



PL.01 15/16
Planning Committee
3 June 2015

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**



1:15000



© Crown Copyright and database right 15 April 2015. Ordnance Survey 100018701

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 H Marfleet, Councillor J McNeill, Councillor T Smith

APPLICANT NAME: Mercer farming

TARGET DECISION DATE: 18/03/2015

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions

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 between 452 and 500 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.

The application was deferred at your meeting on 29th April to enable a site visit for Members to take place.

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, The Dawdles Kingerby, Kingerby Hall, Paths End, Belmont, Frassino Main Street, Afton

House Kirkby cum Osgodby (x 2), Cater Lane farmhouse Thornton Le Moor, Lynfield North Owersby

- 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 impact of road widening on trees along road side junction with Gulham Road and south of Kingery Woods.
- 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 therefor 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 27th 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

Sir Edward Leigh MP : I am writing in to express my objection to the proposed broiler unit off Gulham Road.

This large commercial operation will be heavily reliant on high numbers of 44-tonne HGV lorries, compared to the current very low levels, which must travel on a road designated as Unsuitable for HGVs because of its single width, lack of lighting and footpaths, poor structure, and current condition.

If the application is approved it would cause further irrevocable damage to the road, and would present significant damage to other road users, including the many walkers, cyclists, and horse-riders who travel on it.

I strongly urge the planning committee to reject it.

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 17th 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 between 452 and 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^3). The submitted odour assessment indicates that the predicted levels will be below 1.0 ouE/m^3 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 25th September 2013 to 26th 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 between 452 and 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 these 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 1st 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.

Representors to be notified -
(highlight requirements):

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

Prepared by : Zoe Raygen **Date : 17th April 2015**

Signed: 

Authorising Office **Date: 17 April**
2015.....



1:3000



0 25 50 75 100 metres



© Crown Copyright and database right 16 April 2015. Ordnance Survey 100018701

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: Dunholme and Welton

WARD MEMBERS: Cllr S England, 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 20% 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.

Description:

This application was considered at the 29 April Planning Committee meeting but was deferred to allow further publicity to take place, after changes had been made to the scheme. The changes made were the offer to make a capital contribution (through a planning obligation) towards health infrastructure and the provision of 0.3ha public open space safeguarded only for use as a medical centre, in lieu of on-site medical centre facilities as was originally proposed. Responses received within the publicity period are reported below.

The application seeks outline 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:

Sir Edward Leigh MP:

In recent months permission has been granted for 463 houses to be built in Welton and this number of new houses will completely change its character.

I have said previously that the size and scale of proposed development in Welton is completely beyond what is acceptable, and the overwhelming majority of representations I have received have been against it.

This number of dwellings will only add an extra burden to Welton's already overstretched infrastructure. The demand for affordable housing will be met by the developments for which permission has already been granted.

In their original plan the developer promised the provision of a Medical Centre on this site, but this has since been withdrawn and residents, who might have offered objections, have not been given the opportunity of re-visiting the amended plan on which they may now wish to make comment.

I offer my full support to the Parish Council in requesting that this application be refused or at least, is deferred for determination until such time as a period of re-consultation can take place.

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: Advise 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.

[Additional comments received 28 April] Granting these additional applications would mean an increase of well in excess of one thousand dwellings in our Practice Area - potentially in excess of a twenty five percent increase in patient population. With healthcare services already stretched to capacity, the inability to close our Practice list and an ageing population with complex medical needs - this is surely the perfect storm waiting to happen. Suggestions have been made that provision for a new medical centre is included in the planning application but NHS England are not able to give any

assurances that future funding to support such a venture would be available, without which the Practice would not be in a position to even consider relocation. We think it is now time to put a stop to any further development and concentrate efforts on ensuring that the infrastructure in Welton is geared up to deal with the effects of recent planning decisions and ask that you consider these points when making any further decisions about Welton.

Local residents:

Objections received from **9 Ayam Close, 5 Beck Hall, 50 Eastfield Lane, 3 The Eshings, 10, 13, 17, 19, 35, 45, 47, 51, 53, 59 Hackthorn Road, 20 Keepers Close, 30, 40, 44, 50 Northfield Road, 35, 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.

--- Responses to further publicity ---

NHS England: Reiterate their request for a capital contribution of £425 per dwelling (in the order of £64,175) towards health infrastructure. Advise that there is very limited expansion prospect for the [Welton Family Health Centre] practice but a contribution towards improving healthcare provision in Welton is essential. Land potentially for a new medical centre and financial contribution towards health infrastructure would mitigate the risk of an increased patient population for the practice. This would be subject to a full business case and approval by NHS England.

