



PL.14 14/15
Planning Committee
4 March 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



1:5000



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Officers Report

Planning Application No: 132257

PROPOSAL: Outline planning application to erect 6no. detached dwellings, 4no. semi detached dwellings and 2no. detached garages, access and layout to be considered and not reserved for subsequent applications.

LOCATION: Land adjacent Obam Lifts Tillbridge Lane Sturton By Stow
Lincoln LN1 2BP

WARD: Stow

WARD MEMBER(S): Councillor Shore

APPLICANT NAME: Obam Lifts

TARGET DECISION DATE: 11/02/2015

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION: Delegate to the Chief Operating Officer to grant the application with conditions subject to the receipt of drawings which adequately address the comments of the Highway Authority

Description: Application site is on the southern side of Tillbridge Lane to the south east of Sturton by Stow. The site with an area of 0.7 hectares is at a lower level than Tillbridge Lane and currently open countryside formed from rough grassland. To the south and west is open countryside and further to the west dwellings within Sturton by Stow. To the east of the site is Obam Lifts and a County Council depot.

The site is part of an employment allocation in the Local Plan (SS(E)1) for B1, B2 and B8 use.

A scheme for three dwellings at the front of the site was approved last year to facilitate the expansion of Obam lifts. Obam Stairlifts came to their current Tillbridge Lane premises in 2003 and have developed a strong local business with Council, housing association and private contracts. They employ fifteen people, 2 of which live in the village, 11 live in the Gainsborough and Lincoln areas and 2 live outside the county. The business has outgrown the current site and has permission to expand (129339). While these three dwellings are under construction the company have finalised their plans and understand that more finance is required to facilitate the expansion than originally considered.

This application has been made therefore, to facilitate that expansion and further growth within the business, for the erection of an additional 10 dwellings.

The application has been reported to Committee as the Chief Operating Officer considers that there is a perception that the site could be developed by Councillor Kinch. The applicant, via the agent, has however subsequently confirmed that this is not currently the case.

Background:

The monies from the sale of the plots would fund the further expansion of the business.

Relevant history:

129340 Outline planning application for development of 4 no. live-work units – access and layout to be considered and not reserved for subsequent applications. – Withdrawn 26/4/13

129339 (Land to the rear of the existing Obam building) Planning application for construction of a new portal frame storage and workshop building with adjoining office. Granted consent 29/1/13

130005 Outline planning application for development of 3no. detached dormer houses, access and layout to be considered and not reserved for subsequent applications, resubmission of 129340 Granted consent 2013

131348 Application for approval of reserved matters following outline approval 130005 granted 16th September 2013 for 3no. detached dormer houses. Granted consent 2014

Representations:

Chairman/Ward member: Councillor Shore requests application is considered at Committee

Parish Council: The Parish Council OBJECT to this application.

The site has been designated as Industrial Land for decades. The applicant sought consent for 3 live/work units last year to fund the expansion of their business. This was swiftly amended to 3 residential dwellings and was granted consent by your council. It is currently being developed by a business owned by one of your District Councillors.

This application is, therefore, backland development as the site is to the rear of the properties currently under construction.

The application is contradictory as the plans suggest reinstatement of an ancient right of way, which, whilst lost for some time, remains on the County Council list; however, the application states no public right of way to be provided.

There does not appear to be a current archaeological survey to address the 'ridge and furrow' field pattern.

The adjacent County Highways road gritting depot operates for 24 hours a day for long periods during winter. This is a particularly noisy and light intrusive operation which is not compatible with a residential area.

The Parish Council consider that this site is not suitable for the type of development suggested and urge the planning authority to reject the proposals.

Local residents: None received

LCC Highways: Access is acceptable in terms of visibility; current layout is acceptable apart from turning head shown, which is sub-standard.

A small section of footway will be required at the access along with a crossing point for pedestrians to access the existing footway on the opposite side of the carriageway.

Proposed drive should be designed and constructed to an adoptable standard, including street lighting, in line with the current Lincolnshire County Council Development Road Specification.

Shared surface requirements would be a 5.5m wide shared c/w and f/w with 1.8m service margins (a small section of footway will be required at the access) or alternatively a 5m wide c/w with 1.8m wide footways. In this circumstance only one footway would be required on the dwellings side

Upper Witham Internal Drainage Board: None received

Archaeology: No requirement for archaeological work to be undertaken

Environment Agency – no objections

Lincolnshire Police – General comments which will be covered in the requirement to submit details as part of any reserved matters approval

LCC Footpaths: The county council has an application to recognise a public footpath adjoining the western boundary of the site. This is based on the depiction of a path on an old Ordnance Survey sheet and a number of user evidence forms. None of the evidence provided suggests that a route affects this development site. It could be beneficial to retain a strip to link to this claimed footpath in the south west corner of the site. This could then facilitate a connection to this route if evidence or local goodwill were ever to result in this being recognised and set out.

NHS England: No contribution required due to small size of site

Relevant Planning Policies:

The Development Plan

West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** remain 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 7 Windfall and infill housing in subsidiary rural settlements
<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/>

Main issues

- Principle
- Design
- Highways
- Drainage

Assessment:

Principle

The site is allocated for business under saved policy STRAT15 of the Local Plan. However, paragraph 22 of the NPPF acknowledges that, “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for employment use, application for alternative uses.... should be treated on their merits.”

