



PL.13 13/14
Planning Committee
5 March 2014

Subject: Planning applications for determination

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

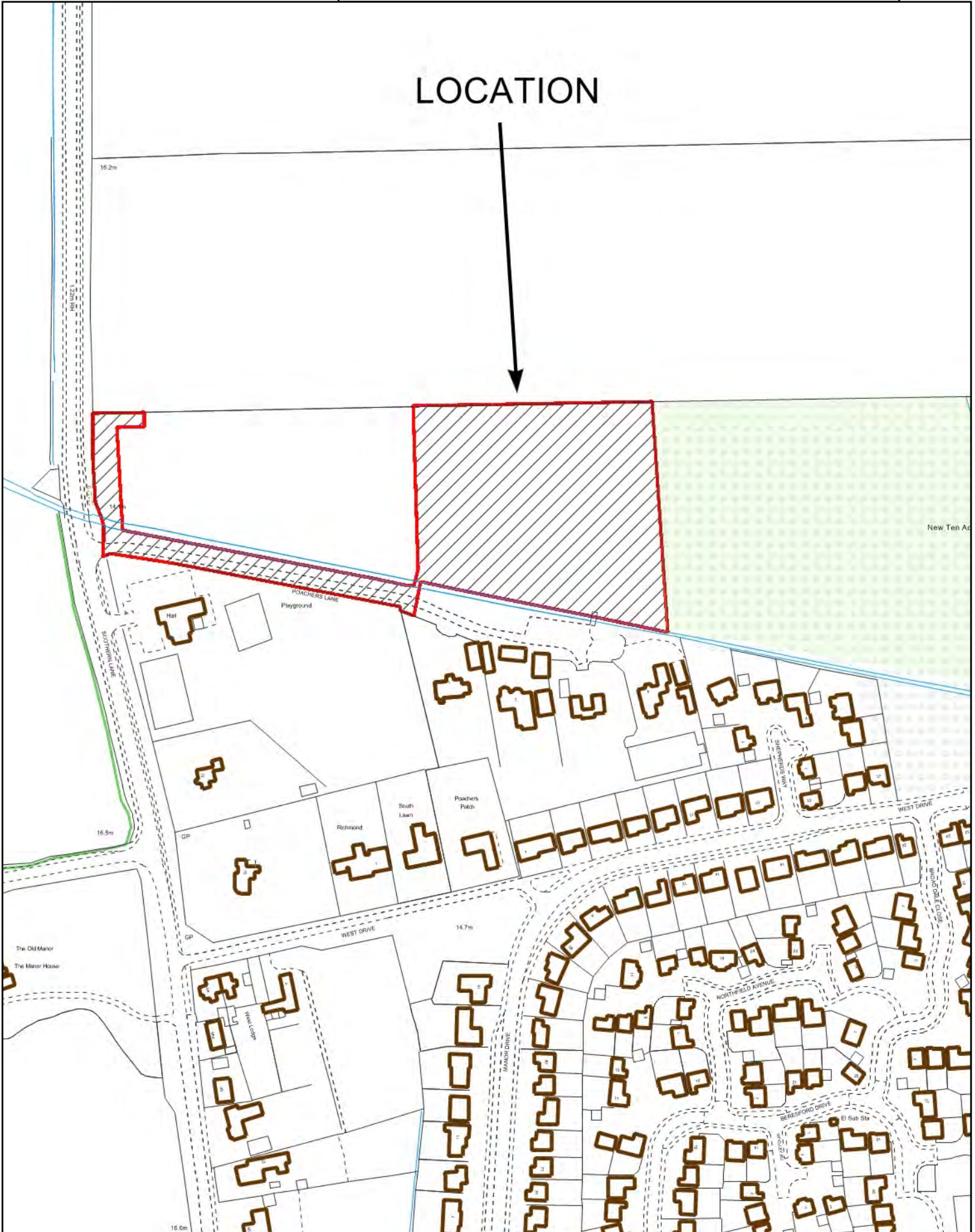
A matter which affects two or more wards, or has significant financial implications

Yes

No



LOCATION



Officer's Report

Planning Application No: 128675

PROPOSAL: Outline planning application for proposed development of 6no. detached dwellings with associated garages, plots and infrastructure including new passing places to Poachers Lane, new bridge crossing Sudbrooke beck and necessary works to existing road. Also, proposed new cycle, pedestrian pathway to parish boundary with Nettleham.