Welton Family Health Centre: Our position remains unchanged. We are unable to support any additional development in our Practice area or consider the development of land for a medical centre without the full backing of NHS England and at the present time NHS England is not able to give us any guarantee of their support. The applications already passed will impact greatly on us and increase our list size beyond a level we feel comfortable to deliver safe and appropriate medical services from our present site and this is of serious concern to us. We therefore reiterate our position that we do not support this application.

Welton-by-Lincoln Parish Council: A Parish Meeting was held on 14th May 2015 to consult the parishioners about this application. Sixty four members of the public attended, the applicants, Parish and District Councillors and Sir Edward Leigh MP; the strength of opposition for this development was apparent. Residents made it known in no uncertain terms that this development was not supported in any way and amongst those present, not one spoke in support of it. The developers themselves said they were surprised at the turnout and it was staggering that Welton villagers were so upset by this development.

The parishioners of Welton felt they had been misled by the developers with the promise of a new medical centre and not as we now know just a piece of safeguarded land.

When the Parish Council was first approached by the developer this development had some merit because of the benefits they were going to bring to the village and this was its initial attraction even though other criteria were not met. A meeting was held with NHS England and they said they could not support a new medical facility in Welton.

The actual monetary value attached to the 106 Agreement of £64,175 in lieu of health care provision would suggest that this is money well spent to achieve the granting of this application and we would request that should this application be granted, these monies are ring-fenced to only be spent in Welton.

The site layout plan shows an adjoining development which is currently not in existence and therefore gives the illusion that this development would be joined to the village which is not the case. The adjacent land for which outline planning permission has been granted is currently for sale and this application should only be considered if and when this site has been developed.

The Neighbourhood Plan is designed to direct where development should be and Welton's does not support this development. The affordable housing needs have been met by applications already granted, so this development is not necessary and WLDC should support the recommendations of the Neighbourhood Plan. This site was looked at by the Neighbourhood Plan Working Group and was not deemed a preferential site for future development. The Neighbourhood Plan does support one development which offers benefits to the community and for which permission has already been granted.

Regarding the issue of traffic; the Parish Council has recently purchased its own portable speed indicating device providing useful reports and information. In one week 13,139 vehicles were recorded travelling north on Hackthorn Road with the highest speed of 65mph being recorded within the 30mph limit. The additional vehicles generated could add up to 1200 journeys per day. There are no pedestrian crossings on Hackthorn Road and children cross the road when walking to school; an accident waiting to happen?

The applicants openly admitted at the meeting that the rationale behind this development was the provision of a new and much needed medical centre for the village; this is no longer valid and therefore the Parish Council respectfully requests that this application be refused.

Local Residents:

Objections received from **9 Ayam Close, 1 Church Cottages (Cliff Road), Ryland Manor (Eastfield Lane), 17, 47, 53, 59 Hackthorn Road, 20 Keepers Close, 25 Lincoln Road, 1 Manor Lane, 30, 50 Northfield Road, 29 Ryland Road, 34 Sudbeck Lane, 7, 8 The Hardings**. In summary:

- The 780 houses already approved by WLDC will load an additional 2000 patients onto this overstretched [health] service. This application will put a further 350 patients into this system seriously impacting on health provision for existing patients;
- The offer of land for a new medical centre is misleading – there is no such discussion with NHS England;
- Land offered for medical centre is at the furthest point away from the village encouraging traffic. It becomes difficult for the elderly and infirm to access the site;
- Upkeep of safeguarded land will fall on Parish Council and cost will be borne by residents;
- The medical centre is at capacity and needs to stay in the centre of the village and not on the outskirts;

- Welton will not see any direct benefits from s106 payments or the New Homes Bonus awarded to WLDC;
- NHS has no intention of providing a staffed medical centre and s106 monies go into a central pot & will not be used to bolster Welton's over-stretched health centre;
- Concerned Welton is being ruined by all this building;
- Welton won't be a village anymore;
- cumulative population increase of 39%;
- No strategy towards infrastructure planning;
- No housing need;
- Recent developments meet local need for affordable housing;
- The Road Traffic Act (RTA) 1988 (amended 1991) places a statutory responsibility for road safety onto local authorities. Traffic flow through Welton will increase by over 500 vehicles during peak hours when the approved developments are completed. At no point are risk assessments being carried out;
- Transport Assessment approach of counting traffic at peak hours is flawed;
- All construction traffic will flow through the village centre i.e. a minimum of 950 HGV delivery vehicles for this development alone;
- Proposed development is no different whatsoever to development on Heath Lane that has recently been rejected;
- Green fields should not be used to build on and extend the village boundaries even further;
- Wish to see further ground contamination investigation.
- Pre-empted Welton Neighbourhood Plan;
- Not taking into account cumulative impacts is negligent.