The site has not come forward for business use during the life of the Local Plan and is in the ownership of Obam lifts. By allowing this development business expansion is also assured through the extension to Obam lifts.

Sturton by Stow is identified as a subsidiary rural settlement under the Settlement Hierarchy in saved policy STRAT3. (Although since that time Sturton has gained more facilities and could be considered as a primary rural settlement and is certainly considered to be sustainable). The recent appeal decision at Waddingham makes it clear that this type of settlement can be seen as being sustainable and new housing is helpful in adding to that sustainability and supporting local services.

As the site is within the built up area of Sturton by Stow saved policy STRAT7 is relevant. It is not considered that the local need element of this policy (i) or the previously developed land clause (ix) comply with the NPPF as the Council does not have a five year supply of housing land the sustainability of development now carries more weight than these parts. The rest of the policy is considered compliant with the NPPF.

The application is in outline form only with layout and access to be considered. Whilst, therefore, the size scale and design of the properties are not to be considered, the development of 10 dwellings is considered to be of a scale that would be consistent with development within Sturton by Stow.

RES 6 states that affordable housing would be required for developments of three dwellings and above. Changes to the NPPG would suggest that unless there are specific onsite requirements, developments for 10 dwellings or less should not be required to make financial contributions. This together with the fact that the development is required to facilitate the finance for the expansion

of the Obama premises means that it would not be appropriate in this instance to seek contributions.

Subject to the right design, the proposal will not be detrimental to nearby occupiers. Design will be assessed when the reserved matters are submitted, however the site is located sufficiently far away from adjacent residential properties to ensure the new houses would not be harmful to residential amenity. A noise assessment report has been prepared to assess the impact of the Council's highway depot on the potential occupiers of the houses. As a result a scheme of sound insulation (acoustic double glazing and an alternative means of ventilation (mechanical ventilation) and boundary treatment has been specified in order to mitigate transient noise associated with hydraulic loaders transferring grit at the adjacent highways depot.

The site will be viewed in context with the three houses already approved at the front of the site and therefore there will not be a loss of a significant gap site within the street scene.

The final criteria of Policy STRAT 7 relates to the impact on the Council's housing supply. The National Planning Practice Guidance (PPG) advises that housing figures in up-to-date Local Plans should be used as the starting point for identifying the five year requirement. As the Local Plans for the three Central Lincolnshire authorities are outdated and the policies in the emerging joint Local Plan are not yet capable of carrying sufficient weight these cannot be used.

The East Midlands Regional Spatial Strategy (RSS) was formally revoked in April 2013 and can therefore no longer be relied on to provide housing targets for Central Lincolnshire as it may not adequately reflect current housing needs. The PPG suggests using information provided in the latest full assessment of housing needs should be considered. The Strategic Housing Market Assessment (SHMA) is currently being prepared and therefore this cannot be used to identify the housing need for the area. The PPG goes on to state that "Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG) should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested."

The latest housing requirements published by DCLG for Central Lincolnshire is 1,230 dwellings per year or **6,150** over the five year period (2015/2016 to 2019/2020). However, to meet the requirements of the NPPF an additional 5% buffer must be added to the requirement. The total requirement increases to **6,458** dwellings (6,150 +308) or 1,292 per year.

The results show that the Central Lincolnshire Authorities do not have sufficient land to meet the five year requirement. The supply is only **3.5 years** worth of land. The shortfall, if the NPPF requirement for an additional 5% buffer is included, is 2,180 dwellings (or 436 dwellings a year).

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

In this context, there should be a presumption in favour of housing development, even on greenfield sites, provided that the development is sustainable and is acceptable when considered against other material planning considerations.

It is considered therefore that the development is in principle acceptable and in accordance with not only the NPPF but also the relevant policies of the West Lindsey Local Plan.

Design

The final design of the houses will be part of the reserved matters application. However, the layout is considered acceptable as it provides for a substantial green buffer between the housing and the surrounding open countryside. A good landscaping scheme here to enhance the existing hedgerow will ensure that the impact of the houses is mitigated. The density of development is acceptable and building relationships are good.

Highways

The site is proposed to be accessed from the existing access to the three dwellings at the front of the site. This access was designed to maintain the access to the business use allocation and therefore it is considered that it will be sufficient to service the proposed housing development. Conditions need to be added to ensure that the access road is delivered and maintained

The highway authority have raised some minor queries regarding the internal design of the layout and these are being addressed by the applicant

Drainage

The site has been the subject of a Multi Agency Group meeting regarding the drainage and the general strategy agreed at that time. All post development surface water run off will be discharged to the northern boundary ditch via the use of attenuation SuDs located through the development. The surface water drainage scheme will be designed to accommodate and dispose of runoff from storms up to the 1:100 year + 30% climate change event. The SuDs will be offered for adoption via Anglian Water the local authority (LCC) or a private management company. A condition is therefore required to ensure that this happens.

Anglian Water have confirmed that the proposed development is in the catchment of the Sturton by Stow water recycling centre which currently has the capacity to treat the flows generated by the development. A pumping station will be required due to the connecting level of the existing public sewer system to avoid raising the land. This has been positioned in an acceptable location within the development to avoid nuisance to potential occupiers.

