate steps have been taken to handle surface water and foul drainage generated from the site

Following the approval of development on Heath Road this application would increase the numbers of properties in Scothern by 25%. The infrastructure in Scothern is sadly inadequate there is no surface water drainage system, no shop, there is an hourly bus service Monday –Saturday during the day only, the preschool has recently closed.

**Residents** – 4 letters of support from residents of:

Northing Lane Scothern (x2): If development has to take place it is important it is in the right location. This site fulfils that criteria far better than any of the other potential sites in this village – it is central to the rest of the village and can be integrated within it, on an existing main road out of the village, immediately adjacent to a bus stop, effectively infill, does not create problems for existing residents, footpath proposed from Scothern nursery exit into the village

18 Dunholme Road - This proposed development is an asset to the community due to the benefits of providing housing in the area and joining the nine dwellings on the northern end of Dunholme Road with the rest of the village, these nine dwellings are at the present time are an isolated development similar to the housing on Hawthorne Road Cherry Willingham. An added improvement to the proposed development would be to construct a footpath on the western side of Dunholme Road between No4 and No6 a distance of approx 100 Ms

20 Dunholme Road In principle I strongly object to the planting of large mixed housing developments around Scothern. However, compared to the Heath Road site and the possible one near Weir Farm Paddock, the Dunholme Road proposal could be looked on favourably by virtue of its location and access.

**Steve Taylor representing the Village Hall** – The Spirit of Scothern project commenced in 2014 with the aim of revitalising the Village Hall as the centre of this community focused village. The village hall is inadequate for the current and emerging needs of the village. We wish to provide a hub which serves the needs of the local community. We ask you to support the Spirit of Scothern and under the Localism Act and NPPF we would wish to have contributions to the community and sporting facilities agreed through S106 agreements for any planning permission for new houses in the Parish.



**Robert Doughty Consultancy on behalf of prospective developers of residential land at Nettleham Road Scothern** - The application is in accordance with policy in terms of the principle of residential development adjacent to a primary rural settlement. However the suitability of this specific site fails against policies STRAT 6 and NBE 20. Closing the gap between the village and the Grange would not reflect or respect the existing character and appearance of the boundary of the settlement closing a sit does a long established area of open land. Character of Scothern influenced by the strong relationship of buildings to the highway. The proposed development is set back behind a hedge with no links to the rest of the village other than along the main highway

**WLDC Housing and Communities** - The policy requirement on this proposal would be for 25% of the units to be delivered as affordable housing. Following a comprehensive viability assessment the Housing and Communities Team it has been demonstrated that this can be achieved and therefore the full requirement is met. House types, phasing and tenure to be agreed with the Housing and Communities team at a later date.

**Natural England** – Advise that the proposal is unlikely to affect any statutorily protected sites or landscapes. Standing advice on protected species should be followed. Should consider securing measures to enhance biodiversity.

**Environment Agency** – The information satisfactorily addresses the concerns set out in our letter of 26 January 2015 and we therefore **withdraw our objection** subject to the following planning condition being applied.

### **Condition**

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

- details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system, without exceeding the run-off rate for the undeveloped site;
- attenuation details and discharge rates, which shall be restricted to  $Q_{bar} 3l/s$  litres per second for each pond;
- details of the timetable for and any phasing of implementation for the drainage scheme;

- details of how the scheme will be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

#### **LCC Archaeology – No archaeological input required**

**LCC Education** - This development would result in a direct impact on local Schools. In these case both the primary and the secondary schools serving Scothern are projected to be full in the future. A contribution is therefore requested to mitigate against the impact of the development at local level. The level of contribution sought in this case equates to £184,356. This is on the basis of Census data and recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR).

**LCC Highways – Travel Plan** is currently being assessed. A footway should be provided along the whole site frontage to link the existing footways on the site side of Dunholme Road in both the northerly and southerly directions

The internal layout has not been assessed at this stage as it is a reserved matter. The applicant should be aware that private drives should serve no more than 5 dwellings. If the developer is proposing to provide private drives that serve more than 5 dwellings they should be designed to an adoptable standard

Following negotiations regarding drainage:

When a full/reserved matters application is submitted it should include a CCTV survey of the existing pipeline on Dunholme Road, which discharges into Scothern Beck. Any improvements that are required, shall be carried out by the applicant.