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 Plan¹** (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

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

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**² (November 2014) has been recently subject to a pre-submission consultation period of 1st December 2014 to 12th 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>
- 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.

² <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>

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/13/2207053³). 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:

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

- 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 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 Transportation⁴ are set out below:

⁴ Guidelines for Providing for Journeys on Foot (IHT, 2000)

	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.

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 have limited expansion opportunities 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 as required. Residents had also questioned the location of the proposed new medical centre, being at 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 proposed medical centre 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 (0.3ha) for future D1 use if taken up by NHS England. It is the applicant's intention to gift this land, to the Parish Council if agreeable, subject to a covenant that it may only be developed for a D1 Medical Centre.

Following the applications deferral from the 29 April 2015 committee meeting, NHS England has reiterated its position that it still seeks a financial contribution towards improving healthcare provision in the locality. They advise that there is very limited expansion prospect for the existing practice but a contribution towards improving healthcare provision in Welton is essential. Land potentially for a new medical centre and financial contribution towards health infrastructure would mitigate the risk of an increased patient population for the practice. This would be subject to a full business case and require approval 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.

A number of residents have raised fears that any S106 monies will not be spent in the locality. The contributions are necessary to make this development acceptable and to directly provide provision to the future occupants of the development. It will be a requirement that the monies can only be spent in the immediate locality and this will need to be a legal covenant of the S106 planning obligation, in accordance with standard practice.

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 (NP) 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. 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 NP 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. Visual harm would be greater without the intervening development taking place.

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. Planning permission 130150 requires development to have commenced on the adjoining land by October 2016 (or one year after the approval of the reserved matters, whichever is the later date).

The applicant argues that such a condition would not be reasonable as it would effectively create a ransom strip and considers that negatively worded conditions should only be used in exceptional circumstances.

However, as the neighbouring site has to commence development by October 2016 (or within one year of reserved matters approval) otherwise planning permission will expire, then it is considered that there is a very reasonable prospect of this event taking place. It would not be an unjustifiable or disproportionate burden placed upon the applicant.

Negatively worded conditions are an established part of planning practice, and Planning Practice Guidance actually suggests ([paragraph:009 Reference ID: 21a-009-20140306](#)) the use of Grampian conditions as a possible solution where works are required relating to land not in control of the applicant, whilst advising *“such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.”* That is not the case here.

Section 70(1)(a) of the Town & Country Planning Act 1990 enables the local planning authority in granting planning permission to *“impose such conditions as they think fit”*. Paragraph 206 of the NPPF states *“Planning conditions should only be imposed where they are: (1) necessary; (2) relevant to planning and; (3) to the development to be permitted; (4) enforceable; (5) precise and; (6) reasonable in all other respects.”*

Such a condition is considered to be necessary and reasonable, and is thought to meet the six tests.

It should be noted that there are two ways the applicant could challenge the imposition of such a planning condition. The first would be to appeal against the decision to the Secretary of State. A Planning Inspector on behalf of the Secretary of State will re-determine the whole application, not only the decision to impose the conditions. Secondly, the applicant could apply to the local planning authority not to comply with the condition (s73 application). The local planning authority must only consider the disputed condition – it is not a complete re-consideration of the application. Where a s73 application is refused, the decision can be appealed to the Secretary of State who will also only consider the condition/s in question.

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 however 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”.

Current figures from the Lincs Homefinder CBL Housing register show that there are 6345 households across Central Lincolnshire registered for

affordable housing. Of these there are 1840 households requiring affordable housing in West Lindsey.

The applicant had initially offered 15% of the total number of units as affordable housing (23 units in total), on viability grounds. Through further negotiation, the applicant has now agreed to make a 20% contribution (30 units in total). Covenants in the S106 planning obligation will require priority is given to those households with a local connection to Welton.

The provision of needed affordable homes is a benefit of development that can be attached weight when applying the NPPF presumption in favour of sustainable development test.

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 medical centre (predicted to generate 53 peak am movements and 36 peak pm movements). As the medical centre has now been removed from the scheme, the likely

effects of the development are actually being 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.

No less than 20% 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 specifically to address these shortfalls and a neutral effect therefore 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 potentially 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 20% 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 two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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, in accordance with planning permission reference 130150 (or any subsequent planning permission re-enacting that permission).