LOCATION: Land off Poachers Lane Poachers Lane Sudbrooke Lincoln

WARD: Sudbrooke

WARD MEMBER(S): Cllr S Curtis

APPLICANT NAME: Truelove Property and Construction

TARGET DECISION DATE: 05/09/2012

DEVELOPMENT TYPE: Small Major - Dwellings

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

The signing and completion of a s106 that delivers:-

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

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

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

Introduction

This application was considered by members of West Lindsey's Planning Committee on 22nd January 2014 and it was resolved to defer further consideration until a site visit had been undertaken by the Committee. This site visit took place on 24th February 2014.

One further representation has been received since the January Committee, a letter having been received from Globe Consultants Ltd. on behalf of two existing households on Poachers Lane. The letter states that adopted planning policy would suggest that development on this land is inappropriate. It continues by stating that it *"would appear that, in this particular case, an opportunity is being offered for the wider local community to benefit from the freehold ownership of the adjacent playing field, alongside additional local enhancements"* and that *"the local planning authority will need to assess whether such an offer is appropriate but, if this is considered to constitute a material planning consideration that outweighs the adopted planning policy position, we would respectfully ask that firm measures are put into place to ensure the protection of residential amenity currently enjoyed by the existing residents along Poachers Lane"*

The letter continues by requesting that, should permission be granted, then measures be put in place to protect residents from noise and disturbance especially during the construction phase.

A copy of this letter is appended to this report and its contents are assessed within the assessment section of this report.

Description:

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

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

- **Proposal** – The proposal is in outline form with all matters reserved except for layout. The plans have been amended to now propose 6 dwellings. Although access is reserved for subsequent approval, the layout and limit of the application site boundary clearly indicate that the private shared driveway known as Poachers Lane will be used to gain access to the public highway (Scothern Lane). The application has been considered on this basis with the amended plans received on 14th June 2013 following extensive negotiations between the applicant, West Lindsey officers, Lincolnshire County Council and Sudbrooke Parish Council. The original plans proposed four dwellings and did not include the new footway to the parish boundary; the applicant is proposing to construct a segregated footway on land within their control between points Y and Z on Plan A appended to this report. They are

also willing to transfer the playing field, marked hatched on the appended Plan B to the Parish Council.

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:

123994 – Use of land for the keeping of horses – Granted subject to conditions 28th May 2009.

Representations:

Chair/Ward member(s): Councillor Curtis has been present as an observer at meetings between the case officer, representatives of the Parish Council and the applicant but has not conveyed any opinions in writing to the case officer as to the merits or otherwise of the scheme.

Parish/Town Council/Meeting: Sudbrooke PC state that they “have viewed this application and have no objections providing that it is strictly subject to the playing field on Scothern Lane being transferred to the Parish Council for nil consideration and the applicant is responsible for all costs under a section 106 agreement.

It should be noted that residents living nearby are raising objections and their comments should be taken into consideration.”

Local residents: Objections received from Nos. 1, 3 and 4, Poachers Lane, Sudbrooke:-

- When existing dwellings were bought, the applicant assured purchasers that the land would not be developed and it was planned to graze horses on it. Whilst not legally binding, this promise was made.
- Quality of life of residents would be affected, specifically for one resident; the quiet location away from vehicles was chosen specifically as the location for a home as the resident has a traumatic brain injury following a road accident. Noise causes him great distress and anxiety and the development would result in an increase in this noise and distress.
- The proposal sets a precedent for developing outside the Parish Boundary where there is open countryside to both sides of Scothern

Lane. The Sudbrooke Parish Plan and Action Plan 2007-17 illustrates how this goes against the community's wishes. It states that the "majority of residents do not want any housing development" and there is an objective to "not develop Sudbrooke's remaining open space."