No objections subject to standard highway conditions

**NHS England –** Seek a Section 106 application for a contribution in the order of £14,025.00 based on a £425.00 per dwelling need for capital infrastructure required as a direct result of the development.

**WLDC Environmental Protection:** Concerns regarding the proposed drainage scheme which have been discussed at the MAG meeting on the 18<sup>th</sup> February. Also advise a note to applicant regarding potential for contaminated land

**Witham Third District Internal Drainage Board –** It is noted that the site layout there is a strip left on the southern boundary adjacent Scothern Beck.

This is good provided it is intended or at least may serve as an access for maintenance plant

The road side ditch to the east of the site is not maintained by the Board. Scothern Beck is an adopted water course but the upstream limit is about 40 metres downstream of the site.

### **Relevant Planning Policies:**

#### **The Development Plan**

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

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

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

STRAT19 Infrastructure requirements

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

SUS4 – Cycle and pedestrian routes in development proposals

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the Edge of Settlements

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

The **Preliminary Draft Central Lincolnshire Local Plan** was released in October 2014. It has just been subject to public consultation. At this early stage in its development, it can only be afforded very limited weight, in accordance with NPPF paragraph 216.

### **National Policy**

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

### **Assessment:**

#### **Principle of Residential Development**

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

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

The site lies outside of the settlement limit for Scothern and is therefore classified as being with the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless

there is justification for it being in an open countryside location or it can be supported by other plan policies.

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

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

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

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

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

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

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

This approach is verified in the recent appeal for land west of Ryland Road, Dunholme (APP/N2535/A/13/2207053 – see <http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.6709569&NAME=/DECISION.pdf>). Inspector Lyons found that *“The unmet need for additional housing becomes a consideration of substantial weight”* and that the *“spatial application of [Local Plan Policy] should be seen as out of date”*. He found that the second bullet point of NPPF paragraph 14 on decision making must apply - planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

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

For decision-taking this means:

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

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

The proposed development does not comply with the Development Plan. But as its spatial approach and housing supply policies are deemed to be out of date, the second strand of the NPPF presumption should be applied. Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Sustainability**

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

Scothern is allocated as a Primary Rural Settlements (LP policy STRAT3) The settlement contains a school, church, village hall, pub and garden centre. The site is located approximately 375 metres from the centre of the village and 670 metres walk from the school all of which would be in walking distance of the site. The applicants have agreed with the highways request for a footway to be provided on the north/south leg of the proposed estate road parallel with the western boundary.

The Highway Authority has also requested a footway, even if it is substandard, to be extended south of the site on the west side of Dunholme Road. However while such a footpath may contribute to the improvement of the sustainability of the site such a footpath would interfere with the row of trees along the site frontage which it is considered would be advantageous to retain due to their contribution to visual amenity at this location. An absence of footways does seem to be a common feature in Scothern, there is no footway on the south side of High Street. The safe route from the north western side of the village into the village centre and then via Sudbrooke Road to the primary school, is by the footway on the east side of Dunholme Road and north side of High Street. The applicants have therefore instead offered a pedestrian crossing immediately south of the proposed site access on Dunholme Road.

There is a bus stop further north close to the garden centre entrance and the applicants have agreed to extend the footpath to the north of the site giving access to the garden centre entrance. These improvements to help with sustainability can be secured through a S106 planning obligation.

Scothern is well served by bus routes and the services are considered to provide a sustainable method of connecting to the services and facilities in Lincoln and Market Rasen.

NHS England advise a financial contribution would be required to contribute to the capital cost of health care infrastructure. This would need to be secured in the S106 Planning Obligation.

The Education Authority have stated that the development would result in a direct impact on local Schools. In these case both the primary and the secondary schools serving Scothern are projected to be full in the future. A contribution is therefore requested to mitigate against the impact of the development at local level. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation.

It is concluded that the application site is within a sustainable location for new residential development and that the applicant proposes appropriate measures to mitigate the impact on health and educational services. Measures are proposed to secure pedestrian accessibility to village facilities.

### **Flooding and drainage**

The NPPF requires a sequential approach towards locating development to those areas at lowest risk of flooding. The site falls within flood zone 1 (low probability) and therefore satisfies the test.

The development is in outline with layout to be considered at this stage and this has incorporated sustainable drainage strategies. The strategy involves the use of “interception” by rain water harvesting, some degree of “infiltration” balancing of flows to greenfield rates, environmental enhancements, and discharge of surface water to existing drainage systems. It will lead to a controlled system which will have fewer and reduced discharges of surface water. The ditches will be maintained by the applicant.

The Environment Agency has been consulted and confirm they are satisfied that the principles of a suitable surface water drainage system have been established.

Now that the planning authority has responsibility for ensuring the implementation and maintenance of the drainage systems through the addition of conditions to permissions then a suitably worded condition will be attached.

### **Highway safety, parking and access**

Policy STRAT1 requires development to be suitable in terms of the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems. This is consistent with the NPPF (paragraph 32) to take account of whether safe and suitable access to the site can be achieved for all people.

Access is to be considered at this stage and the plan shows that an adequate and safe access can be achieved directly to Dunholme Road. The applicant has agreed to the provision of a new 2m wide footway to the north of the site to the garden centre and the introduction of a pedestrian crossing to the south of the site to ensure connection to the existing footpath into the village.

It is considered therefore that subject to conditions to achieve the appropriate access then the development will not be harmful to highway safety.

### **Affordable Housing**

Local Plan Policy RES6 states that the Council will seek to negotiate in the region of a 25% contribution towards affordable housing on qualifying sites such as the application site.

The applicant has offered a full 25% contribution on site, with an 80% rented and 20% shared ownership tenure split. This is accompanied by a valid viability study which demonstrates that the scheme can achieve full contributions and 25% affordable housing.

This can be secured via a S106 agreement

### **Landscape and Visual Impact**

Development would take place in the Lincoln Fringe Local Landscape Character Area. The West Lindsey Landscape Character Assessment (WLLCA) describes its key characteristics as a ‘flat agricultural landscape with a number of expanded settlements’ with ‘approaches to settlements generally dominated by the built form’. It is not considered to be a highly sensitive landscape.

Development would take place within the confines of the existing arable land with residential properties to the south east and the garden centre to the north west. To the front of the site is an existing hedgerow which will be retained with the exception of the area required for access.

Development would be perceptible to road users approaching the village on Dunholme Road although the existing development surrounding the site would soften the impact.

It is considered that development of this site would have a minor adverse impact on landscape character and visual amenity, albeit less than substantial.



## **Residential amenity, design, character, and appearance**

A core principle of the NPPF (paragraph 17) is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policies STRAT1, RES1 and CORE10 contain measures consistent with that aim.

Matters of scale, appearance and landscaping are all reserved for subsequent approval (reserved matters) subject to the grant of outline permission. Any reserved matters application will be scrutinised to ensure that principles of good design are met.

However, the proposed layout demonstrates that an appropriate legible hierarchy of streets and spaces, viewpoints, viewstops, interest and scope for soft landscaping to mature together with land for the drainage strategy requirements can all be accommodated within the site whilst achieving the amount of housing indicated.

A range of housing types is indicated, which suggests development would accord with saved policy RES2. This would need to be secured through the reserved matters applications.

The relationship proposed to existing dwellings is acceptable with the attenuation features for the drainage strategy being located adjacent to existing boundaries to the neighbouring residents thereby extending the distance between the built development and the existing houses.

## **Impact on biodiversity**

Natural England advise development would be unlikely to affect any statutorily protected sites or landscapes.

The applicants have submitted an ecological walkover survey of the site. No indication of protected species was found anywhere on the site. No tracks or trails were seen in any location within the boundary vegetation or on the areas of bare earth which have been cultivated. The field margins, including the south boundary dyke and the drainage ditch along Dunholme Road were carefully inspected for evidence of reptiles, amphibians and small mammals

The report recommends that any development proposal should consider incorporating the following features:

- a) Protection measures to ensure the mature trees and hedgerows along the site boundaries are maintained with sufficient space to allow a 'natural corridor' to be created.
- b) The dyke along the southern margin of the arable field should be protected during any development and measures within the landscaping of the development should be put in place to strengthen cover and biodiversity along this linear feature to benefit local wildlife.

- c) Improvement of the diversity of the southern boundary could be achieved by planting native shrubs and marginal around the proposed 'swale' and creating a strong link with good cover between this feature and the dyke.
- d) Landscaping within the development should incorporate the use of native species, particularly trees and wherever practical, linked to boundary features to make these areas more accessible to wildlife.

All of the above can be achieved by condition on any permission.

### **Overall Balance and Conclusion**

The application has been considered against the provisions of the development plan in the first instance, in accordance with planning law.

As development would take place on greenfield land outside the development boundary and in open countryside, it runs contrary to saved policies STRAT9 and STRAT12 of the development plan. Development falls to be refused unless there are material considerations to the contrary.

The Council is unable to demonstrate a five year supply of available housing land. In such circumstances the NPPF, a material planning consideration, advises that policies for the supply of housing should be considered as out of date.

The NPPF presumption in favour of sustainable development should be applied which is to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Development would produce 33 dwellings to address the shortfall in housing land. It is anticipated this can be delivered within the five year period. The NPPF seeks to significantly boost housing supply to meet need and this should be attached significant weight.

25% of the units would comprise affordable housing, to meet a need, which can be attached weight as a benefit of the scheme.

The development would not be expected to adversely impact upon protected species or habitats and seeks to make biodiversity gains – a minor benefit of development.

Scothern, a primary rural settlement in the Local Plan, is considered to be a sustainable location for new housing development. The site is within walking

distance of the village centre. The applicant proposes to make financial contributions to address and mitigate against lack of capacity in local health and education provision. Development will therefore have a neutral effect in this regard.

It is considered that development of these greenfield paddocks would have a minor adverse impact on landscape character and visual amenity, albeit less than substantial.

In conclusion, any adverse impacts arising are not considered to significantly and demonstrably outweigh the benefits of the proposals. Planning permission should therefore be granted in accordance with the NPPF presumption in favour of sustainable development.

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

- a. 25% of the dwellings to be delivered on-site as affordable housing, with an 80/20 rented / shared ownership tenure split.
- b. Provision of Open Space, to be managed in accordance with an open space management plan;
- c. A contribution of £184,356 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath within the highway
- e. A contribution of £14,025 towards capital infrastructure for health services necessary to serve the development.

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

### **Pre-commencement conditions**

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

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

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

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
  - details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system, without exceeding the run-off rate for the undeveloped site;
  - attenuation details and discharge rates, which shall be restricted to  $Q_{bar}$  3l/s litres per second for each pond;
  - details of the timetable for and any phasing of implementation for the drainage scheme;
  - details of how the scheme will be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

4. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; and a

Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes.

**Reason:** In the interests of landscape and visual amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework.

5. The details to be submitted as part of condition 3 above shall include a CCTV survey of the existing pipeline on Dunholme Road, which discharges into Scothern Beck. Any improvements that are required, shall be carried out by the applicant prior to the first house being occupied

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

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

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

7. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a footway the width of which shall be agreed with the highway authority, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in

accordance with a phasing arrangement to be agreed in writing with the local planning authority.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

8. The existing boundary hedges on the site shall be retained at all times apart from that required to be removed for the purpose of the new access.

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

9. No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number J1418 05 has been completed.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Dunholme Road in accordance with policy STRAT 1 of the West Lindsey First Review 2006

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

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

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

Informatives:

#### Contact Divisional Highways Manager

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.

Estate Road Specification

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

**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