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

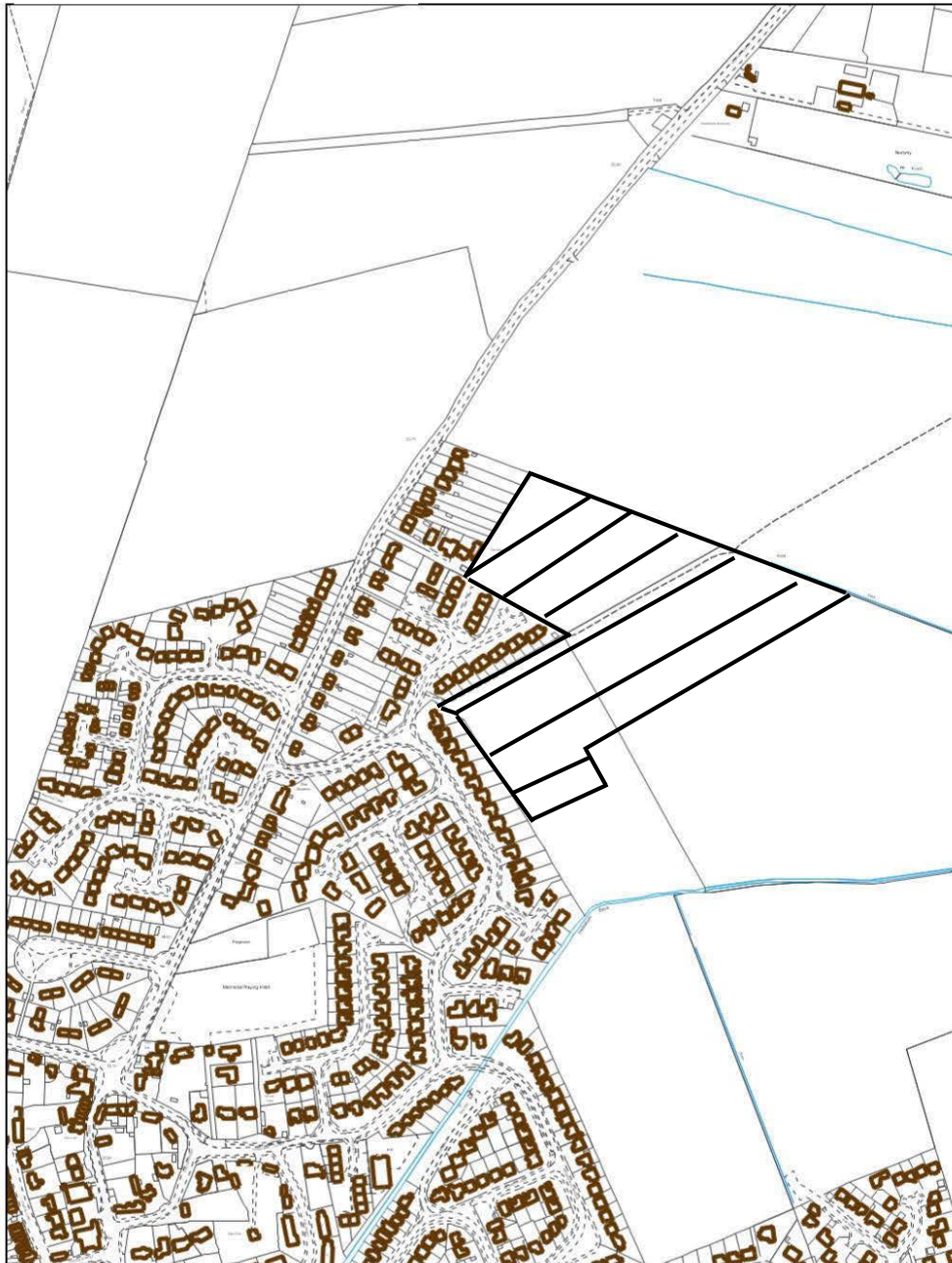
Reason: The northern part of the site is located within a source protection zone (SPZ1) for a public water supply abstraction.