Other matters

An informative can be added to the permission regarding the comments of LCC footpaths section.

The previous application was agreed subject to an agreement (albeit not under S106) requiring the finance from the sale of the land to be used to facilitate the expansion of Obam Lifts. With respect to the current application if it had been submitted without the link to Obam Lifts the same conclusions as above would be reached as the site is acceptable for housing irrespective of the link. It is not therefore considered necessary that the link is secured by a legal agreement as the NPPG states that Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. In this instance the development is acceptable without the need for the legal agreement

Conclusion and reasons for decision:

The proposal has been examined alongside the Development Plan, particularly saved policies STRAT1 – Development requiring planning permission, STRAT3 – Settlement Hierarchy, STRAT7 – Windfall and Infill Housing Development in Subsidiary Rural Settlements, STRAT15 – Employment Allocations, RES1 – Housing Layout and Design, NBE14 – Waste Water Disposal and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review (June 2006) alongside the advice given in the National Planning Policy Framework (March 2012) and the National Planning Practice Guidance 2014 and the lack of a five year housing land supply in Central Lincolnshire .

In the light of this assessment, whilst it is noted that the land is allocated for business purposes, such development has not come forward in the life of the plan. Residential development would be acceptable on this sustainable site and would allow the business of Obam Lift Services to stay in the District and to expand. The addition of conditions will ensure that harm is not caused to highway safety, residential and visual amenity.

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. No development shall take place until plans and particulars of the scale

and appearance of the buildings to be erected, and the 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 has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance.) of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

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

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

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

4. No development shall take place until details of the external facing materials to be used have been submitted to and approved in writing by the local planning authority

Reason: To ensure a satisfactory external appearance of the development in accordance with saved policies STRAT1 and RES1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

5. No dwelling shall be occupied until the details of the maintenance of both the surface water and foul water drainage systems have been submitted to and approved in writing by the Local Planning Authority. Maintenance shall proceed in accordance with the approved details.

Reason: In order to ensure that the drainage systems are properly maintained so as not to exacerbate flooding issues within the catchment in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006, the advice within the National Planning Policy Framework March 2012 and the Technical Guidance to the National Planning Policy Framework.

6. No development shall take place until details of a hard landscaping scheme including details of the finishes and colour of all surface materials, including those to access driveways, forecourts and parking/turning areas have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that, an appropriate level and type of hard landscaping is provided within the site in accordance with saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

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: LDC1024-PL-02, LDC1024-PL-03 dated 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.

Reason: To ensure the development proceeds in accordance with the approved plans and in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review June 2006.

8. All drainage routes through the site shall be maintained during the course of development and following the completion of the works.

Reason: In order that those areas served by the drainage routes and upstream and downstream riparian owners are not adversely affected by the development in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

9. The development shall be carried out only using the materials approved in condition 4 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area in accordance with saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

10. The details of hard landscaping approved in Condition 6 shall be implemented on site prior to the occupation of the buildings or the completion of the development whichever is the sooner and shall be so retained.

Reason: To ensure that an appropriate level and type of hard landscaping is provided within the site in accordance with saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

11. Before the dwellings are first occupied, the access, turning space and private drive shall be completed in accordance with the approved plan drawing number LDC1024-PL-03 dated December 2014 and retained for that use thereafter.

Reason: In the interests of highway safety in accordance with saved policies STRAT1 and RES1 of the West Lindsey Local Plan First Review June 2006 and the advice within the National Planning Policy Framework March 2012.

12. No dwelling shall be occupied until the noise mitigation measures contained in the report by Environmental Noise Solutions Limited dated 17th November 2014 have been implemented on site. The measures shall be maintained at all times

Reason: To protect residential amenity in accordance with the National Planning policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review

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

13. The approved surface water regulation system and foul water system, shall be brought into use before the development is occupied and retained in working order thereafter.

Reason: In order to control surface water run off so as not to exacerbate flooding issues within the catchment in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006, the advice within the National Planning Policy Framework March 2012 and the Technical Guidance of the National Planning Policy Framework.

14. 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 buildings 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 saved policies STRAT 1, STRAT 12 and CORE 10 of the West Lindsey Local Plan First Review 2006 and the advice within the National Planning Policy Framework March 2012.

Notes to the Applicant:

1. The county council has an application to recognise a public footpath adjoining the western boundary of the site. This is based on the depiction of a path on an old Ordnance Survey sheet and a number of user evidence forms. None of the evidence provided suggests that a route affects this development site however the possible discovery of further evidence cannot be discounted. It could be beneficial to retain a strip to link to this claimed footpath in the south west corner of the site. This could then facilitate a connection to this route if evidence or local goodwill were ever to result in this being recognised and set out.

Human Rights Implications:

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

Legal Implications:

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



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Officers Report

Planning Application No: 131681

PROPOSAL: Outline application for residential development of up to 350 dwellings, including specialist retirement housing, with means of access to be considered.

LOCATION: Land off Prebend Lane Welton Lincoln Lincolnshire

WARD: Welton

WARD MEMBER(S): Cllr M Parish and Cllr Mrs D M Rodgers

APPLICANT NAME: Beal Developments Ltd

TARGET DECISION DATE: 12/11/2014

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, 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:-

- (1) Up to 87 affordable dwellings (25%) subject to viability (tenure 80% affordable rent; 20% shared ownership)*
- (2) Financial Contribution (£1,161,218) in lieu of on-site education provision;*
- (3) Financial Contribution (£148,750) in lieu of on-site health care provision;*
- (4) Provision of on-site sports pitches.*

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:

The application site measures 28.7 hectares and currently comprises two agricultural fields in arable use to the north of the village of Welton. It is accessed off Prebend Lane which runs parallel to the western boundary. A Public Right of Way (WELT/42/2) runs along Prebend Lane.

Residential properties adjoin the site to the east, south and west. The Stonecliff Park Residential Mobile Homes Park is situated to the west of the site, on the opposite side of Prebend Lane. To the east is the Manor Park Sports Club, comprising sports pavilion and playing pitches. To the north is the Welton Manor Golf Course.

The application seeks outline planning permission for residential development of up to 350 dwellings. Development would include the provision of public open space. Access would be taken off Prebend Lane to the west and Poachers Rest from the east. Access is a matter that is to be considered with the application – matters of scale, layout, appearance and landscaping are all reserved for subsequent approval (known as ‘reserved matters’).

An indicative layout has been supplied which shows residential development concentrated in the southern half of the site. The provision of public open space (POS) and water features are also indicated. Development is not indicated in the northern half.

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

The Council has given a formal screening opinion (reference 130941) which was that the development proposed is not EIA Development.

Relevant history:

None applicable.

Representations:

Sir Edward Leigh MP: Supports concerns of 31 Rivehall Avenue. Development will completely change the character of Welton as well as adding an extra burden onto services, schools and shops. The size and scale of proposed development is completely beyond what is acceptable.

Ward Member Cllr Mrs D M Rodgers: As a Ward Member for Welton, I am writing to express personal and public concerns about the recently published Planning Applications for housing developments off Cliff Road and off Prebend Lane.

As you are aware, during the first quarter of this Council Year, the Planning Committee approved two applications to build 113 houses in Welton: 50 dwellings on land off Halfpenny Close; and a further 63 units on adjacent land, off Hackthorn Road. Both sites are in open countryside, and both applications attracted local opposition on the basis of the over-utilization of green-fields sites, the over-exploitation of local public services, and the lack of local government investment in local infrastructure.

We now have two more applications for housing developments: No 131492 proposes another 63 units off Cliff Road; and No 131681 proposes a staggering 350 units off Prebend Lane. If these applications are approved, during this Council Year, the Planning Committee will have subjected Welton to the building of 526 houses. For the purposes of assessing the impact of these developments we could assume two adults and one child per household, giving a population increase of 1578.

Recent Section 106 Agreements have done nothing to allay local fears about the further exploitation of public services and saturation of the service infrastructure in Welton, and the electorate can see no potential benefits.

The Practice Manager of the Welton Family Health Centre has advised that they currently have 9,400 patients (this compares with 8,000 in the Saxilby Health Centre), and the Manager has explained that there can be no assurance that a Section 106 contribution to health care would ever reach Welton; because there are other practices in the same group which have a greater need for funding. If the assumption of two adults and one child per new household is accepted, the Welton Health Centre patient population would increase to 11,000. (Without consideration of any concurrent developments in Dunholme).

The Trustees of William Farr School have made it clear that they have no interest in Section 106 contributions; because they have expanded facilities beyond that of comparable communities in West Lindsey, and they are still over-subscribed. Their written records show that they will not build any more classrooms and they will not create anymore student places. By way of comparison: the William Farr student population stands at 1489, compared with 640 at Caistor Grammar and 1050 at De Aston.

For the sake of argument, let us say that half of the new families have one child of secondary school age: that would produce a demand for 263 new places. This exceeds the capacity of an entire year group at William Farr School, which is fixed at 240 places. Now let us say that the other half of the new families have children of junior school age. This would also generate a demand for 263 new places. The Student Population in St Mary's School, Welton, currently stands at 375: so how is the school going to absorb such a massive increase?

The fact is that the recent expansion of the school population has merely added to the traffic congestion which is another Section 106 issue; but no amount of Section 106 contribution can change Welton's situation with regard to its location and its over-reliance on minor roads and country lanes.

Unlike Gainsborough, Market Rasen and Saxilby, Welton does not have a railway station; and unlike Gainsborough, Market Rasen, Saxilby and Caistor it is not served by an A Class road system. It is 2 miles to the A15 and the shortest routes to the A46 are through the neighbouring village of Dunholme.

When the Planning Committee last considered an application for Welton, it was informed that Welton has a good bus service, and this is true. But this only adds to the daily traffic congestion, especially at school arrival and departure times, when children commute from the surrounding Wards. Sadly, when the Planning Committee recently undertook two site visits on the same morning, it saw the school congestion in Saxilby (which does not have a secondary school); but it came to Welton after the commuter traffic had dispersed, and the 1,800 pupils were already seated at their desks. Was that fair and reasonable?

So, with further regard to commuter traffic: the Welton Ward electorate is asking why is there a demand for 521 houses in Welton, where are all these people coming from, and where are they going to work? If these 521 families arrive in Welton they will not find local employment. There is more private sector employment at Hemswell Cliff than there is in Welton.

The Planning Committee regularly points out that it is obliged to consider each application on its merits; but it can no longer afford to ignore the cumulative impact that its decisions are having on individual settlements in the district. With each new application, there is a changing situation; and the Committee must recognise the point at which local resources have been exhausted, and declare that enough is enough - look somewhere else: a sentiment that is recorded in the Minutes of the meeting when a Saxilby application was recently refused.

Furthermore, the Committee must be seen to be fair and consistent. If a set of criteria lead to the refusal of an application in Saxilby, a planning application in Welton should be similarly refused when objectors present the same arguments.

It has also been noticed that Members of the Planning Committee have (in the past) said that if a particular planning application was refused and went to appeal the appeal would be upheld. Surely it is not within the gift of the Planning Committee to anticipate the outcome of an appeal. The right to appeal should be separate and distinct process, and should not enter the Committee's discussions or decisions. If the Committee finds itself constrained by statutory obligation and legislation, it has a duty to refuse and allow an appeal to widen the debate among stakeholders.

Finally, I come to the 'carrot' of affordable housing. I am reliably informed that this usually comes at the bottom of the developer's Section 106 priorities list, and if the developer can come back to a planning authority and demonstrate that the expected levels of provision are no longer viable; the obligation can be reduced or removed.

So in the case of Planning Applications 131492 and 1316681 and any future applications for development in Welton, I commend the Planning Committee to refuse, and will continue to recommend refusal until these issues have been properly addressed and proper provision has been made to improve public services and infrastructure in advance of further expansion.

In summary, both applications affect open countryside, the Health Centre is over-extended, the schools are over-subscribed, and the parlous road-network is under-funded and over-utilized.

Welton Parish Council: Has no comments.

LCC Education: Development will generate 66 secondary places and 13 school-based sixth form places above existing capacity. Seek a contribution of £1,360,966 for capital infrastructure to address shortfall.

LCC Archaeology: The results across this site are mainly negative with little to consider with regards to archaeology. However the area that was identified in the geophysical survey and evaluated with trenches 5 and 6 is very interesting. It appears that in this area there is some interesting and important archaeology, which has been interpreted as a small domestic Iron Age enclosure with remains of a possible human cremation. This site appears to have been well preserved with little disturbance and there may be a possibility of more cremation burials being found as well as the potential to further our knowledge of Iron Age settlements in Welton. I recommend that this area should be fully excavated prior to any development and that this should be a condition of any forthcoming permission.

LCC Highways: Recommendations made on submitted Travel Plan. A financial contribution is sought towards making improvements to the A15 and A46 junctions. Development will bring A46 junction over capacity and there is an existing highway safety problem. Recommend conditions to secure unobstructed visibility splays; 2m frontage footway on Prebend Lane; secure tactile pedestrian points; construction of estate roads prior to occupation; and Travel Plan measures.

Environment Agency: 15th September 2014 – Object due to lack of detail on site specific surface water scheme. Long term maintenance of existing watercourses in the site needs to be identified to ensure they do not increase flood risk and continue to function as land drainage assets. Northern part of the site is located within a source protection zone (SPZ1) for a public water supply abstraction. If the final drainage strategy includes infiltration SUDS will request a condition this is not used in areas where land contamination may be present.

Anglian Water: Nearby Anglian Water assets may affect final layout of site. Foul Drainage is in the catchment of Dunholme Water Recycling Centre, which has limited capacity to treat flows from the site. Cannot reserve capacity and developer should formally apply for connection at the earliest convenience. Planning condition to secure a foul water strategy is recommended.

Lincolnshire Wildlife Trust: Generally supportive of indicative level of open space. Recommend that species-rich grassland is incorporated. Habitat links should be provided wherever possible. Strongly support inclusion of SUDS scheme. Particular attention should be paid to creating habitats for amphibians and strongly support applicant's proposal for inclusion of four purpose built hibernacula close to new ponds. Strongly support provision for features for nesting birds, roosting bats and hedgehogs.

Housing and Communities Project Officer: Believe it would be viable for the full 25% affordable housing to be provided with an increase of 6 affordable

rented units and 1 additional shared ownership making a total of 87 affordable units.

NHS Property Services: Seek a Section 106 application for a contribution in the order of £148,750.00 based on a £425.00 per dwelling need for capital infrastructure required as a direct result of the development.

Welton Family Health Centre: Very concerned with impact on services from proposed development. Existing premises have no scope for further development or parking provision. Are unable to refuse applications for new patients. If development is permitted without suitable sustainable arrangements put in place, at no cost or commitment to the Practice, we wish to register our grave concerns about the future quality, safety or availability of healthcare facilities for the residents of the area.

Objections received from **9 Ayam Close, 1, 3, 9, 13, 15,17, 21, 23, 25, 31 Eagle Drive; 7 Field Close; 20 Keepers Close; 9 Monce Close; 17 Norbeck Lane; 30 Poachers Rest; 29A Prebend Lane; 1, 5, 7, 9, 16, 19, 21, 25, 33, 35, 37, 41, 51, 53, 55, 63, 65, 67 Rivehall Avenue; 106, 110, 116 Stonecliff Park.** In summary:

- Premature for development to come forward ahead of Central Lincolnshire Local Plan and Welton Neighbourhood Plan;
- Welton is a rural village and has been built to its limit;
- Size of development is disproportionate in scale to the existing size of the village;
- Village facilities, such as doctors, schools and roads, cannot cope;
- Concerned with highway safety in Poachers Rest;
- Prebend Lane not built for heavy traffic;
- Disruption and traffic to Prebend Lane for many years to come;
- Elderly population at Stonecliff park will be affected by additional traffic;
- The only housing Welton needs is social housing and affordable housing;
- Will destroy a Public Right of Way [Welt/42/2];
- Concerns with footway link into Rivehall Avenue;
- Building on prime agricultural land. Fields are a valuable source of food;
- Drainage network is at capacity – Eagle Drive is already prone to flooding;
- Site access will affect amenities at 1 and 5 Rivehall Avenue;
- Overlooking / loss of privacy to residents in Eagle Drive and Rivehall Avenue;
- A15 and A46 junctions are accident blackspots;
- Site is habitat for several species of amphibians;
- Ecology report does not address Brown Hare and Golden Plover
- Development will affect existing property values.

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>

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>

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.

The **Welton by Lincoln Neighbourhood Plan 2015-2035 Pre-examination / Consultation Draft** (November 2014) has been recently subject to a pre-submission consultation period of 1st December 2014 to 12th January 2015. 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. 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.

Section 8.5 of the draft Neighbourhood Plan states that the application site is the most likely to:

- a) deliver benefit to the village [see Wellbeing and Older Persons policies];
- b) Satisfy the new housing requirements of Welton for a substantial period of the Plan's life, which can be monitored and addressed if the need arises by Policy R1
- c) is most likely to be sustainable.

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.

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.

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 equivalent to 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 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.

The development proposes up to 350 dwellings which would include 25% affordable housing provision (ie. up to 87 affordable houses). Anticipating a realistic build rate of 30 to 35 dwellings per annum, the development could deliver potentially up to 175 dwellings (dependent upon the date of commencement) towards the five year housing land supply, with the remainder delivered in the 6-10 year period. In accordance with the approach taken in the Ryland Road appeal, this should be attached substantial weight in favour of development.

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.”

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

This is 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 it acknowledges this is presently in draft and could therefore change. The draft Neighbourhood Plan (Section 8.5)

considers the application site is the most likely to: (a) deliver benefit to the village; (b) Satisfy the new housing requirements of Welton for a substantial period of the Plan's life; (c) is most likely to be sustainable.

Both Emerging Plans are at early stages of consultation and may be subject to change following consultation feedback. Whilst limited weight can be attached to their policies at present, they do indicate that Welton, and the application site, are considered as sustainable locations for new residential development.

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 stop is in Hazel Grove (service 11/12 - Welton to Lincoln 20-40min service).

The site access off Prebend Lane is an approximate 450m walk to the designated village centre. The accompanying Travel Plan calculates most facilities will be around 1km (20mins walk / 5mins cycle) from the development. An original proposal to have a pedestrian link into Rivehall Avenue has been removed following resident concerns. The applicant has indicated 2m wide pedestrian footways would be introduced in Prebend Lane that would link to Rivehall Avenue. This can be secured by planning condition.

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. Residents have raised concerns with the ability of the village infrastructure to cope with the amount of development proposed.

LCC Education advise that whilst there would be capacity at primary school level, the development would generate an additional 66 secondary school places and 13 school-based sixth form places above existing capacity. A capital contribution of £1,360,966 is sought towards education infrastructure to increase capacity. The applicant has agreed to meet this in full, and this would be secured through the S106 planning obligation. This would accord with policies STRAT1 and STRAT19 and the NPPF which states 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 (paragraph 72).

NHS England calculate the development would potentially generate an increased patient population of 805. They advise the Welton Family Health Centre is obliged to accept new patients and raise concerns with the capacity of the practice to accommodate this. The Practice has written to state that their existing premises and car parking has little scope for expansion. NHS

England seek a pro-rata capital contribution of £148,750 towards healthcare facilities and state this would provide capital as an option to fund towards a new health care facility – subject to a full business case and NHS England approval. The applicant has agreed to meet this contribution in full and this would be secured through the S106 planning obligation. This would therefore accord with policies STRAT1 and STRAT19.

It is concluded that the development is in a sustainable location for new residential development as supported by the existing Local Plan and emerging development plans.

Affordable Housing

Following negotiation, the applicant proposes that 25% of the dwellings would be affordable houses (up to 87). This would include 56 units delivered by the applicant Beal Homes, and 31 affordable retirement dwellings provided by LACE Housing Association.

Saved Local Plan Policy RES6 seeks to negotiate in the region of 25% affordable housing and it is considered that the proposals are compliant with the Local Plan in this regard.

The draft Neighbourhood Plan identifies a lack of provision for Welton's older parishioners and draft policy OR1 seeks to "to offer as much assistance as possible to deliver quality provision for our older residents, responding appropriately to need as it arises." The provision of 31no. older persons housing would significantly contribute towards that aim.

The provision of such levels of affordable housing (including retirement dwellings) should be afforded significant weight in the overall planning balance.

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.

The site (along with Welton) is in the Lincoln Fringe Local Landscape Character Area 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.

Whilst development would take place on undeveloped fields, the site effectively sits in an 'alcove' in the defined settlement boundary and would have residential development along three of its edges. It is not an extensive intrusion into open countryside despite the size of development proposed. It would broadly "square off" the northern boundary set by Field Close properties to the east, and the Stonecliff Park residential park home site to the west.

In terms of visual impact, the development would not be readily apparent when entering the village. It would be set some 300m to the west of Hackthorn Road, to the rear of the established Poachers Rest residential area. The Manor Park Sports Club, comprising sports pavilion and playing pitches and landscaped Welton Manor Golf Course, would effectively mitigate views from the north and east. Existing residential development would screen the site from the south and west. The largest visual impact would occur to those using the Public Right of Way (WELT/42/2) which runs in a north-south direction along Prebend Lane, immediately to the west of the site. The development would realign the settlement edge which would be highly perceptible from the PRoW. Nevertheless, a sensitive design (layout, appearance and landscaping are all reserved matters) should ensure a softer village edge than that currently offered.

Overall, it is considered that the impact on landscape and visual amenity would be low, and development would accord with policies NBE10 and NBE20 in this regard, as well as the NPPF's provisions on the natural environment.

Development would take place on agricultural fields in active arable use. The NPPF (paragraph 112) states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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

Highways Impact

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.

The transport assessment uses local traffic data to estimate traffic flows during peak hours as follows:

Time Period	Inbound	Outbound	Total
AM Peak Hour	68 vehicles	172 vehicles	240 vehicles
PM Peak Hour	159 vehicles	94 vehicles	253 vehicles

The report identifies that the A46 Junction (Centurion Garage) will be over capacity in the morning peak hour and that the existing accident rate at the junction is significant.

A designed and costed solution to the A46 Centurion Garage junction has been produced by the Highways Authority.

Improvements to the junction are considered to be necessary, directly related to the development, and fairly and reasonably related in scale and kind, meeting the statutory tests for a lawful planning obligation. The applicant has submitted a Unilateral Undertaking which, subject to planning permission, would oblige them to make a significant capital contribution of £500,000 towards the infrastructure works. They propose five equal payments commencing with occupation of the fiftieth dwelling, and concluding with the occupation of the two hundred and fiftieth dwelling.

Other junctions, including Cliff Road / Heath Lane / Prebend Lane / Norbeck Lane Junction and Lincoln Road / Ryland Road / Cliff Road Junctions, are expected to remain within capacity.

It is considered that, subject to securing the capital contribution towards delivering the A46 junction improvements, the transport impacts of development are not severe, and development would accord with STRAT1.

Residential amenity, design, character, and appearance

Matters of scale, layout, appearance and landscaping are all reserved for subsequent approval (known as 'reserved matters').

An illustrative masterplan has been submitted to show that the development can be accommodated within the site at 29 dwellings per hectare (net) whilst still making ample provision for public open space (indicative 3.24ha) including swales and water features. The northern field (9.26ha) has been earmarked as potential for playing fields, which the applicant proposes be secured by the S106 planning obligation. This would accord with Local Plan policy RES5 which requires 10% of the total site to be provided as informal recreational land or play space and/or associated equipment.

Residents, particularly on the southern boundary, have cited concerns with loss of privacy and general amenities should development go ahead. As scale and layout are reserved for subsequent approval, close scrutiny (and public consultation) will be required at that stage to ensure amenities are not unduly

affected. However, the principle of residential development in this location is considered to be achievable without undue harm to neighbours' amenities.

Archaeology

The NPPF (paragraph 128) states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Welton is known to contain evidence of occupation in the Roman period and later Anglo-Saxon periods and the site is accordingly considered as having the potential to include heritage assets with archaeological interest. The applicant has undertaken a geophysical survey of the site and targeted archaeological evaluation trenching, agreed with the County Archaeologist. Whilst the results across the site are largely negative, an area of archaeological interest is found within the southern part of the site (broadly to the rear of Johns Court properties).

The County Archaeologist notes "It appears that in this area there is some interesting and important archaeology, which has been interpreted as a small domestic Iron Age enclosure with remains of a possible human cremation. This site appears to have been well preserved with little disturbance and there may be a possibility of more cremation burials being found as well as the potential to further our knowledge of Iron Age settlements in Welton. I recommend that this area should be fully excavated prior to any development and that this should be a condition of any forthcoming permission."

This would accord with the NPPF (paragraph 141) which states that "[Local Planning Authorities] should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible."

It is also noted that the indicative layout drawing would suggest that this area is earmarked as public open space, and that development could therefore be achievable without development of this area in any event.

In accordance with the County Archaeologist's advice, a planning condition to secure further archaeological works in the form of a full excavation to the identified area is recommended.

Flooding and Drainage

The site is in flood zone 1 (low probability – land having less than 1 in 1000 annual probability of river and sea flooding). The NPPF (paragraph 103) requires a sequential approach towards directing development to those areas with the lowest probability of flooding. Development in this location therefore accords with the NPPF sequential test.

The NPPF (Paragraph 103) requires that priority is given to Sustainable Urban Drainage Systems (SUDS).

The application is in outline, with matters of layout reserved for subsequent approval. The applicant has nonetheless submitted a SUDS Feasibility Scheme which suggests the use of swales and balancing ponds as attenuating features prior to discharge at greenfield rates into the existing drainage ditches.