- The notion that Sudbrooke residents might greatly benefit from a cycle/pedestrian footpath built part way between Sudbrooke and Nettleham is sadly highly questionable. A similar scheme from Sudbrooke towards the much larger and facilitating city of Lincoln is unfortunately notable for its emptiness and perpetual lack of use. The distance and time taken to travel from the heart of Sudbrooke to the centre of Nettleham will more than be off-putting to the vast majority of potential users who will continue to make this journey by car. When the residents of Sudbrooke were asked whether cycle/footpath was needed between Sudbrooke and Nettleham, the majority replied yes. We believe the question that ought to have been asked was how many people would actually use the cycle/footpath and how often?
- We have a major concern over the visibility splay to the south of where Poachers Lane meets Scothern Lane:-
 - The existing mature hedge is in need of some severe cutting back.
 - There are two road signs and one "cyclists dismount" sign within the visibility splay in addition to the substantial six metre long metal railings, all of which are higher objects than the permitted 1.005m.
 - Within ten metres of Poachers Lane heading south towards Scothern, the road bends to the right and further along – but also within the required minimum 70m splay - lays the entrance to the car park which serves the adjacent playing field.
 - The start of the cycle path from Sudbrooke to Scothern begins by Poachers Lane and is quite well used at peak times by adults taking their young children to Ellison Boulton School. The proposed 150% increase in traffic in and out of Poachers Lane can only increase the chances of accidents happening occurring in this busy 70m.
- Very importantly we need to draw attention to the fact that drivers coming into Sudbrooke from Scothern, passing Poachers Lane in the process, are quite regularly reaching speeds well in excess of 40mph, with some exceeding 60 mph even though there is a 40mph road sign approximately 110m before the entrance to Poachers Lane. Unfortunately, there is a combination of factors which appear to encourage the drivers using this route to ignore the legal speed limit:-
 - On leaving the Scothern Parish boundary the speed limit increases to 60mph.
 - There is a 400m predominantly downhill gradient along a straight road heading towards Sudbrooke.
 - Not a house or building is in sight, only agricultural land or greenery either side of the road.
 - The local knowledge that the first house in Sudbrooke does not appear for a further 150m past Poachers Lane.

- Non locals unaware and some locals possibly forgetting that Poachers Lane exists as it is out of sight as it is only metres beyond the left hand bend.
- Existing dwellings would no longer be considered non-estate and, as a result, would be devalued.
- A proposal from 1 Poachers Lane would be to re-route the access to the proposal away from the section of Poachers Lane that passes existing dwellings (this suggestion is not replicated in other correspondence).
- Should the development go ahead there should be a restrictive covenant placed upon the playing field to prohibit its development for 25 years.

In addition to the above comments the following objections were received from Pigeons Close and The Sonnets, both Church Lane and 16, Scothern Lane (the latter being verbally reported to the Planning Committee at its January meeting) :-

- The site is outside of the settlement limit.
- There is an oversupply of dwellings within West Lindsey.
- The land was allegedly designated as a playing field.
- Previous agreements for land transfer behind the village hall have not happened.

Finally, members are referred to the additional letter described in the introduction to this report.

LCC Highways:

- **Poachers Lane element** – No objection subject to improvements to Poachers Lane and junction with Scothern Lane to improve visibility using land within the highway verge and the applicant's control.
- **Footpath cycle path** - The highways authority advises that the footway/ cycleway that is to be provided along Church Lane should be put forward for adoption by the highways authority. However, the hedge will not be adopted and needs to be maintained separately.

Environment Agency: Commented on original plans that they have no objections. Although a small part of the site is in flood zone 3 (high probability) we are satisfied that the houses are in flood zone 1 (low probability). The foul drainage for the development is not conveniently situated for connection to foul sewer so a package treatment plant, as proposed, may be acceptable. Any surplus soil generated will be waste and may need to be removed to a permitted site.

LCC Archaeology: The site is immediately adjacent to a roman villa that has been partially excavated in the past 10 years. At the time of the Domesday

Survey (1086AD) Sudbrooke was relatively populous with a population of 50 heads of household, a manor and a watermill. There is a potential that there are significant historic asset remains on the proposed development site associated with either the roman villa, or with the medieval settlement or watermill.

A geophysical investigation has now been carried and trial trenching and no further archaeological input is required.

Witham 3rd Internal Drainage Board: The site is adjacent to Sudbrooke Beck, a watercourse under the Board's jurisdiction for land drainage purposes. The applicant should be made aware of the Board's land drainage byelaws which prohibit, without prior approval, the development of any land within 9 metres from the top edge of the batter enclosing the watercourse.

Lincolnshire Police: The development shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Relevant Planning Policies:

The Development Plan

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

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

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

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

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

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

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

RES 2 Range of housing provision in all housing schemes

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

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

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

RES6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 14 Waste Water Disposal

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

NBE20 Development on the edge of settlements

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

National

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

Local

- Draft Central Lincolnshire Joint Core Strategy (2013)

Sudbrooke is defined as a Tertiary Attractor in the Portrait of Place evidence that helped inform the draft Core Strategy. In this context the following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire

CL4 - Level and distribution of growth

CL5 – Managing the release of land for housing and employment

CL6 – Site selection in Central Lincolnshire

CL12 – Overall target for affordable housing– Affordable housing on rural exception sites

CL22 – Strategy for the rural areas of Central Lincolnshire

http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.centrallincolnshire.lfd.submission-of-central-lincolnshire-core-strategy.117940.articleDownload.56436&ns_type=pdf&ns_url=http://microsites.lincolnshire.gov.uk/Download/56436

The Draft Strategy was approved by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. However, there are still objections to it and although submitted for examination to the Secretary of State on 21st October 2013, members of the Central Lincolnshire Joint Strategic Planning Committee resolved to withdraw the Strategy on 6th January this year. In this context little weight is afforded to the Strategy although members should note the comments in the

assessment below relating to the overall growth provision and housing supply.