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©Crown copyright.
Unauthorised reproduction infringes ©Crown copyright and may lead to prosecution or civil proceedings.
West Lindsey District Council Licence No. LA 100018701 26 May 2015

Planning Application No: 131975

PROPOSAL: Outline planning application to erect 68no. dwellings-10no. affordable-including open space provision, associated garages and infrastructure and scale to be considered and not reserved for subsequent applications

LOCATION: Land to the rear of 72 Scothern Road Nettleham
Lincolnshire LN2 2TX

WARD: Nettleham

WARD MEMBER(S): Councillor G McNeill, Councillor Mrs White

APPLICANT NAME: Truelove Properties and Construction Ltd

TARGET DECISION DATE: 30/12/2014

DEVELOPMENT TYPE: Large 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. 10of the dwellings to be delivered on-site as affordable housing, with an 70/30 rented / shared ownership tenure split.
- b. Provision of Allotments, brick building and 6 car park spaces
- c. A contribution of £110,434 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath together with details of maintenance.
- e. contribution of £18,466 towards capital infrastructure for health services necessary to serve the development.
- f. A contribution of £3000 towards bus stops

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: Application site forms a field of 4.4 hectares currently used for growing crops on the edge of Nettleham off Scothern Road. To the north, east and southern boundaries is open countryside and to the western boundary is existing residential development on Scothern Road, High Leas and High Fields.

The proposal is for the erection of 68 dwellings (including 10 affordable), allotments and a footpath/cycleway link to Sudbrooke. The application has been made in outline form with layout, access and scale to be considered and all other matters reserved for future consideration. The access to the site is proposed through the demolition of 72 Scothern Road.

Planning Committee has undertaken a site visit to this site on 29th January 2015.

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

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

Relevant history: No relevant history

Representations:

Chairman/Ward member(s): Request consideration at Planning Committee

Parish/Town Council/Meeting (including the Neighbourhood Plan group):
Nettleham Parish Council does not object or support in principal this outline Planning Application but has the following observations to make regarding this application which it would like WLDC to consider in its deliberations:-

The application relates to an area of land, which has been designated in the emerging Neighbourhood Plan for Nettleham. The Nettleham Neighbourhood Plan (NNP) is currently at Reg14 (statutory 6 weeks consultation) stage of the process.

We note the following non-compliances with the NNP:-

1 Housing numbers: Policies H - 1 and H - 8, quote a max of 50 new homes, plus up to 20% additional homes where the development contributes significantly to achieving other elements of the NNP. This would total to 60 (68 applied for)

2. Affordable Housing element: Policy H - 4, quotes 25% in line with the local plan objectives. Based on 60 total houses then the affordable element would be 15 (10 minimum proposed).

However:-

a. There is significant gain to Nettleham residents by way of the new allotments on offer in this plan. These allotments are in a much safer location than the existing allotments off the A46, and the facilities on offer provide off street parking and lockups. In addition they would provide a better quality of land for gardening purposes than the existing allotments. The allotments are in a sustainable location being close to a footpath leading to Highfields/High Leas junction, which is a short walk to the centre of the village.

b. We have a firm unambiguous commitment to provide affordable housing in this proposal.

c. We have a significant enhancement of public field paths in open countryside and alongside Nettleham Beck for community usage.

d. We would request that a firm commitment is given to retain the hedgerows and

mature trees to be found on the site and policy H8 complied with in this respect.

e. The developers stated intention is to develop the site at a rate of 10-20 dwellings per year. This will minimize the impact of construction traffic through the village and is considered a balanced and proportionate rate of development.

Other concerns:

We do have reservations about the relatively narrow road access, especially in view of the potential hinterland development, but, if the LCC Highway Authority are satisfied then there is little more we can do but express our concern here.

We also have concerns regarding drainage of the site due to the potential for flood risk in the adjacent to the Nettleham Beck and would draw WLDC attention to the NNP policies.

D - 4 Drainage Strategy

D – 5 Sustainable Urban Drainage

D – 6 Nettleham Beck

We would request that the opinion of the Environment Agency is sought on this matter to ensure that any proposed solution will not increase flood risk in the area.

Revised comments

Last night we had a Nettleham Parish Council meeting at which it was agreed to make some changes to our Neighbourhood Plan as a result of the Reg 14 Statutory Consultation representations and recommendations from our planning consultants. One modification effects our Policy *H-1 Managed Housing Growth* which has been changed to the wording below:

Policy H 1 Managed housing growth

Residential developments will only be supported on the allocated sites shown on the proposals map. No single site will normally be permitted to have more than 50 homes to ensure better integration into the existing community.

Developers of any sites where permission is sought within 5 years of work commencing on another site in the village must demonstrate via a construction management plan that the development will not have any unacceptable impacts on the community as a whole.

As you will note we have removed the 20% upper number limit on any development to ensure that there is flexibility for developers to bring forward imaginative plans with community benefits.