On the basis that a SUDS scheme is feasible, a planning condition to secure full and final drainage details is recommended. This should include provision for the ongoing maintenance and management of the SUDS scheme.

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.

The applicant has submitted a Phase 1 Habitat Survey.

It does not identify any potential roosts for bats (European Protected Species) within the site, although boundary hedgerows and plantations potentially offer foraging and commuting habitat. The report recommends that at least 6 bat boxes are sited on perimeter trees or new buildings on site. This would be a likely biodiversity gain.

No evidence of badgers was found.

The report records no evidence of hedgehogs; but advises that consideration to hedgehogs should be given during site clearance and during construction.

No direct observations or field signs of reptiles was recorded on site. The report advises that the proposed development area is unsuitable for grass snakes because it provides no optimum habitat for foraging, dispersing, limited shelter and no breeding habitat.

The survey did not discover any amphibians within site. However the report recognises records of great crested newts within 500m of the site. The report acknowledges that “Although great crested newts tend not to occur within areas of arable land, the close proximity of a population and potential breeding ponds and the change of land use during construction are likely to make the Application site more favourable to this species.” A subsequent Great Crested Newt Survey (May 2014) does indeed identify the presence of a “medium sized” Great Crested Newt population in ponds within the adjacent golf course. The nearest pond is 290m from the site. The report proposes a detailed mitigation strategy to protect the newt population during the construction phase (hand search prior to groundworks; supervision of vegetation clearance; temporary newt exclusion fencing). To support an

amphibian population, hibernacula are proposed adjacent to the new ponds. A planning condition is recommended to secure the detailed mitigation strategy proposed by the report.

The report also recommends that any trees and shrubs to be removed should be cleared outside of the bird nesting season (i.e. clearance should be undertaken between September and February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works will need to stop until the young have fledged.

The Lincolnshire Wildlife Trust are satisfied there should not be any significant negative impacts on protected species. They are generally supportive of the indicative level of open space proposed and use of a Sustainable Urban Drainage System (SUDS). They note the potential for habitat improvement and gain, through the use of species rich-grasslands, and amphibian habitat within SUDS.

As landscaping is a reserved matter, detailed consideration will need to be given to habitat enhancement opportunities at that stage. Nevertheless, the principle of biodiversity and habitat enhancement is considered to be achievable, in accordance with the provisions of the NPPF.

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 proposes 350 dwellings within a sustainable location which would make a significant contribution towards the five year supply, and beyond. This should be attached significant weight.

The development would offer a considerable amount of affordable housing and retirement housing to which significant weight can be attached.

The scheme offers public open space, and opportunities for habitat and biodiversity enhancement. These are benefits that can be attached weight.

Development will generate additional traffic at the A46 (Centurion Garage) which is already at capacity and has safety issues. However, a capital contribution, reasonable in scale and kind, is proposed towards making junction improvements, a gain on the current situation.

There is insufficient local secondary school and health centre capacity to accommodate the development. However, capital contributions are proposed to increase off-site capacity to accommodate the proposed development.

Development would take place on undeveloped agricultural land on the settlement edge. This would result in the loss of grade 3 agricultural land. However, development would take place in an 'alcove' in the settlement boundary and the landscape and visual impacts are not considered to be significant.

An area of archaeological interest has been identified within the southern area of the site. A scheme of archaeological investigation, and recording, is proposed. The indicative plan suggests this area could be preserved in situ in any event.

Satisfactory mitigation is proposed to protect the local Great Crested Newt population in proximity of the site.

It is considered that the adverse impacts arising do not significantly and demonstrably outweigh the benefits of development. It is concluded that the development therefore accords with the NPPF presumption in favour of sustainable development. It is considered that these are material considerations which justify a departure from the provisions of the statutory development plan.

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

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions below and a Unilateral Undertaking for a capital contribution towards highway junction improvements, 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:-

- (1) *Up to 87 affordable dwellings (25%) subject to viability (tenure 80% affordable rent; 20% shared ownership)*
- (2) *Financial Contribution (£1,161,218) in lieu of on-site education provision;*
- (3) *Financial Contribution (£148,750) in lieu of on-site health care provision;*
- (4) *Provision of on-site sports pitches.*

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 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 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;

- Details of the surface water system including calculations of the network and SuDs features;
- Details of further infiltration testing as recommended in the Drainage Strategy;
- Confirmation of the allowable discharge rate (to be agreed with the Environment Agency) which reflects the downstream capacity.

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. 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.

5. 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.

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

- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

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

Conditions to be observed during the development of the site

7. Development shall be undertaken strictly in accordance with the Mitigation, Method Statement and Compensation (Sections 7.0 to 9.0) of the Great Crested Newt Survey Report by Wold Ecology Ltd, dated March-May 2014.

Reason: To accord with standing advice from Natural England and in accordance with STRAT 1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

8. 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

9. 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

10. 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

11. 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.

12. 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 numbers JN1485-NWK-001B and JN1485/NWK/003A revF1 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.

13. 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 JN1485-NWK-001B 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.

14. None of the dwellings shall be first occupied until a 2 metre wide pedestrian footway on Prebend Lane has been completed in accordance with drawing JN1485-NWK-001B.

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

15. 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.