Assessment:

Principle

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

Policy STRAT12 is written in the prohibitive form and states that development including housing should not be permitted in open countryside locations such as the application site unless there is justification for it being in such a location or it can be supported by other plan policies. This has commonly included housing for agricultural workers or development to respond to a need for affordable housing within the adjoining village (so called exceptions sites). In this instance there is no agricultural need sought and the housing is not proposed in response to any other identified need for affordable dwellings. Instead, the proposal is predicated on the need to deliver open market housing within the next five years. Such a need is derived from the fact that the Central Lincolnshire authority cannot currently demonstrate a five year deliverable supply of housing when measured against the objective of delivering 9,500 homes across rural areas of Central Lincolnshire by 2031. This is a relevant material consideration afforded significant weight because:-

- West Lindsey members have previously approved for use by West Lindsey District Council the provision that was contained within the East Midlands Regional Plan 2009 upon which the current provision is largely based and had been quoted by inspector appointed by the Secretary of State at appeal.
- The housing provision cited above is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision.
- The desire for such growth underpins national objectives contained within the National Planning Policy Framework (2012) which also contains a presumption in favour of sustainable development.
- Central Lincolnshire is the agreed authority area for measuring housing supply and not West Lindsey, the area being cited as such by inspectors appointed by the Secretary of State at appeal.
- Paragraph 48 of the NPPF requires a deliverable 5 yr supply to be maintained.

In this context, there should be a presumption in favour of housing development, even if it located outside of a settlement limit in the Local Plan Review provided that the development is sustainable and is acceptable when considered against other material planning considerations. The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Core Strategy is not afforded weight itself, policy CL6 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT1, SUS4, RES1, RES5, NBE14 and CORE10 of the Local Plan Review:-

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

Other services and facilities are further afield; Sudbrooke does have some facilities, as reflected in the Portrait of Place categorisation as a Primary Supporter but the nearest primary school is in Scothern and much of the facilities used by Sudbrooke residents lie in Nettleham, the next village to the west. The most convenient route to Nettleham is via Church Lane; the A158 does include a cycle lane on its southern side but this would necessitate crossing this main road twice in each direction when travelling between the two villages as well as being a much longer route and necessitating travelling along Lodge Lane, Nettleham which does not have a cycle or footpath. Cycling alongside the busy A158 is also not desirable for many people. These characteristics are the likely explanation to its low use as cited in the representations received.

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

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

Furthermore, the land beyond the parish boundary to enable the pathway to continue towards Nettleham is within ownership of the applicant and there are reasonable prospects that it could be extended over time with the agreement of Nettleham Parish Council.

In summary, despite the fact that some degree of highway safety issues would remain, the footway would contribute significantly to the environmental and social sustainability of the development. It is noted that the County Council would be willing to adopt the footway if the hedge was maintained by the owner of Parish Council and a link made to the existing pavement on Church Lane (point X on the appended plan).

Finally members are advised that, although the footway is a reasonable requirement, its immediate delivery would compromise the viability of the development and it would only be reasonable for a phased delivery. The recommendation responds to this issue.

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

sustainability) – The availability of community and transport infrastructure has been addressed above. There are no known other infrastructure issues relating to the development (members are referred to a later section of this report with specific regard to foul water disposal).

- *Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)* – The land is away from public vantage points and not used for such community facilities. Its current community value is therefore negligible although its development, as stated previously, provides the ability for an existing area used for formal recreation to be conveyed to the Parish Council.
It is also noted that the land is no longer in agricultural use; planning permission has most recently been granted for horsicultural use but it appears that it just remains unused and fallow. Therefore, there would be no loss of agriculturally productive land or a community facility.
- *Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)* – It is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified in the Technical Guidance as being “more vulnerable” to such flooding. This includes dwellings.
In this instance the sites falls within zones 1, 2 and 3a, the latter being areas that have the greatest probability of flooding outside of the functional floodplain. However, the layout proposed demonstrates that all of the dwellings can be located within land with the lowest probability of flooding, zone 1, including a means of escape to the public highway across zone 1 land (the playing field). In this regard the proposal passes the sequential test and no other mitigation will be required. The proposal also accords with policy NBE14 of the Local Plan Review in this context.
- *Generally consistent with economic, environmental and social sustainability* - Such housing would normally be expected to the subject of a full application but despite this being an outline application it is contended that this development can be delivered within the next five years to contribute to Central Lincolnshire’s 5 year housing supply. Indeed, the relatively small scale of the proposal, the lack of abnormal development costs, the current viability (evidenced through a financial appraisal) and the fact that the infrastructure needed to deliver the development sustainably is also within the applicant’s control or within the adopted highway lead one to conclude that the proposal is deliverable and will contribute to the supply. The one area that the development is lacking is a range of housing including affordable homes; the layout illustrates a development of large detached dwellings. This is a finely balanced issue but, on balance, the application represents a deliverable scheme which finances

sustainable infrastructure; gha submitted and officer verified viability appraisal showing that the development would not be viable with any further contributions such as to affordable housing.

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

Design, character, appearance and biodiversity

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

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

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

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

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

Highways

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

A number of the representations received make reference to highway safety and parking concerns. Access is a matter reserved for subsequent approval but it is clear from the application site boundary and the layout that much of Poachers Lane would be utilised with a new bridge built across the

watercourse to gain access to the site. The exact details of the improvements to the existing length of Poachers Lane to be utilised, the bridge crossing and the private driveway to be constructed to the north of the bridge would be expected to be submitted as part of the reserved matters. However, the County Highways Authority have advised that, although the current junction and standard of Poachers Lane as existing are not appropriate, there is the ability to improve them to the necessary standard (equivalent to adoption) with improved visibility splays, widening and passing places using land within the applicant's control and the existing highway verge. Such costs have been incorporated in the viability appraisal and the works would not affect any historic assets, the watercourse or any trees or habitat for wildlife of any significant value. The County Highways Authority advice was given with knowledge of the concerns of the residents expressed in the representations detailed in this report.

Archaeology

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

Flooding and drainage

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

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

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

rainfall during and following a storm. A condition is therefore considered necessary to ensure that surface water is attenuated and managed on site using sustainable principles.

Foul water is proposed to drain to package treatment plants. The existing dwellings are not on or near to mains drainage. It would not be practicable or viable to connect to the nearest mains and package treatment plants are the next most preferred solution (policy NBE14 of the Local Plan Review and the NPPF Technical Guidance refer).

Residential amenity

Examination of the layout plan reveals that there is a minimum of 30 metres between the dwellings proposed and existing dwellings on Poachers Lane. This will ensure no significant loss of residential amenity in terms of overlooking, overshadowing or overbearing (policy RES1 of the Local Plan Review refers). There is also considered to be adequate private garden space for each dwelling for household recreation and the drying of clothes.

However, the officer has reflected upon his considerations detailed in the January Planning Committee report, especially in light of the letter received from Globe Consultants Ltd. The letter raises valid material considerations relating to noise and disturbance and human rights. These issues were explained to members in the officer's verbal introduction to the January Planning Committee meeting's consideration of this development. Members then duly considered the issues prior to their resolution to visit the site. The mitigation measure suggested by Globe Consultants Ltd are considered reasonable and necessary to preserve the residential amenity of existing residents and specifically the amenity of the resident explicitly cited in the letter. Extra condition is therefore considered relevant, necessary and reasonable relating to matters to include construction traffic routing, siting of the compound and hours of work. It is also considered necessary to ensure that the conditions requiring reserved matters to be submitted and approved stipulate that access to the development will be as per the indicative access arrangements via a new bridge. This will ensure that residential amenity of existing residents is preserved post occupation of the new dwellings.

Conclusion

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

West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption of favour of sustainable development. The development plan policies have been assessed for their consistency with the National planning Policy Framework

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

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

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

The signing and completion of a s106 that delivers:-

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

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

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

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

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

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

Pre-commencement conditions

2. No development shall take place until, plans and particulars of the scale and appearance of the building(s) to be erected, access to the development and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The landscaping matters shall include a landscaping belt adjoining the whole length of the northern boundary of the site. The scale of the dwellings shall be more than two storeys above ground level. The access to the development shall be via Poachers Lane between points A and B on the approved indicative plan TL-024-12-01 C received on 14th June 2013, utilising a new bridge at point C on the same said plan.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and to accord with the West Lindsey Local Plan First Review Policy STRAT 1. The landscaping specification is required due to the edge of settlement location and in the interests of biodiversity to accord with the provisions of policy NBE20 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. The height of the dwellings restriction is required to minimise the visual impact of the proposal from the countryside to the north to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012. The specified access route is required to preserve the residential amenity of existing residents of Poachers Lane.

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

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

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

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

5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include the following:-
- a) The restriction of construction traffic to a route between points A, B and C as annotated on the approved indicative plan TL-024-12-01 C received on 14th June 2013, utilising a new bridge to be constructed at point C with no use of the existing bridge at point D marked on the same said plan.
 - b) A timetable for the removal of the bridge at point D as marked on the approved indicative plan TL-024-12-01 C received on 14th June 2013.
 - c) The location and extent of a construction compound restricted to the north of the watercourse marked X to Y on the approved indicative plan TL-024-12-01 C received on 14th June 2013 with no storage of plant, machinery, materials or vehicles associated with the development on the south side of this watercourse.
 - d) Hours of construction limited to 08:00 to 18:00 hours Mondays to Fridays (excluding Public and Bank Holidays)

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

Pre-occupation and other conditions

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

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

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

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

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

Mr Simon Sharp
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17th February 2014

PS/2064/

Dear Mr Sharp,

Application for planning permission to erect six detached dwellings at Poachers Lane, Sudbrooke.
Reference number 128675

I refer to the above application and further to your previous representations on this matter and your own discussions with the immediate neighbours.

I have been appointed by Mr and Mrs Sutcliffe and Mr and Mrs Steel, immediate neighbours to the application site, to advise them on the position and make further representations on their behalf. This is to make sure that their views can be fully considered in your assessment and the considerations of the Planning Committee in reaching a decision. You will be fully aware that my clients are disappointed that a development proposal is being brought forward on this land. Not only were Mr and Mrs Sutcliffe given assurances historically by the landowner that development would not be sought, they, along with their neighbours, had reasonable expectations that development would not be approved on this land given the countryside status of the application site within the Local Plan. The development plan is intended to give a degree of certainty to prospective developers and local residents alike that development will take place within certain locations but that others are afforded protection by adopted planning policy. Adopted planning policy would suggest that development on this land is inappropriate.

However, my clients are also realistic in appreciating that things change over time and that circumstances and specific opportunities cannot necessarily be predicted when policy is drafted. It would appear that, in this particular case, an opportunity is being offered for the wider local community to benefit from the freehold ownership of the adjacent playing field, alongside additional local enhancements. The local planning authority will need to assess whether such an offer is appropriate but, if this is considered to constitute a material planning consideration that outweighs the adopted planning policy position, we would respectfully ask that firm measures are put into

place to ensure the protection of residential amenity currently enjoyed by the existing residents along Poachers Lane.

You will be aware that Mr and Mrs Steel's son, Matthew, is disabled and has very specific care requirements. These include the need for collection from the property in a relatively large vehicle and also a quiet residential environment within which to reside. The developer has offered to provide an acoustic fence alongside the beck which will mitigate the levels of noise and disturbance received by these local residents during the construction phase(S). This would be welcomed but it should not be taken as any form of replacement for other construction management methods that are necessary to protect amenity from what could be a prolonged period of construction. We would list the following, additional factors, as minimum and very reasonable expectations:

- The development site should include its own site compound to which all construction materials would be delivered. There can be no reasonable grounds for seeking to utilise the hardstanding area immediately in front of the existing dwellings and south of the beck for such purposes which is required by the neighbours and to provide turning space for refuse and service vehicles.
- The proposed new bridge at the southern corner of the prospective development site should be implemented before any construction traffic relating to the physical construction of the proposed dwellings arrives on site so that there is no need for such traffic to travel past the new bridge.
- Accordingly, the existing bridge should be removed as soon as the new bridge is in place as it would serve no useful purpose going forwards. It may or may not be useful for relocation, in support of the development, in the proposed bridge location as shown on the application layout drawings.
- Contractor's vehicles should either be facilitated within the development site or utilise adjacent parking opportunities at the playing field and village hall car parks, avoiding the residential environment at Poachers Lane, Scothern Lane, Scothern Road and Church Lane.

I hope the above is clear and I'm sure that you will agree that my clients are being very reasonable here in both setting out their objections in principle but also, as a minimum, simply seeking to ensure that their amenity is protected should this development be approved.

Yours sincerely,



Phil Scrafton
Managing Director