With this in mind **the Parish Council resolved last night that this application's previous conflict with the Draft NP no longer exists and we now have No Objection to the outline plan proposed by the applicant.**

Revised consultation following consideration of viability assessment:

1. It seems to us that the Developer can increase the density level from the current 16/Ha to the 20/Ha permissible in our Neighbourhood Plan. Up to that level the development would accord with the character of our settlement (per para's 47 & 58 of the NPPF). Such a change would have the effect of reducing the overall area of land involved and thereby presumably assist with the viability issue here
2. Yes we are in complete agreement with your sentiments that there must be a contribution from the Developer in particular-
 - The provision of a minimum of x10 Affordable Homes
 - The provision of allotments and Storage Area as agreed with the Developer some 6 months ago
 - A contribution towards education, highways & footpaths/bridleways

In the absence of the foregoing, I am in no doubt that the Parish Council would have objected to this particular development in the strongest possible terms

Local residents: Objections received from 6 Ash Grove Cherry Willingham, 12 Highfields, 30 Highfields, 29 High Leas, 33 High Leas, 56 Scothern Road, Workshop 58B Scothern Road, 68 Scothern Road, 74 Scothern Road, 76 Scothern Road, 78 Scothern Road

On the following grounds:

- Not good medium/long term planning to use agricultural land that has been cropped in recent years for new housing
- Existing roads, public transport, medical facilities education and care facilities already under strain
- Houses will be out of character with existing bungalows and light and privacy of existing residents will be compromised
- Measures need to be agreed to avoid excessive noise during construction and excessive parked cars
- Development is outside the village plan boundary
- Building near sewage works breaches Defra guidelines to planners
- More village congestion and road danger to pedestrians and drivers – few people will go to the local shops on foot
- Scothern Road is too narrow and dangerous as it is full of potholes and bad state of repair
- Nettleham will cease to be a village

- In a distance of 0.4 miles there will be 6 access points creating excessive hazards
- This proposal will increase congestion on the High Street
- Additional traffic will pass the playing field and be a danger to people entering or leaving the field
- Existing sewage plant less than effective
- Proposed cycle way is unusual only goes halfway along the road and no evidence that cycle way is a priority
- Allotments out on a limb
- Upstairs rooms will overlook bedrooms of bungalows
- Surface water run off will increase
- Peace and tranquillity of area destroyed for ever
- Effect on wildlife and protected species horrific
- Plenty of alternative brown sites in and around Lincoln
- Area of field may be contaminated from a bus and coach repair and refuelling garage
- Access road will have a big impact on dwelling as only 225 cms from boundary
- Damage to our house when 72 Scothern Road is demolished, vibrations and heavy road use will lead to air pollution
- A lot of parking on Scothern Road and the speed limit is not adhered to – this will make proposal more dangerous

John Dixon Homes: Objects to proposals – No FRA submitted, no commitment to SuDS, is not sustainable development, design and layout does not respond to local context, hard edge formed to open countryside, open space unimaginative and poorly sited, long distance from village core

LCC Highways: No objections subject to the addition of conditions to achieve adoptable roads and access and S106 agreement for two bus stops

Environment Agency: Following our letter of 30 October 2014 a Flood Risk Assessment (FRA) and Drainage Strategy has now been submitted. However,

this does not contain sufficient information to provide confidence that surface water runoff will not increase flood risk. We therefore maintain our objection until the following additional information is submitted.

- The FRA has calculated the existing greenfield runoff rate but does not include the details of the calculation itself. The current proposal based on the identified greenfield runoff rate significantly increases the discharge from the site into the Beck. The Beck has a history of flooding and capacity issues so any increase is sensitive and must be avoided where possible. The current calculated rates are more in line with soils which have a high infiltration rate, differing from the observations within the FRA.
- The volume of attenuation has also been calculated but again the calculation has not been included within the FRA. It is also unclear if this volume takes into account climate change, which would lead to an increase.
- The proposed attenuation pond is to be located close to the Beck and it is unclear if this is within the redline boundary of the application, allowing suitable planning conditions to be applied to the area of land. The FRA also identifies additional information which is required to demonstrate the proposal will work.
- There is little detail on the SuDS which can be incorporated into the site and how source control will be applied to the development. This needs expanding and can be informed by a MAG meeting as previously recommended.

Revised comments following MAG meeting

Objection can be removed following revised scheme subject to the addition of a condition requiring the submission of full details of a SuDs scheme.

NHS England: Require a contribution of £28,900 towards the cost of health infrastructure

Archaeology: Evaluation shows that part of the site contained some significant Roman remains namely a track way and some quarrying pits. Most notable was the remains of a Roman stone structure with a tiled floor and evidence of a potential hypocaust indicating a possible bath house. Recommended that archaeological monitoring is done on the most sensitive part of the site which can be secured by way of a condition.

WLDC Environmental Protection: recommend a MAG meeting to ensure drainage is not an afterthought

LCC Education Authority: Requires a contribution of £387,346 towards education infrastructure at primary and secondary level

Natural England: No objection, standing advice applies for protected species

Lincolnshire Police: General comments regarding design and layout which can be addressed in reserved matters submissions

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/>

Neighbourhood Plan

Nettleham Emerging Neighbourhood Plan (NENP):

The draft Nettleham Neighbourhood Plan has been produced following extensive public consultation. The formal consultation period between 12th December 2014 and 31st January 2015 has now been completed. In accordance with paragraph 216 of the NPPF the Emerging plan is at a stage where it can carry some weight as a material consideration

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 Nettleham 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 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.

Consequently, 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 emerging Nettleham Neighbourhood Plan also needs to be given some weight in this process as it has now been through public consultation and policies are in accordance with sustainability criteria in the NPPF (subject to inquiry). Some weight can therefore be given to the document which allocates this site for housing.

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.”

Nettleham is allocated as a Primary Rural Settlements (LP policy STRAT3) The settlement contains a school, church, village hall, shops, pub and employment land. The site is located approximately 700 metres from the centre of the village which would be a comfortable walking distance. The site is also well linked by footpaths to the centre of Nettleham and the applicants will also be constructing a further footway to link the site to Sudbrooke Road.

The highway authority has also requested contribution to three bus stops one on Highfields and the other two on Scothern Road. This has been agreed with the developer

These improvements to help with sustainability can be secured through a S106 planning obligation.

Nettleham 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 Nettleham 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.

STRAT 19 of the West Lindsey Local Plan requires that infrastructure is required to serve new development. It states that Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development. Policy C1 of the NNP states that new development will not be allowed that undermines existing services and facilities.

A viability assessment has been submitted with the application which has been checked by you officers and found to be an accurate representation of the development costs. This demonstrates that at the density of development proposed to accord with Policy H1 of the NNP then the full contributions requested cannot be met. The developers are offering 10 affordable units (14.7% of the total), the provision of allotments together with allotment building and car park, provision of footpath, and then a total of £131,900 towards health, education and highway improvements. It is suggested that this is split as follows :

Provision of bus stops because of low amount	£3000	Full contribution
Contribution to health facilities	£18,466	Pro rata
Contribution to education facilities	£110,434	Pro rata

This is a 'tricky' issue, currently the West Lindsey Local Plan carries more weight than the NNP however the NPPF talks about empowering local people to shape their neighbourhoods. This proposal has been achieved through negotiation with the Parish Council and Neighbourhood Plan team and as such the response from the Parish Council supports the proposal, in the light of the Localism Act this must be given some weight.

As ever this is a finely balance issue but 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 local improvements in the form of allotments, bus stops and footpath links.

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, attenuation pond, and discharge of surface water via an attenuation pond to existing drainage systems. It will lead to a controlled system which will have fewer and reduced discharges of surface water.

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 Scothern Road with an acceptable visibility splay.

The internal layout has been modified to the satisfaction of the highway authority and the Highway Authority request a condition requiring the submission of a travel plan.

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 contribution of 14.7% affordable houses as negotiated with the Parish Council. This would be split 70% affordable rent and 30% shared ownership. This is accompanied by a valid viability study which demonstrates that the scheme can not achieve 25% affordable

dwellings. The applicants have offered 10 affordable dwellings following discussions with the Parish Council.

Current figures from the Lincs Homefinder CBL Housing register show that there are 6345 households across Central Lincolnshire registered for affordable housing. Of these there are 1840 households requiring affordable housing in West Lindsey. Upon delivery priority will be given to those with a local connection to Nettleham secured by 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 and south west.

Development would be perceptible to road users approaching the village on Scothern Road in the context of the backdrop of existing housing. Landscaping along this boundary could be used to soften the edge and this can be controlled via condition.

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. In order to achieve the access into the development the application proposes the demolition of No 72 Scothern Road. This will clearly have an impact on the properties either side nos 70 and 74 Scothern Road. These properties will now have traffic movements associated with 68 houses alongside their house. While this will have an impact it can be mitigated through the use of landscaping and acoustic screening. A condition should be attached to any permission to achieve this.

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. The report recommended the following:

Recommendation 1 (Bats)

Before any pruning or felling works are undertaken to the ash tree assessed as

having low Bat Roost Potential (BRP) in the central hedgerow boundary, it will be necessary for a bat licenced ecologist to undertake a comprehensive BRP to check for signs of, or the presence of, roosting bats immediately before works are due to be carried out. Any works to the tree should be undertaken between April and October (inclusive) to avoid harming any bats that could be present during the hibernation period.

The lighting plan for the Site should be designed to ensure that any light spill onto boundary hedgerows is minimised in order to prevent any adverse impact

upon bats which may use the hedgerows for foraging and commuting purposes.

Recommendation 2 (Badgers)

No signs of badgers or badger activity were recorded at the time of survey. However, as is general good practice for Sites where badgers may occur, it is recommended that no excavations or trenches are left uncovered overnight during the development works in order to prevent any badgers from becoming trapped. Alternatively, ramps can be provided to enable them to climb out of trenches or excavations.

Recommendation 3 (Nesting Birds)

Any clearance works to be undertaken of the areas of hedgerow, scrub and trees at the Site should be done either before early March or after late July to avoid the main nesting bird season. If Site clearance works are necessary during the nesting period an experienced ecologist must check suitable

habitats before works begin to confirm no nesting birds will be affected.

Recommendation 4 (Planning)

Following the issue of the National Planning Policy Framework (NPPF, 2012) by the Department for Communities and Local Government (DCLG), “*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...*”; and, therefore, for this particular development the use of native plant species sourced from local nurseries is recommended in landscape proposals to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-Site. A species list of recommended trees and shrubs is included within the recommendations section of this Report. In addition, bat and bird boxes should be incorporated into the scheme to enhance bird nesting and bat roosting opportunities at the Site.

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.

The Nettleham Neighbourhood Plan supports development on this site and this has some weight.

Development would produce 68 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.

10 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.

Nettleham, 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 limited financial contributions to address and mitigate against lack of capacity in local health and education provision. Development will therefore have an impact 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:-

- g. 10 of the dwellings to be delivered on-site as affordable housing, with an 70/30 rented / shared ownership tenure split.
- h. Provision of Allotments, brick building and 6 car park spaces
- i. A contribution of £110,434 towards capital infrastructure for education necessary to serve the development.
- j. Provision of a Public Footpath together with details of maintenance.
- k. contribution of £18,466 towards capital infrastructure for health services necessary to serve the development.
- l. A contribution of £3000 towards bus stops

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 and landscaping (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 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 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 $Q_{bar} 5.6l/s$ litres per second ;
 - 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. 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.

6. No development take place until details of the noise attenuation scheme to the boundaries of No 74 and No 70 Scothern Road have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be put in place prior to the occupation of the first dwelling.

Reason: In the interests of residential amenity in accordance with policy STRAT 1 and RES 6 of the West Lindsey Local Plan First Review 2006

7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out

the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

8. No dwelling shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reasons:- To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

9. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reasons:- To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

10. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

11. 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 TL16-SL-01 Rev.E (3) dated 01/05/15 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 Scothern Road in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

12. Development shall not be commenced 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 order to reduce the dependence residents on the car in accordance with the National Planning policy Framework.

13. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

14. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 13 of this permission at least 14 days before the said commencement. No variation shall take place.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

15. The archaeological site work shall be undertaken only in full accordance

with the written scheme required by condition 13 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

16. Following the archaeological site work referred to in condition 13 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

17. The report referred to in condition 16 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

Conditions to be observed during the development of the site

18. 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

Conditions to be observed before occupation of any of the dwellings

19. 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.

20. The recommendations contained in the Extended Phase 1 Habitat survey carried out by Delta Simons no 14-0725.01 dated November 2014 shall be followed at all times during development

Reason: In the interests of ecological diversity as required by the National Planning Policy Framework

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

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

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.

Completion of Streets / Estate Street Phasing Plan – Note

The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 7, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

Management and Maintenance of Estate Streets – Note

The applicant is advised that to discharge condition 9 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Submission of Details – Adoptable Streets – Note

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 10 of this consent.

Footpath

Footpath 149 which crosses through the site is required to be surfaced to the same standard as the proposed estate footways.

Human Rights Implications:

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

Legal Implications:


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

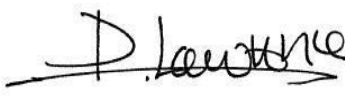
Representors to be notified -

(highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by : Zoe Raygen Date :

Signed: ... 1 May 2015

Authorising Office  Date: 22 May 2015

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee X