



DM.21 11/12

**Development Management
Committee**

Date 8 February 2012

Subject: Planning applications for determination

Report by:

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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices.

RECOMMENDATION(S):

Each application has a recommendation within the report

IMPLICATIONS

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

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : Each planning application has been assessed to consider 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:

Various planning applications available on-line at

<http://planning.west-lindsey.gov.uk/planning/>

West Lindsey Local Plan policies available at:-

http://www.west-lindsey.gov.uk/localplan/plan_index.htm

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

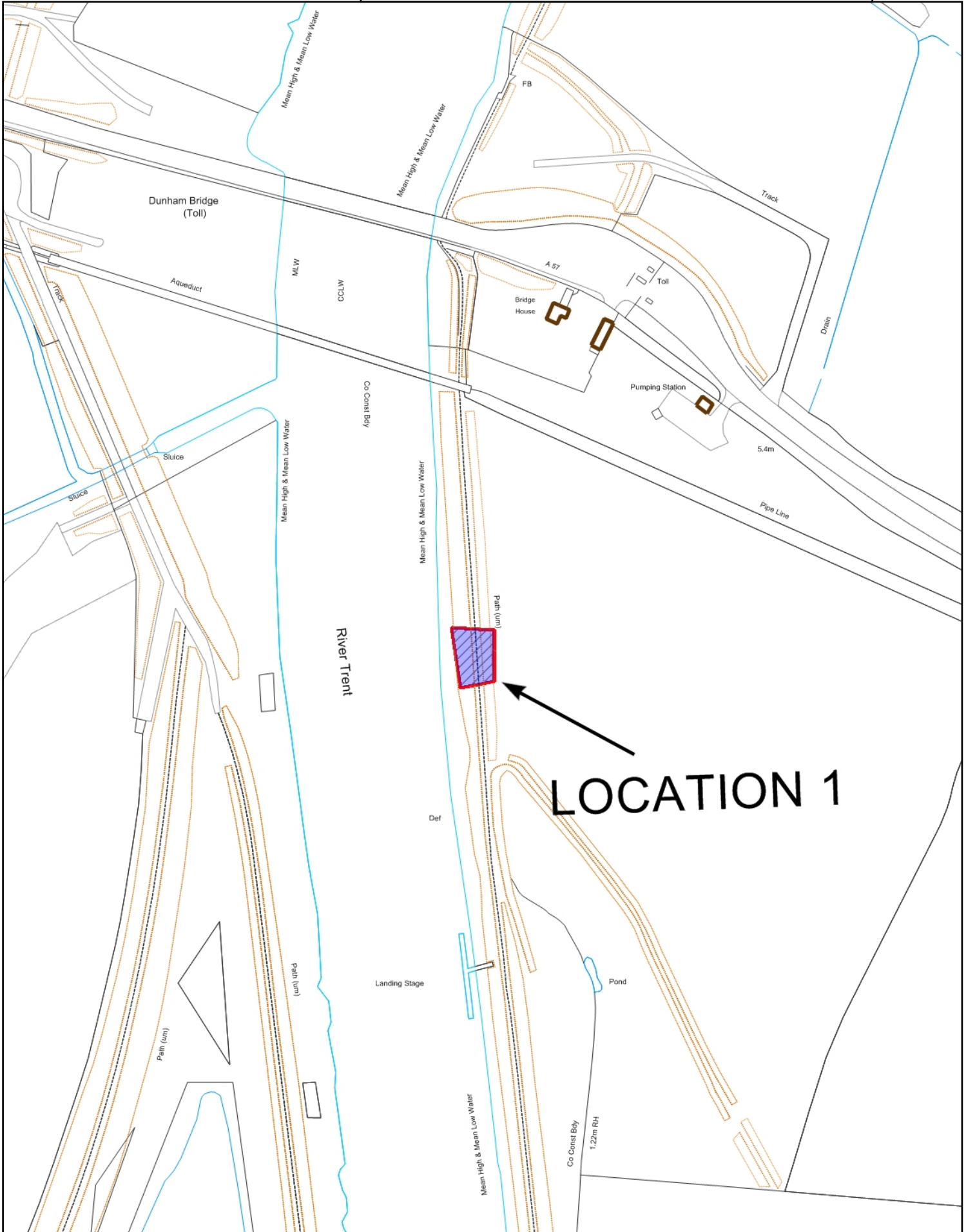
Yes

No

Key Decision:

Yes

No



LOCATION 1

ITEM 1

Officer's Report

Planning Application No: 127585

PROPOSAL: Planning application for construction of water treatment works, pumping station and open reservoir.

LOCATION: Land to south of Newton on Trent

WARD: Torksey

WARD MEMBER(S): Councillor Kinch

APPLICANT NAME: Anglian Water Services Limited

TARGET DECISION DATE: 27th October 2011

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Grant permission subject to conditions.

Introduction

Determination of this application was deferred from the December 2011 Development Management Committee to enable further discussion and investigations to take place to assess alternatives, and to address further mitigation of the impact of the proposal.

In response to this deferral the applicant has submitted a document that assesses alternative locations and solutions as well as images depicting how landscaping will reduce the impact of the water treatment works on the landscape.

The Ward Councillor, Parish Council and other interested parties have been reconsulted following the receipt of this information. The submissions are reproduced as appendices to this report but are also available to view on-line at

Description

- **Site** – Area of farmland extending from east of A1133 to the east bank of the River Trent to the south of Dunham Bridge. To north are the A57 and the village of Newton on Trent. To the south, beyond the County boundary is woodland and the village of North Clifton (Newark & Sherwood District, Nottinghamshire). The site wraps around the west, north and east of a Roman fort (Scheduled Monument).
- **Proposal** – The development is part of a scheme to provide a new supplementary supply of potable water for the City of Lincoln. The works if completed would enable water to be extracted from the River Trent at a point close to Dunham Bridge (shown as “intake” on proposed layout). The untreated water would then be pumped to a

- **Intake** from River Trent
- **Gravity raw water underground main running 50m southwards** from intake following eastern bank of River Trent to connect to pumping station.
- **Pumping station** located adjacent to eastern bank of River Trent at foot of scarp slope. The main building will be steel clad (6m x 20m x 4m high). Part of the scarp slope will be excavated to site this building in the proposed location. It will pump untreated water via;
- **Underground rising main, 1.6km in length** looping around north side of the Roman Fort (outside of designated area) to;
- **Open raw water reservoir.** The excavated soil will form a bund so that no soil removal from this site is proposed. The reservoir site will also include a substation housed in a 4m x 4m x 2.5m high kiosk, control housing within a further kiosk (6m x 4m x 2.5m high) and a 3.5m side metalled access road from the A1133. The reservoir will feed a;
- **Gravity raw water main** running beneath the A1133 to;
- **Water treatment works,** the main building of which would have a footprint of 37m x 95m and be 13.5 high. In addition there is proposed a microstainer building (11m x 13m x 9.9m high), two concrete tanks (15m x 40m x 5.2 high), an artificial earth mound (65m x 34m x 5.5m high) containing disinfection pipes, a concrete treated water reservoir (43.5m x 18.5m x 5.1m above ground level), a pumping station (25m x 10m x 9.6m high), 2 x 5.7m high vessels, wastewater tank (20m x 30m x 7.4m high above ground level), filter press building (15.9m x 17.1m x 12.3m high), liquid waste lagoon (20m x 30m) and surface water attenuation pond (32m x 32m).

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

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

Relevant history

This proposal was the subject of a pre-application enquiry by the applicant. Pre-application publicity and consultation was also undertaken by the applicant.

Representations (councillors, parish councils and residents)

Chairman/Ward member(s): Councillor Kinch echoes the Parish Council comments with regard to the securing of a public footpaths via a section 106 agreement (see below).

Parish/Town Council/Meeting: The Parish Council are extremely keen that the provision of two footpaths, from Newton on Trent village to Dunham Bridge and Laughterton respectively, are secured through the planning application process. The Parish have also commented on the setting of the Scheduled Monument and that the location of the accesses for the treatment works and reservoir will be detrimental to highway safety; there should be a joint access with both elements on the western side of the A1133.

Local residents (and organisations):

- Hall Farm
 - Object to proposed siting of treatment works on eastern side of A1133 as it will have significant impacts on the local landscape and views in contravention of several policy guidelines within the West Lindsey Landscape Character Assessment (1999).
 - It will break up open views of this large area of open countryside.
 - Obscure views of the village including the Church when approaching from the south.
 - Policy C2 requires the conservation of characteristic views.
 - Policy G9 covers the conservation of undeveloped breaks between settlements.
 - The proposed siting appears to have been driven by construction costs without taking into account the significant cost to the landscape.
 - Given the speed of traffic on the A1133, it would be much safer using the same access for the reservoir and treatment works on the west side of the A1133 rather than having two separate accesses.
- 47, Manor Road, Saxilby (Pre-construct Archaeological Services Ltd.)
 - Access to the Roman fort is problematical as well as to the Newton Cliffs area in general which has much to offer both in terms of cultural heritage and natural environment. There is an opportunity here to secure access through a section 106 agreement as has been secured elsewhere in the country.

- East Midland Sunfolk (copy of letter forwarded from PC) – We have a number of members who like to walk or cycle to the local amenities and we would be grateful if you could let us know if there any plans in the pipeline to provide a footpath between Laughterton and Newton on Trent.

Representations (other statutory and non-statutory consultees)

The following responses do not include any representations received as a result of the most recent reconsultation which requested comments on the additional information received from the Anglian regarding alternative locations/solutions and landscape mitigation. Any comments received on these matters will be reported verbally to members, including an assessment of any issues raised of any matter not covered in this report.

The representations received have been grouped into the most relevant topic areas:-

Cultural and built heritage

English Heritage – The proposed development will have a harmful impact on the setting of Scheduled Monument LI 174 since its significance as a Roman fort derives both from its relationship with non-scheduled buried archaeological features in the locality (some of which will be physically harmed by the development) and its relationship with the surrounding landscape. The development will not enhance the visual appreciation of the monument's setting but will add to the existing modern infrastructure, which affects our ability to experience the site of the monument in its rural surroundings. Clearly these surroundings have changed markedly since Roman times, but the current relative paucity of large scale development in the vicinity of the fort along with the character underlying landform, the dominance of agricultural land and uncultivated land along the Trent do still provide a sense of the historic landscape.

Nevertheless, we think it will be possible to mitigate some of the adverse visual effects of the development by landscaping and planting. This will have to be very carefully considered at the pumping station site because it is immediately adjacent to the scheduled monument boundary. Scheduled Monument Consent is not likely to be granted for potentially harmful works such as planting, fences or earthwork construction within the scheduled monument.

Latest information from Anglian Water suggests that the proposed pipelines are also located adjacent to the scheduled monument boundary. Pipeline excavation work is likely to damage archaeological evidence associated with the scheduled monument and compromise the ability to investigate the monument in the future. We understand that this element of the scheme is permitted development so we will raise the issue again with Anglian Water.

Lincolnshire County Council Historic Environment –

Archaeological evaluation has been undertaken on the site, but further work will be required. Should planning permission be forthcoming then, prior to any ground works, the developer should be required to undertake further works in accordance with an approved written scheme of investigation (initially envisaged to involve monitoring of all ground works with the ability to stop and fully record archaeological features).

Navigation and water

British Waterways – No objection subject to conditions ensuring that:-

- Final design of intake structure is agreed by local planning authority in consultation with British Waterways to ensure it does not affect navigation safety.
- Navigation lights are provided in the context of above.
- River bank access is maintained through the appropriate design of structures affecting British Waterways access easement along the river bank.

Environment Agency – No objection subject to conditions requiring

- Development to be carried out in accordance with submitted Flood Risk Assessment.
- A surface water drainage scheme has been agreed based on the principles of sustainable drainage.
- Flood plan compensation
- Foul water disposal.

They also advise of separate regulations under Water Resources Act 1991 relating to flood defences on the River Trent, pollution prevention and the need for an Abstraction Licence.

Newark Internal Drainage Board – Support application provided any soakaways are designed in accordance with BRE Digest 365.

Natural environment

Natural England – Refer their standing advice. No further comment.

Lincolnshire Wildlife Trust – Having read the ecological survey reports, we consider that, provided the consultant's recommendations are followed, there should not be any significant impacts on protected species as a result of the proposed works. We strongly support the recommendations for mitigation and enhancement of the site, including planting of native species rich hedges, sowing the embankments and bunds with native wildflower mixes, creation of skylark plots and provision of bird and bat boxes.

Neighbouring or affected local authorities

Bassetlaw DC – No comments

Lincoln City Council – “No objections.”

Newark and Sherwood DC – Consider that any impact on Newark and Sherwood would be limited given the scale and proximity of the proposal to the district boundary.

Aircraft safeguarding (bird strike)

Defence Infrastructure Organisation – No safeguarding objections

NATS – No aircraft safeguarding objections

Doncaster Robin Hood Airport – No safeguarding objections.

Relevant Planning Policies

The Development Plan

- East Midlands Regional Plan 2009 (RSS8) policies

4. Development in the Eastern Sub-Area

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

27. Regional Priorities for the Historic Environment

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

32 A Regional Approach to Water Resources and Water Quality

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- West Lindsey Local Plan First Review 2006 (saved policies - 2009).
The site is within the open countryside:-

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the open countryside

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

CRT20 Watercourse corridors

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

NBE10 Protection of Landscape character and Areas of Great Landscape Value.

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

NBE15 Water Quality and Supply

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

Other policy documents

- West Lindsey Corporate Plan 2011-15
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/council/council-committee-reports/council-committee-reports-september-2011/107037.article>
- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 5 Planning for the historic environment (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>
- PPS 9 Biodiversity and geological conservation (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Local Plan First Review - Supplementary Planning Guidance (SPG) Adopted countryside Design Summary
<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/supplementary-planning-documents?tab=downloads>

The site is also within the area covered by the Trent Vale Landscape partnership, a three-year scheme to conserve, enhance and celebrate the cultural identity of the Trent Vale. West Lindsey DC is a partner in the Partnership and accessibility to the Trent riverside is a key aim. More information is available at:- trentvale.wordpress.com/

Main issues

- **Principle**
- **Direct impact and setting of Scheduled Monument and other heritage assets including Church and wider visual impact**
- **Highway Safety**
- **Residential amenity during operation and construction**
- **Ecology – land and Trent**
- **Navigation of Trent – levels**
- **Flood risk**
- **Aircraft safeguarding**
- **Footpath provision within the parish of Newton on Trent**

Assessment:

Principle – The site is located within the open countryside as defined by the Local Plan First Review. There is a general policy presumption, as detailed in policy STRAT12, against development in such locations unless it is required in association with a countryside use or can be supported by other policy. There is no other policy in this Review that explicitly deals with proposals for potable water supplies. However, there is implicit support in the Regional Plan. Policy 4 identifies Lincoln as one of the region's main growth areas, an objective reaffirmed by growth point status and the target for housing provision outlined in the same plan. The focus of growth in Lincoln is likely to be drawn forward within the policies of the Joint Core Strategy for Central Lincolnshire. The Water Cycle Study that was prepared as part of the evidence base for this Strategy identifies the need for new water resources to respond to this growth. Specifically, there is a projected deficit of 20 million litres of water per day by 2035 as a result of growth. The need was identified in Anglian Water's Water Resources Management Plan and accepted by Defra.

Policy 32 of the Regional Plan states that such new resources should be planned together with a strategy for reducing leakage from mains (currently 20% of total supply is lost through leakage in the East Midlands as cited in the Regional Plan), using water more efficiently in developments and implementing sustainable drainage techniques. Members will be aware that the planning system cannot control water leakage from the mains but all four local authorities shaping development in the Lincoln area (Lincoln City, North Kesteven, Lincolnshire County and West Lindsey Councils) support development maximising water efficiency and sustainable drainage through the application of policy and controls through the planning and building control system (the Regional Plan estimates a saving of 25% of projected demand can be met in this way). Anglian Water have funded projects to reduce leakage and also to introduce as much metering as possible. However, in this context, it is concluded that such policy and controls alone will not respond to the water supply issue that Lincoln will face as a result of growth and therefore an additional supply of potable water is required.

The Water Cycle Study does not provide any analysis or conclusions as to where the additional water should be sourced from. Lincoln is, amongst other sources, currently served from aquifers in the northern hills of the Lincolnshire Wolds near Elsham as well as from the Sherwood Sandstone aquifer in Nottinghamshire. Anglian Water looked at a number of alternative solutions including:-

- Extending abstraction from the Sherwood Sandstone aquifer,
- Redistributing resources from neighbouring areas
- Developing new resources from minor aquifers in the Lincoln area

They also investigated other alternative location for a new intake and water treatment works. The additional information on this and the other solutions investigated are reproduced in the appendix to this report as referred to in the introduction. The Fossey option referred to be the ward member, Councillor Kinch, at the December 2011 Development Management Committee was part of the investigation of alternatives. It was dismissed for the following reasons:-

- Cost of upgrading the existing Environment Agency equipment (that pumps water from the River Trent into the Fossey at Torksey Lock)
- The potential for pollution of the Fossey - flow into this watercourse is restricted to transfers from the Trent and discharges from the River Till and other local drainage systems. However, the pump transfer from the Trent is not operated continuously and the Till drains a relatively small catchment that is intensively farmed. Under these circumstances, any pollution that enters the Fossey could persist for a significant period, affecting the operation of the new works. A much larger raw water reservoir would be required to respond to this issue, adding cost to the scheme. There are also few areas of land that could accommodate these large works that are free from the potential for flooding (see next point below).
- The vast majority of land flanking the Fossey falls within flood zone 3 as defined by the Environment Agency's Flood Zone Maps, the zone at most probability of flooding outside of the functional floodplain. Examination of the flood zone maps reveals that there is land between Hardwick and Drinsey Nook within flood zone 1 adjacent to the Fossey which could accommodate the size of reservoir and treatment works proposed and is also next to an existing water main to reduce costs. However, such a location would not overcome the other disadvantages of using the Fossey such as the cost of the pump at Torksey Lock and the potential for pollution.

In this context, having assessed the location proposed, it is considered that it has the following benefits:-

- Proximity to the River Trent which benefits from flow support during low flow periods through the provision of releases of groundwater from sources developed in the Birmingham area. The Trent also has a large catchment area less susceptible to localised changes in groundwater supply.

- The proximity to the Trent also reduces the length of pipeline required for transporting the raw water to the water treatment works, such pipelines being inefficient given that pumping is likely to be required, costly to upkeep and generally unsustainable in terms of construction and use of land resource.
- Proximity to existing potable water mains which reduces the need for a new, long potable main (the existing main crosses the River Trent on an aqueduct adjacent to Dunham Bridge). This avoids similar issues to those described above for raw water pipelines.
- The treatment works and reservoir elements are within flood zone 2 as defined by the Environment Agency (medium probability of fluvial flooding). This matter is discussed in more detail later in the assessment, but in summary, there are few locations near to raw water sources and existing potable water mains which fall outside of flood zone 3.

In summary, in terms of the sustainable use of an existing potable water main in a location adjacent to an adequate supply of raw water, it is considered that the proposed location is acceptable in principle having also justified the need.

Impact on Scheduled Monument and other designated and non-designated heritage assets – The general thrust of policy 27 of the Regional Plan echoes that of policies HE7 and HE9 of PPS5 insofar as the significance of designated historic assets such as scheduled monuments should be identified and assessed by an applicant and the determining local planning authority and there should be a presumption in favour of the conservation of such assets. Policy HE9 specifically states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, should be wholly exceptional.

The scheduled Roman fort was discovered by aerial photography in 1962, there being no signs visible at ground level of its existence. It was the result of an early military disposition by the legion IX *Hispana*, this vexillation fortress being one of their bases prior to the establishment of a fortress at Lincoln and used whilst still on campaign near to the frontier of that time (running diagonally across England from the River Exe in the southwest to the Humber in the northeast). The Fosseway was effectively a service road connecting the frontier legions. The fort is typical of a thirty acre installation and its historical significance as, albeit a temporary frontier post for the Roman colonisation of the country, should not be underestimated.

Fortresses of this size are not sufficiently large for a whole legion, but would be adequate for a half-legion possibly brigaded with some auxiliary cavalry.

Examination of the proposed layout of the development reveals no direct intervention within the designated area. Indeed, a direct route between the pumping station and reservoir would have crossed the fort, but the submission shows the pipeline arcing around the area to the north. The archaeological investigation undertaken on behalf of the applicant to date speculates that the

pottery located in the area suggests a yet un-located Romano-British settlement or farmstead in the vicinity. It is possible that some of the development may directly affect these remains especially given that both the applicant's own archaeological investigations and those reported in preceding texts suggest that such a settlement is likely to be the south or east of the fort. However, the LCC Historic Environment Officer, who approved the Schedule of Works and Method Statement for the pre-application archaeological investigations, has advised that the level of significance of these non-designated heritage assets is such that the direct impact of the development on them can be mitigated by conditions requiring a scheme of archaeological works to be commissioned. In essence, the siting of the different elements of the proposed development in a ring around the scheduled monument has the potential to result in the irreversible loss of some undesignated assets and divide those remaining undesignated assets outside of this ring from the scheduled fort. However, with the careful investigative works and recording required by the suggested conditions, there will be the ability for future generations to be able to understand the complete picture if further investigative works are subsequently undertaken beyond the scope of the development.

Turning to the impact on the setting of the scheduled monument, it is acknowledged that there are no external works visible at ground level and therefore the main issue is considered to be the importance of maintaining the setting of the location of the monument. The fort site is clearly visible from many public vantage points including the public rights of way along the east and west banks of the river, from the public access land adjacent to Newton Cliffs, from Dunham Bridge and from both the A57 and A1133. From the fort site itself, there are views stretching for many kilometres to the east and west. This is due to the low lying nature of the surrounding landscape, the lack of major settlement and the lack of tall building and tree belts. Buildings visible from the fort location are part of the nucleated form of the village or associated with the functional requirements of the river bridge. The existing water treatment works to the north is visible but, with exception of the telemetry mast is predominantly characterised by low lying buildings and structures. In this direction, the eye is also naturally drawn to the A57 due to the steady flow of vehicles. The collection of farm buildings and cottages at the junction of the A57 and A1133 are also visible but are mainly characterised by traditional forms, externally elevated in weathered red brick and clay pantiles which have ensured that they have assimilated into the landscape and preserved the setting of the monument. In contrast the proposal would result in the introduction of a collection of building forms and a materials palette that is rather alien to the agrarian landscape as it appears now and certainly how it would have appeared in Roman times. However, to the west the views are dominated by electricity pylons in the foreground, one line of pylons actually crossing the fort site. Also apparent are the metalwork of the aqueduct over the River Trent, the concrete arches of Dunham Bridge and, in the middle distance, a decommissioned coal fired power station (High Marnham).

In this context of tension between natural and manmade features, the proposed development nevertheless still has some potential to affect the setting of the Roman fort due to its proximity. However, with all elements of the proposal, it is considered that mitigation can be achieved through conditions.

The intake pumping station compound to the west of the fort would be located so it nestles against the foot of the scarp slope and therefore, from the majority of vantage points within the scheduled area, will not be visible. The visual impact will be further minimised by partially excavating into the scarp slope to maximise the ability for the compound to tuck into the fold in the landscape. Furthermore, the only building within the compound is only 4.5m high (not significantly higher than a domestic garage with a pitched roof) and the existing trees and bushes along the river bank will assist in partially screening it when people are viewing the fort area and river from the public footpath on the west bank and from Dunham Bridge. Similar considerations apply to the lifting crane “goalpost” frame that sits above the valve chamber within this compound and the security fencing along the perimeter; none of these structures exceeding 5m in height. Therefore, with the control of the colour and texture finish of the external cladding for the building and the security fencing, which can be secured through the imposition of a pre-commencement conditions, this element of the proposal will not harm the setting of the fort from these directions. However, it is considered that some landscaping is required to respond to the views from the south from the public access land, this again can be ensured through the imposition of a condition.

The raw water reservoir is proposed to be located to the south of the fort. The direct impact on the marching camp and older fort could impact on the setting of the monument as both non-designated assets provide respective functional and historic context to it. Specifically, the detail of the extent and nature of the marching camp as a subservient element to the main fort provides information as to the significance of the fort itself. Similarly, the existence of an earlier fort provides information on the evolution of the legion’s encampment in this location. In terms of finding more detail on these assets, the County Council have advised that further investigations required by pre-commencement conditions are sufficient to document the significance of these assets and their contribution to the setting of the designated fort. Visually, there are no surface level signs of the marching camp and older fort that are evident from ground level which contribute to the setting of the monument.

The excavation of the reservoir itself and creation of an encircling bund, as well as the ancillary access road and kiosks, will be visible from the scheduled area and also from public vantage points on the A1133 between the A57 and the County Boundary when looking towards the monument. The highest point of the reservoir development will be the top of the bund at 27m above sea level. This sits above the surrounding land by around 8m at the eastern end of the reservoir but by just 3.5m at the western end. These relative low heights and the fact that the outer facing banks will be planted with natural landscaping, including wild flowers, will ensure that the open rural vistas to and from the monument will be maintained

The water treatment works would be characterised by many different buildings and structures, the coverage and height of which is considered to result in the most potential to harm the setting of the monument. The highest building proposed is the main treatment building with a roof height of 13.5m above ground level (equivalent to a four to five storey building). The collection of different structures, all different shapes and sizes, but all industrial in character and appearance would, in the absence of any natural screening, appear as rather incongruous and prominent elements within the landscape. This would be particularly noticeable when approaching from the south along the A1133. This road reaches a crest adjacent to the County Boundary and, as the highway curves gently to the right (eastwards), a vista opens out dominated in the foreground by the straight road which leads the eye to the village of Newton on Trent in the middle distance. The village is typical of many of the Trent-side villages insofar as the flat topography means that the buildings at its southern edge dominate the view with the exception of the one tall building, the listed Church tower. This results in this Church being the second feature, in addition to the natural small hill upon which the fort used to lie, that commands the surrounding low lying landscape. This character is identified in the representations received and is also described in a more general sense in the West Lindsey Landscape Character Assessment. Indeed, the Supplementary Planning Guidance to the Local Plan Review, which draws from the detail of the Assessment, states that entrances to settlements within the Trent Vale are particularly sensitive and linear development along the principal roads would be detrimental to local landscape character (page 6).

This policy does not provide any exceptions to these principles but it must be acknowledged that the treatment works are a rather unique form of development and, as already described in this report, can justify a countryside location. Furthermore, it is considered that the proposed planting belt that encircles the compound can adequately mitigate the harm to the setting of the fort, the Church and the wider landscape.

Specifically, this planting belt would supplement the existing hedge line, the compound having been placed within a field of corresponding size so that the hedge tightly encloses the site. Such a practice is suggested by the Supplementary Guidance. It is accepted that the height of some of the structures will result in the proposed planting taken some years to fully screen the development, but the depth of the buffer planting proposed (10m) together with the ability to control the colour and finish of the larger buildings, will ensure that the impact is minimised. Collections of visually industrial buildings enclosed by greenery and near to the main roads are not unknown in this landscape. There are intensive livestock units to the southeast in North Clifton parish, the Furrowlands complex adjoining the eastern side of the A1133 bypass to the north of the A57 and the existing water treatment works, the electricity pylons and the string of coal fired power stations along the River Trent.

Highway Safety – Part (ii) of policy STRAT1 of the Local Plan First Review states that there should be the provision of an adequate and safe access to the road network to prevent the creation or aggravation of highway problems.

There are three proposed vehicular accesses, near to or utilising existing access points. All accesses are to allow the applicant's vehicles to get to each element of the development for routine checks and maintenance.

The intake and pumping station will be accessed from the south side of the A57, approximately 300m east of the Dunham Bridge toll plaza. The point is near to the outside of a bend affording views westwards to the plaza themselves. Visibility eastwards towards Newton on Trent and the first line of oncoming traffic is achieved by locating the access on the crest of the road (the existing access is to the west of the crest thereby hampering visibility). Visibility is aided by vehicles slowing for the bends and the toll plaza, despite the national speed limit (60 mph) that applies. The County Highways Authority has confirmed that they have no objection subject to the completion of the access arrangements prior to the commencement of the development of the intake and pumping station.

The proposed reservoir and treatment works accesses are within a few metres of each other on either side of the A1133 between the A57 junction and the County boundary. The reservoir access is midway along a straight section of the road and near to the lowest section of this straight. There is also a grass verge which is part of the adopted highway and these characteristics allow good visibility in both directions, albeit again on a road subject to the national speed limit. The treatment works access is nearer the crest and bend at the southern end of the straight which does mean visibility is restricted to some extent from the north (the direction of oncoming traffic). However, the County Highways Authority have confirmed that they have no objection, again subject to the implementation of the access works prior to development of the treatment works itself being commenced. Such a condition is considered both necessary and reasonable given that the existing unmade, single width field access would not be appropriate for the construction phase.

Residential amenity during operation and construction – Residents can be affected by a development during its construction and subsequent operation. Such an issue is detailed in policy STRAT1 of the Local Plan First Review.

The applicant has submitted a Construction Management Plan at the request of Council officers and also considered the operational impact. The Construction Management Plan indicates that the construction phase will extend to approximately 24 months (table 2.1 refers). The nearest dwellings to the site are the dwellings associated with the kennels on the A57 opposite the access to the proposed pumping station and the farmhouse at Hall Farm (and dwellings opposite) to the south of the junction of the A7 and A1133 with regard to the proposed reservoir and treatment works. The distance of all of these dwellings to the actual construction sites will mean that noise from the construction and operational processes is unlikely to impact significantly on residents. However, it is considered that some controls are necessary to ensure that dust and fumes from the construction phase are not blown towards the dwellings, especially as many are downwind with a prevailing south-westerly wind. Furthermore, although the dwellings are near to main roads, the traffic levels do decrease significantly after nightfall and

construction traffic comings and goings would be noticeable in this context. As a result, it is considered that the suggested measures contained within the submitted Construction Management Plan, such as limiting the hours of construction and managing levels of dust and fume, need to be controlled through the imposition of conditions.

With these controls in place, it is considered that residential amenity will not be significantly affected.

Ecology – The impact of extracting water from the Trent should be dealt with through the Abstraction Licence process.

With regards to land based flora and fauna, the applicant undertook both a phase 1 and subsequent phase 2 Ecological Assessments. These have identified an active badger sett within the vicinity of the approved reservoir site, which is unlikely to be impacted upon by the development as proposed. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development. This can be secured by condition.

No bat roosts were found, the nearest locations likely to offer habitat for bats being the farm buildings at Hall Farm and within North Clifton as well as the woodland south of the County boundary. Nevertheless, the hedgerows and trees within the site are likely to be used by bats for commuting and/or foraging purposes. As a result, given the changes to these areas through the proposed development, it is necessary to ensure that the foraging and commuting potential is retained, if not enhanced. The submitted plans propose a belt of tree planting around the treatment works as well as wildflower planting on the bunds of the reservoir. All of these areas have the potential to provide the appropriate natural landscaping for bats. However, the final mix of planting will need to be agreed through the imposition of a condition as the information submitted has not the clarity or level of detail required. Such planting is also necessary to provide the habitat for nesting birds; skylark and yellow wagtail were identified as having territories within the site (both birds being red listed of conservation concern) as well as other species of birds.

Finally, it is noted that the surface water drainage proposals incorporate an attenuation pond (see flood risk and drainage section later in this report). This pond is relatively steep sided and manmade in appearance and, given its proximity to the proposed landscaping corridor, it is considered that there is potential to create shallow margins for the benefit for aquatic species.

Navigation of Trent – There are two issues relevant to the navigation of the River Trent; the first is that the actual volume of water extracted could affect levels and the second is that some of the development (the intake) is located within the River itself. The levels should be dealt with through other legislation through the abstraction licence. With regard to the intake development, the submitted plans show the structures to guard the intake itself, but British Waterways have asked that the final details be agreed through a condition. Such a condition is considered both necessary and reasonable given the British Waterways comment.

Flood risk and drainage – These considerations are divided into three specific areas; fluvial flood risk (PPS25 being the principal policy reference), surface water drainage (PPS25 again being applicable as well as policy STRAT1 of the Local Plan First Review) and foul water drainage (circular 3/99 “non-mains drainage” being applicable).

- *Fluvial flood risk* – The reservoir and water treatment works are, located within flood zone 2 as defined by the Environment Agency’s Flood Zone Maps, but following a modelling exercise, considered to have the characteristics of land within flood zone 1, the zone at least probability of flooding. This is due to the elevated nature of this part of the district in comparison to the surrounding areas. This siting therefore accords with the sequential test outlined in PPS25 and no exception tests is necessary. The pumping station and intake are in flood zone 3 but are water compatible development as defined by PPS25 and their location is rather dictated by their function. Nevertheless, in accordance with PPS25 the pumping station has been located in the area of flood zone 3 at least probability of flooding and designed so that the finished floor levels and design details respond to this probability rating. In this context, the development is considered acceptable subject to the development being implemented in accordance with the submitted Flood Risk Assessment mitigation measures.
- *Surface water drainage* – This issue primarily relates to the water treatment works where many impermeable surfaces are proposed. The submitted drawings indicate a surface water attenuation pond is proposed with a restrictor to control run-off rate off-site. The submitted Flood Risk Assessment indicates that a sustainable urban drainage scheme involving swales is to be employed but the alignment of details of these swales is not contained within the application particulars. The layout provides potential for their inclusion and therefore the matter can be satisfactorily dealt with by condition.
- *Foul drainage* – There is only one small element, a toilet in the welfare housing part of the water treatment works that requires foul drainage. The site is not on a mains sewer and it would not be practicable to connect to one. A package treatment plant would not be appropriate in this location adjacent to a potable water treatment works.

Aircraft safeguarding – The proposal involves the introduction of open areas of water, such areas having the potential to be attractive for birds. The presence of birds and the implication for aircraft safeguarding are, as detailed in circular 1/03, a material consideration. However, all the relevant military and civilian aircraft safeguarding authorities were consulted and all raise no objection to the development, largely due to the existence of the River Trent (an existing attraction for birds).

Footpath provision – The applicant consulted the local community through a consultation event at pre-application stage. The Parish Council subsequently suggested that footpath linkages between the village and the neighbouring communities of Dunham to the west and Laughterton to the east could be

provided as part of the proposal. If the applicant had included such footpath provision within the application, then the West Lindsey DC (in their capacity as the local planning authority) would have considered it as part of the overall development proposal. Similarly, the applicant could have offered through a legal agreement (section 106) to provide the footpaths. However, they have not offered any such undertaking to this Council during the planning process. In the absence of the applicant making such an undertaking, it is advised that the local authority cannot require such a provision. This is because it is not considered to be necessary to make the development acceptable in planning terms, nor directly related to the development, nor fairly and reasonably related in scale and kind to the development. Therefore, whilst the officers have every sympathy with the residents of Newton on Trent, as they are not able to safely walk along either of the main roads into the village, in the absence of an offer from Anglian Water, such an agreement would not accord with part 122 of the Community Infrastructure Regulations 2010 and the Council must not afford any weight to such an undertaking when determining this application.

Other matters – The applicant has submitted a phase 1 **Contamination** Report as part of their application. It identified the development site as being at low risk of contaminants. This is a reasonable conclusion given the current extensive agricultural use. Reference is made in one of the representations to policies C2 and G9. These are policies of the **superseded** West Lindsey Local Plan 1998.

Conclusion

The development has been assessed against the provisions of the development plan in the first instance and specifically East Midlands Regional Plan 2009 (RSS8) policies 4 - Development in the Eastern Sub-Area, 27 - Regional Priorities for the Historic Environment and 32 - A Regional Approach to Water Resources and Water Quality and West Lindsey Local Plan First Review 2006 policies STRAT 1 - Development Requiring Planning Permission, STRAT 12 - Development in the open countryside, CRT20 - Watercourse corridors, NBE15 - Water Quality and Supply and NBE10 - Protection of Landscape character and Areas of Great Landscape Value of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These include the West Lindsey Corporate Plan 2011-15, the Supplementary Planning Guidance to the Local Plan – Landscape Character Assessment and the objectives of the Trent Vale Landscape Partnership as well as national policy contained within the Draft National Planning Policy Framework (2011), PPS 1 Delivering Sustainable Development (2005), PPS 5 Planning for the historic environment (2010), PPS 9 Biodiversity and geological conservation (2005) and PPS 25 Development and flood risk (2010).

In light of this assessment, it is considered that the development is acceptable. The requirement to provide a potable water supply to facilitate the growth of Lincoln justifies the countryside location. Furthermore, subject to conditions, the development will not harm the significance of the designated and non-designated heritage assets within or near to the site, nor will highway

safety be affected, or residential amenity or visual amenity in general. Biodiversity will be enhanced, there will be no adverse impact on aircraft safeguarding nor navigation of the River Trent.

Recommendation

Grant permission subject to the following conditions:-

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

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

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

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

2. No development shall take place until a survey to assess the status of badgers within the site including the identification of any necessary mitigation measures has been submitted to and approved in writing by the local planning authority.

Reason: There is an active badger sett within the vicinity of the approved reservoir site, as identified by the submitted Ecological Survey, which is unlikely to be impacted upon by the development as approved. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development commencing in accordance with policy contained within Planning Policy Statement (PPS) 9.

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.

6. Nomination of a competent person/organisation to undertake the work.

7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

4. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

Conditions which apply or require matters to be agreed before the development of certain elements of the scheme are commenced.

5. No development of the pumping station and intake hereby approved shall take place until the improvements to the vehicular access to Dunham Road, Newton on Trent (A57) have been completed to binder level in accordance with drawing WAT-05046-LNCW-SS-PLG-039A Rev A dated 22nd July 2011 and to a specification that has previously been submitted to and agreed in writing by the local planning authority. The said access shall then be completed to surface course prior to the pumping station and intake being first brought into use.

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

6. No development of the reservoir and treatment works hereby approved shall take place until the improvements to the vehicular access to Newark Road, Newton on Trent (A1133) have been completed to binder level in accordance with drawing WAT-05046-LNCW-SS-PLG-049A Rev A dated 22nd July 2011 and to a specification that has previously been submitted to and agreed in writing by the local planning authority. The said access shall then be completed to surface course prior to the pumping station and intake being first brought into use.

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

7. Notwithstanding the details submitted, no development of the intake and outfall elements of the scheme hereby approved shall take place until details of their design and construction including measures to ensure safe navigation of vessels on the River Trent have been first submitted to and approved in writing by the local planning authority.

Reason: In the interests of navigational safety on the River Trent and to accord with part xii. of policy STRAT1 of the West Lindsey Local Plan First Review 2006.

8. No development of the water treatment works hereby approved shall take place until a scheme for surface water disposal reflecting the principles of sustainable drainage as detailed in paragraph 3.2.4.1 of the submitted Flood Risk Assessment dated July 2011 and to include runoff limited to existing greenfield runoff rates and the bunding of fuel containers have been first submitted to and approved in writing by the local planning authority.

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 Planning Policy Statement (PPS) 25 (2010).

9. No development of the water treatment works hereby approved shall take place until, a scheme of landscaping for the landscaping corridor annotated on drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011, including details of the size, species and position or density of all trees to be planted (to include native species, bird and bat boxes), and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to provide adequate screening for the water treatment works is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and to ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statements 5 and 9.

10. Notwithstanding the details indicated on drawing WAT-05046-LINCWW-SS-PLG-079 Rev A dated 22nd July 2011, no development of the attenuation pond within the water treatment works hereby approved shall take place until, a scheme to include shallow margins for the pond has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and to accord with Planning Policy Statement 9.

11. No development of the raw water reservoir hereby approved shall take place until a scheme of landscaping for the landscaping areas annotated on drawing WAT-05046-LINCWW-SS-PLG-064 Rev A dated 22nd July 2011, including details of the size, species and position or density of all trees to be planted (to include native species, native wildflower mixes, skylark plots), and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate mix of the natural and built environment, to enhance biodiversity and to ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statements 5 and 9.

12. No development of the pumping station hereby approved shall take place until, a scheme of landscaping screening for this element of the development, including details of the size, species and position or density of all trees to be planted (to include native species, bird and bat boxes), and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to provide adequate screening for the pumping station from the public access land and River Trent is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and in accordance with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 9.

13. No development within the water treatment works site hereby approved as detailed on drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011 shall take place until details of their surface colours and finishes have been first submitted to and approved in writing by the local planning authority.

Reason: To ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 5.

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

14. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

15. Following the archaeological site work referred to in condition 14 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

16. The report referred to in condition 15 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

17. Within seven days of the new access for the pumping station being brought into use, the existing access onto Dunham Road, Newton on Trent (A57) shall be permanently closed in accordance with a scheme to be previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to Dunham Road, Newton on Trent (A57) in the interests of road safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

18. Any mitigation measures identified following the reassessment of the status of badgers within the site as required by condition 2 shall be completed in accordance with timescales to have been previously submitted to and approved in writing by the local planning authority.

Reason: There is an active badger sett within the vicinity of the approved reservoir site, as identified by the submitted Ecological Survey, which is unlikely to be impacted upon by the development as approved. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development commencing in accordance with policy contained within Planning Policy Statement (PPS) 9. 3

19. The construction phase for the development hereby approved shall accord with the standards contained within paragraphs 5.3 & 5.4 (archaeology), 6.3.1, 6.3.2 & 6.4 (air quality and dust), 7.3.1-7.3.5 & 7.4 (ecology), 8.3 & 8.4

(noise and vibration), 9.3.1-9.3.4 & 9.4 (pollution control) and 10.3-10.4 (public rights of way) of the Construction Management Plan dated July 2011.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

20. The finished floor levels of buildings and other development shall be as follows:-

- Water treatment works as per drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011.
- Pumping station as per drawing WAT-05046-LINCWW-SS-PLG-059 Rev A dated 22nd July 2011.

Reason: To reduce the risk of flooding and also to ensure a satisfactory relationship with the adjoining development to the north and given the prominent escarpment position visible from Lea Road and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement (PPS) 5.

21. Construction works shall only be carried out between the hours of 07:30 and 18:30 on Mondays to Fridays, 07:30 and 14:00 Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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

22. The improvements to the vehicular accesses to Newark Road (A1133) and Dunham Road (A57) detailed in the drawings as referred to in conditions 5 and 6 shall be thereafter retained following their completion.

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

23. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping corridor as referred to by condition 9 shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

Reason: To ensure that a landscaping scheme to provide adequate screening for the water treatment works is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and to ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statements 5 and 9.

23. The attenuation pond indicated on drawing WAT-05046-LINCWW-SS-PLG-079 Rev A dated 22nd July 2011 shall be completed as per this drawing as amended by the details referred to in condition 10 and thereafter retained.

Reason: In the interests of biodiversity and to accord with Planning Policy Statement 9.

24. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping areas as referred to by condition 11 shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

Reason: To ensure an appropriate mix of the natural and built environment, to enhance biodiversity and to ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statements 5 and 9.

25. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping areas as referred to by condition 12 shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

Reason: To ensure that a landscaping scheme to provide adequate screening for the pumping station from the public access land and River Trent is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and in accordance with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 9.

Annex A : Reasons for selecting proposed site for the new WTW and alternative options considered

This scheme is required to maintain the supply-demand balance in the Lincoln and Branston supply areas. For dry year annual average demands, the combined deficits are forecast to increase from 5 MI/d in 2007-08 to 20 MI/d in 2036-37, with the result that supply shortfalls are likely in dry years. These will be experienced as increasingly widespread incidences of low pressure (DG2) and unplanned interruptions to supply (DG3). Up to 80,000 properties may be affected by 2015 and 100,000 by 2036/37.

The need for a new 20 MI/d WTW to supply Lincoln and the surrounding areas was identified in our Water Resources Management Plan (WRMP). The WRMP describes our strategy for maintaining the supply-demand balance in our region over the next 25 years and is subject to statutory consultation. This process involves publishing a draft version of the plan on our website and sending copies to the Environment Agency (EA), Natural England and other stakeholders. Based on the feedback we received, we issued a statement of response and updated the plan. The final version was published in February 2010.

The preparation of our WRMP was in accordance with guidelines from the EA. These stipulate a formal process for selecting our preferred options and in the case of the deficits we forecast in Lincoln, this included consideration of the following possible alternatives:

- Extending abstraction from the Sherwood Sandstone aquifer,
- Redistributing resources from neighbouring areas
- Developing new resources from minor aquifers in the Lincoln area
- Licence trading , and
- Water trading

Our preferred option, the new Lincoln WTW, was selected as the most, technically viable, cost-effective, environmentally and socially acceptable option. On this basis, we included a proposal to deliver the works in the business plan we submitted to Ofwat in 2009. This was approved and funding for delivery in AMP5 was included in our Final Determination; the regulatory output date for this new WTW in March 2015.

In addition to increasing our supply capacity in Lincoln, we were also funded for a series of demand management activities. These included schemes to reduce leakage and a large scale metering project. This investment is consistent with our twin-track strategy for maintaining the supply-demand balance.

An ongoing communications campaign supports all of these initiatives. For instance, in August 2010, our Pay as you Flow campaign targeted Lincoln, informing customers that we would be fitting water meters in their area, and encouraging them to switch for free to a metered supply. Our research shows that customers with a meter reduce their consumption by about 15%.

We have also significantly increased our ability to deal with the bursts and leaks that follow cold weather. In the last year we have recruited 62 additional leakage experts, and built up a war chest of £14million to deal with the impacts of cold weather. All of this is intended to minimise the amount of water lost to leakage, reducing demand on the network.

We regularly offer water saving advice and encourage water conservation through local and regional print and broadcast media. This includes both editorial and advertising campaigns. In October 2010, we celebrated a century since clean drinking water was first provided to Lincoln. We used the opportunity to highlight the importance of water in our modern lives, while encouraging better conservation of the resource. Open days at Westgate Water Tower and Bracebridge Heath Reservoir accompanied press visits to the existing Newton on Trent Water Treatment Works, resulting in extensive media coverage of the issue, much of which encouraged water saving measures.

The robustness of our solution selection process in preparing the WRMP was confirmed during the early stages of this project, when the feasibility and cost-effectiveness of the possible alternatives was re-examined, including utilising raw water from the Fossdyke. This reconfirmed the Trent as the most viable option.

With regard to the specific question relating to the use of the Fossdyke Canal (Fossdyke), this option would be expected to add significantly to the cost of the project and expose our new works to unacceptable operational and water quality risks. If realised, these would severely impact levels of service for customers in Lincoln and the surrounding areas, potentially resulting in low water pressure, loss of supply and contamination of our system. Details are given below:

1. Available Resource: The Fossdyke is a key element of the Trent-Witham-Ancholme (TWA) scheme. This pumps Trent water into the Witham and then the Ancholme for spray irrigation, industrial and potable use. However, the TWA assets are owned and operated by Environment Agency and the available TWA resources are all fully allocated (see enclosed extract from Environment Agency web site – The Witham Catchment Abstraction Strategy March 2004 – Page 28). There is insufficient natural resource in the Fossdyke to meet our needs. Any proposal to use the Fossdyke would require significant investment to

upgrade the EA's assets and to provide these with the resilience needed to support abstraction for public water supply. This includes operational arrangements to ensure that we have full and continuous access to the resources needed and, if necessary, are able to act independently of existing TWA controls. Any agreement with risk of a shortfall in resources would be unacceptable.

2. Water Quality: Flow in the Fossdyke is restricted to transfers from the Trent and discharges from the River Till and other local drainage systems. However, the TWA is not operated continuously and the Till drains a relatively small catchment that is intensively farmed. Under these circumstances, any pollution that enters the Fossdyke could persist for a significant period, affecting the operation of the new works. This includes nutrients and fertilizers that stimulate algal growth. AW experience in similar small, rural catchments is that peaks in pesticide concentrations are likely to be greater. To protect the works from these risks, a larger raw water reservoir is likely to be required to attenuate pesticide peaks as well as additional treatment barriers. Also the Fossdyke is more likely to suffer from low flow velocities resulting in higher algal risk, low dissolved oxygen etc. These will add to capital and operating costs and increase our carbon footprint. The flow and dilution available in the Trent means that a Trent intake is much less vulnerable to this type of problem.
3. Abstraction Restrictions : The EA pump station at Torksey supplements the limited natural flows in the Fossdyke to maintain navigation levels, meet abstraction needs and transfer to the Ancholme system. Discussions with the EA and British Waterways for an abstraction licence on the River Trent; abstraction will not be permitted when flows in the Trent or water levels in the Trent are low. Similar Hands off Flow restrictions would be expected on the Fossdyke but these are almost certain to be more onerous due to the lower flows in the Fossdyke.
4. Flooding : Environment Agency flood risk mapping indicates that the area in which Torksey Lock is located is in an area which is at risk of flooding from a 1 in 100 year fluvial flood event. The majority of land adjacent to the Fossdyke is also at risk of flooding. Avoidance of development in the flood plain was a key factor in consideration of options for three key reasons:
 - Development in the Flood Plain is generally discouraged in Planning Policy Statement 25: Development and Flood Risk and therefore represented a material risk to a successful planning application.
 - Development in the flood plain would require any assets, such as the pumping station, to be resilient to flooding and required creation of compensatory flood storage capacity. Neither of these measures are necessary at the Newton-on-Trent site
 - Operating a pumping station in an area of flood risks exposes this critical infrastructure to a risk of interruption of service resulting from flooding events. Clearly this is something that Anglian Water seeks to avoid.

In planning our new works, the over-riding priorities are the continuity and safety of public water supplies. To deliver these, we have to have effective control over the security of our upstream resources. In addition, and for the benefit of both customers and the environment, we also need to make sure that our capital expenditure, operating expenditure and future carbon costs are all minimised. In respect of each of these criteria, locating the new works on the Fossdyke is worse than locating it on the Trent. For this reason, the Fossdyke option is not preferred and we do not intend to consider it further.

One of the benefits for locating the new WTW close to the existing Newton WTW is the ability to utilise the available capacity in the existing mains that run from Newton to Lincoln. This also allows the water from the new WTW to be blended with water from Newton WTW to manage nitrate concentrations in the water supply. Three mains run from Newton WTW into Lincoln, as shown on the attached plan; the routes of these mains diverge as they leave Newton-on-Trent. Locating the new WTW distant from Newton WTW would make the nitrate blending option less feasible and would require nitrate removal treatment at the new WTW. Additional pipelines would be required from the new WTW to connect to all three existing mains and controlling the flow into each main would be more complex.

Our plan to build the new works on the Trent has been scrutinised and approved by the Environment Agency and Ofwat, our economic regulator. In addition, the proposed new works forms part of our long-term water resource strategy, which is described in our Water Resources Management Plan. This was approved for publication by Defra in February 2010 and can be downloaded from our website (www.anglianwater.co.uk/environment/water-resources/resource-management/). Extensive consultations have also taken place with both EA and British Waterways with regard to the abstraction licence on the Trent.

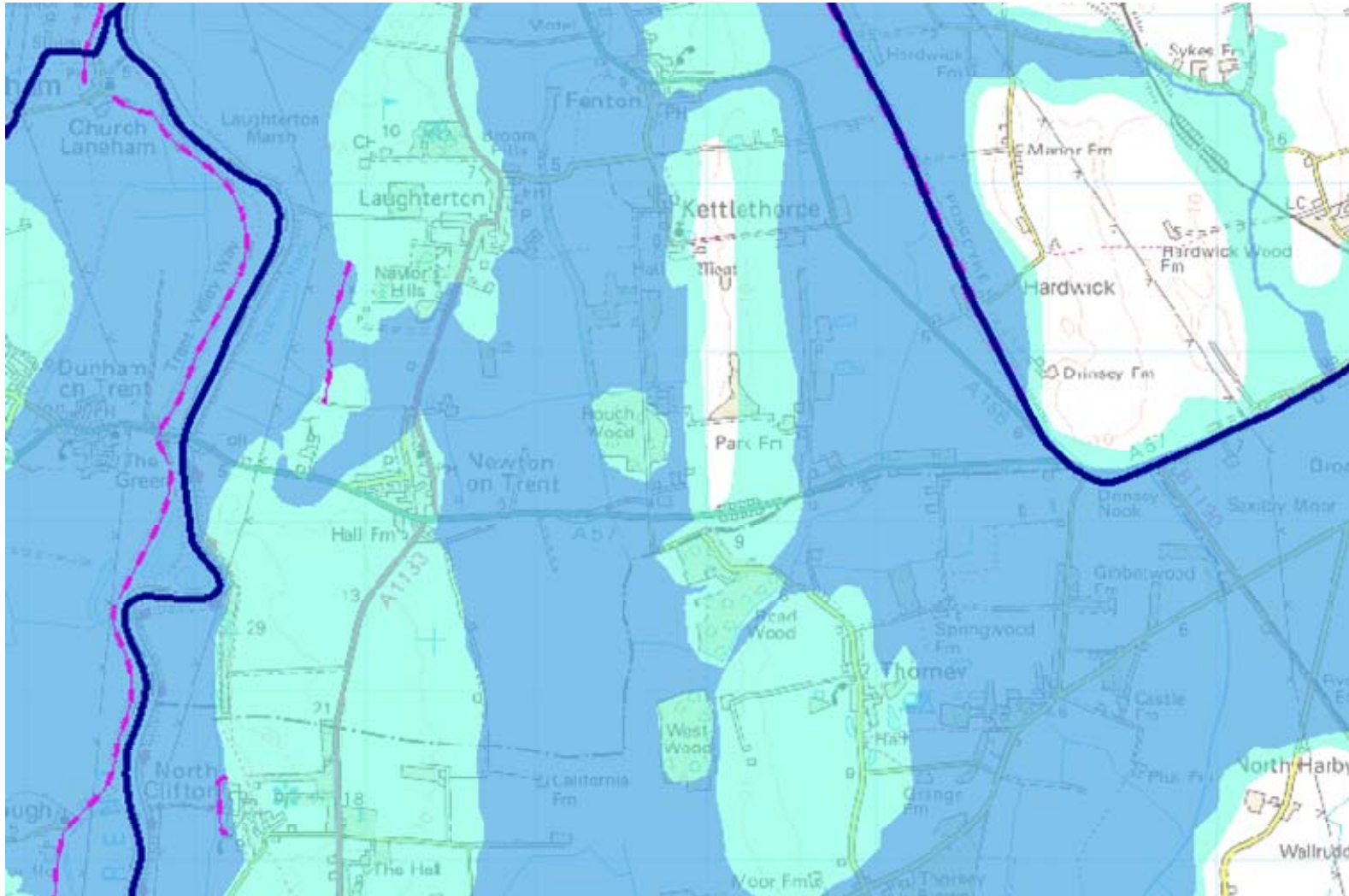
While not specifically challenged in the planning committee meeting, we are also aware of concerns relating to layout of the proposed site and would like to take this opportunity to highlight some of the constraints that have led us to locate the proposed intake pumping station in its current location. As we have made clear in our previous submission, the general area was selected primarily on the basis of its proximity to the site to the existing Newton treatment works site and its topography, which allows the pumping station and its associated electrical equipment to be located above the flood zone.

As one might expect, we also examined options further south along the Trent, immediately to the east of the reservoir site. However the following factors led the design team to the conclusion that it was not suitable:

- There would be a much longer distance from the river intake to the elevated land (across some 400m of flood plain) where a suitable pumping station could be constructed out of the flood plain. The length from the river to pumping station must be a gravity pipe to avoid air entering supply as the water is pumped. This length is susceptible to pollution incidents in the Trent as we cannot turn off the flow into the gravity pipe. The longer the pipe, the greater the “slug” of pollution that could enter the raw water system. This means a greater risk of interruption of supply through the contamination of the reservoir.
- As the pipeline would be longer, the receiving shaft at the pumping station would need to be deeper. Clearly this is less desirable in terms of construction cost and risk. There would also be a greater height to pump the water leading to higher energy consumption and associated cost and carbon emissions.
- Ground conditions across the flood plain are very difficult with a high water table. There is a risk of flooding during the installation of the gravity pipe, which represents both a technical and safety risk.
- A longer pipeline across the floodplain would need to cross the “Sewer dyke” drain which has significant ecological potential. The pumping station would have to be constructed close to “Newton Cliff” which also has significant ecological potential. Both Sewer Dyke and Newton Cliff were considered as constraints to be avoided when developing the design.

In summary the scheme is needed to safeguard supplies and meet future growth in the Lincoln area. Alternative options were considered both during the development of our WRMP and during the early stages of this project. In both cases the conclusion was reached that the River Trent was the most suitable source of raw water. Location for the new WTW close to the existing Newton WTW allows the capacity of the existing transmission mains to Lincoln to be utilised and also blending of water for management of nitrates.

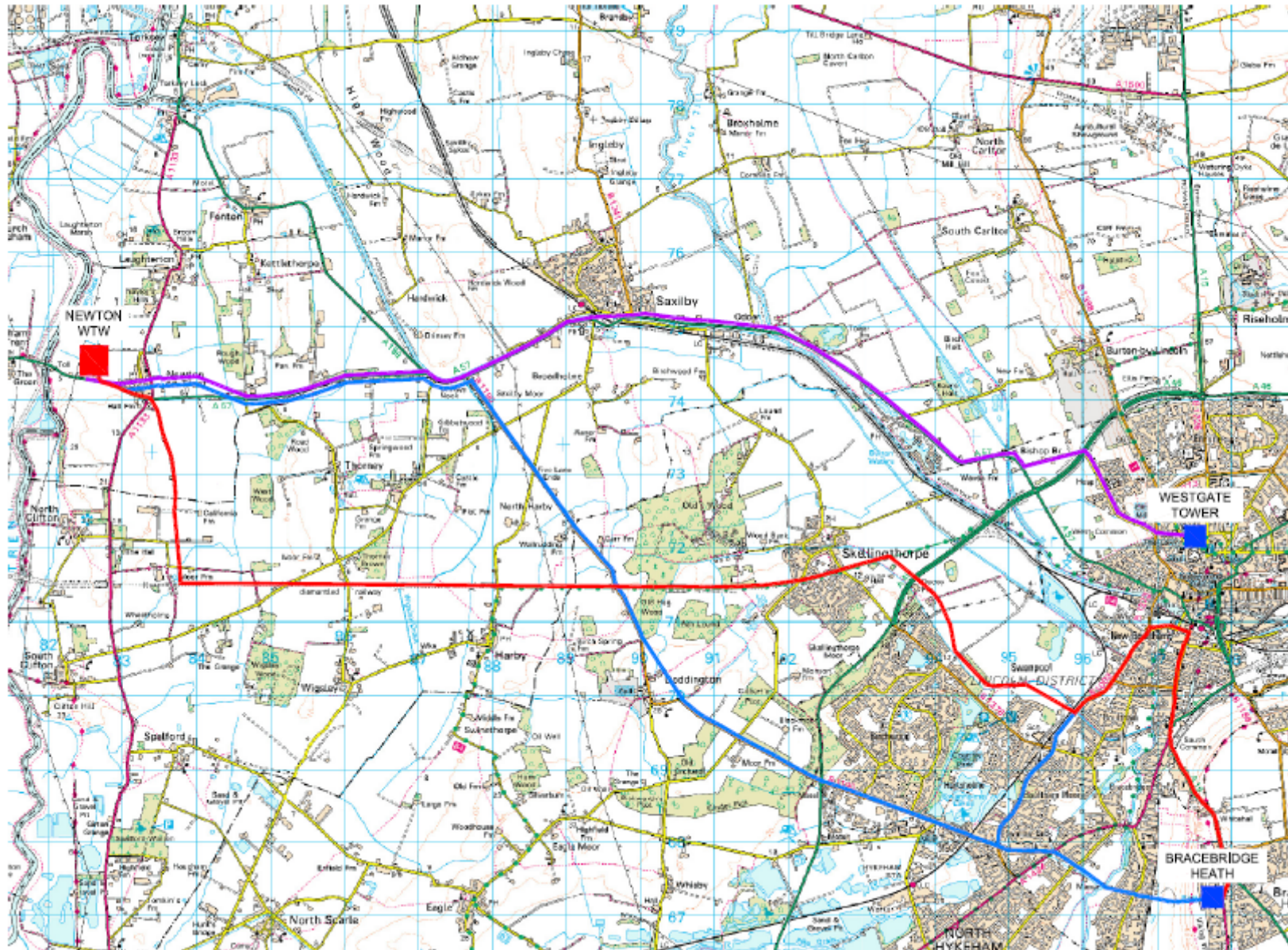
EA Flood map

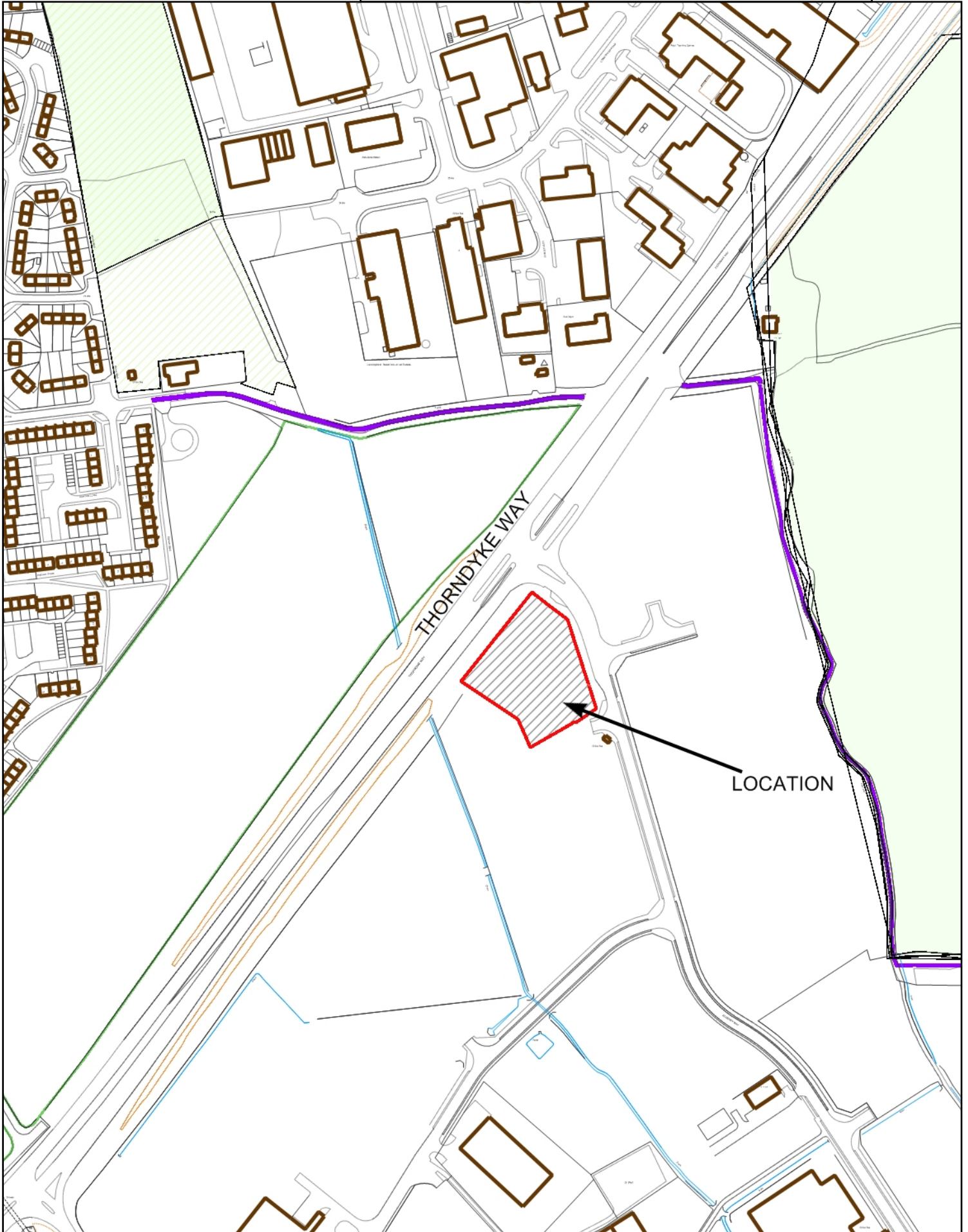


EA Flood Zone 3 (without defences)

EA Flood Zone 2 (without defences)

Plan of mains between Newton WTW and Lincoln





ITEM 2

Officer's Report

Planning Application No: 127741

PROPOSAL: Planning application for erection of public house-restaurant, access, car parking and associated works

LOCATION: Land off Somerby Way Gainsborough Lincolnshire

WARD: Gainsborough East

WARD MEMBER(S): Councillors Doran, Starkey and Tinker

APPLICANT NAME: Marstons Inns and Taverns

TARGET DECISION DATE: 17/11/2011

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

Description:

The site is located at the entrance to the Somerby Park Industrial Estate at its junction with the A631 Thorndike Way. It has a site area of 0.4 hectares and is currently vacant with small earth mounds created at its edges. It forms part of a larger 48 hectare employment allocation G(E)2 for development falling within Use Classes B1, B2, B8 and A2.

Detailed planning permission is sought for a public house and restaurant (which fall within Use Classes A3 and A4) with a floor space of 678 square metres, on the northern end of the site with access taken from a spur off Somerby Way to the south. 60 parking spaces are proposed. The building is located parallel to the A631, roughly square in shape with a projection at one end and is part single and part two storey. Three bedroom living accommodation for staff is provided at first floor level and also includes a small office and store. An outdoor child's play area and garden is shown running along the north western boundary. The existing footpath on the estate road is to be extended into the site to provide pedestrian access.

Relevant history:

99/P/1041 – Outline Planning Permission for B1, B2 and B8 granted in 2001.
M03/P/0579 – Reserved Matters Permission for Roads and Sewers granted in 2003.
121036 - Outline Planning Permission for B1, B2, B8 and A2 granted in 2007.
126442 – This was renewed in 2010.

The adjoining site is the subject of a planning application to the Lincolnshire County Council for a waste transfer station (see item 3 of this agenda).

Representations:

Chairman/Ward member(s): No comments received

Parish/Town Council/Meeting: No comments received

Local residents: No comments received

LCC Highways: No objections subject to a specified minimum provision of cycle stands, motorcycle and disabled parking spaces

Environment Agency: Do not wish to make any comments

LCC Archaeology: The proposed development is near to a Roman Kiln site and there is the potential that further Roman remains associated with the production of pottery extend into the site. It also lies in a likely area where the battle of Gainsborough was fought during the Civil War. A scheme of archaeological works will be required which should be secured by an appropriate condition.

Environment (WLDC): The orientation of the unit could better address the corner of the junction which has additional importance as a view on the approach to the town. The principal elevations turn their back on the public realm and are only viewed from the car park

Economic Development (WLDC): Whilst the Economic Development unit support the development of Gainsborough including attracting new facilities and services to the town, the location of this proposal is not considered suitable for the erection of a public house/restaurant, access, car parking and associated works. The site is allocated for employment uses but not A3. The development would not sit comfortably with other users of the industrial estate and may prohibit a more suitable development being attracted to the estate in future. Support the principle of the development coming to Gainsborough but not in the location proposed.

Relevant Planning Policies

Development Plan

- **East Midlands Regional Plan 2009**

Policy 20 Regional Priorities for Employment Land

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

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

The site is part of a larger a larger 48 Hectare employment allocation G(E) 2 for development falling within Use Classes B1, B2, B8 and A2.

http://www2.west-lindsey.gov.uk/localplan/map_opening.htm?inset_22
http://www2.west-lindsey.gov.uk/localplan/map_opening.htm?inset_23

MT 1 Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

STRAT 1 - Development Requiring Planning Permission

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

STRAT 15 – Employment Allocations

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

CORE 10 – Open Space and Landscaping within Developments

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

RTC 10 – Retailing from Industrial Estates

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm>

National and other policy guidance

- PPS 1 - Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 4 - Planning for Sustainable Economic Growth (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS 5 – Planning for the Historic Environment (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>
- PPG13 – Transport (2001 revised 2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>
- PPS 25 – Development and Flood Risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- West Lindsey Corporate Plan 2011-2014
<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>
- West Lindsey Employment Land Review 2010
<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=employment+land+review>
- Gainsborough Regained – The Masterplan 2007

<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=gainsborough+regained>

- Programme of Development 2008
<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=programme+of+development+2008>

Main issues

- Whether there are any material considerations that would lend support to this main town centre use in an out of centre location contrary to existing planning policies that put town centres first including the consideration of impacts on the vitality and viability of Gainsborough town centre (PPS 1, PPS 4)
- Whether the loss of this allocated employment site would prejudice the ability of the Council to properly bring forward a range of employment sites over the plan period in the interests of future employment generation
- Impacts on the character and appearance of the area

Assessment:

Whether there are any material considerations that would lend support to this main town centre use in an out of centre location contrary to existing planning policies that put town centres first including the consideration of impacts on the vitality and viability of Gainsborough town centre (PPS 1, PPS 4)

As the proposal is a main town centre use not in an existing centre sequential assessment is required under Policy EC15 of PPS 4. This requires sites to be assessed against availability, suitability and viability to ensure all in centre options are assessed before considering less central locations. The submitted assessment in terms of geographical area covers the defined town centre of Gainsborough plus a distance of 300 metres beyond to allow consideration of edge of centre sites. This resulted in seven sites including the Magistrates Court being identified and assessed and discounted by the applicants on grounds of size, prohibitive development costs and site specific constraints. Officers do not consider the assessment robust or comprehensive enough to be able to come to the conclusion that no sequentially preferable sites exist that can accommodate the development subject to the developer demonstrating flexibility as required by PPS 4. As an example sites have been discounted on the basis of requiring remediation which is a common feature of

town centre development or redevelopment. There are also vacant sites, such as the former Lloyds bank on Silver Street that are available and suitable and offer a similar level of internal floorspace as well as outdoor space.

Although officers remain to be convinced this development cannot proceed in the centre they are mindful that Gainsborough is a priority for economic, social and environmental regeneration through growth in line with the themes and priorities set out in the Corporate Plan 2011-2014. Priority 3.2 is “a good range of high, medium and lower skilled jobs in the region” and explicitly identifies a need for more local businesses and enterprises in the hospitality sector (which covers public houses and restaurants) employing local people. The Plan also looks to improve the access of existing and proposed communities to a wide range of services and facilities.

Given this context the site for this development is considered to be in a sustainable location to serve the Park Springs residential area which is within 10 minutes walking distance. The footpaths and segregated cycle lanes are already in place. The submitted proposals show a continuation of the footpath from the south across the car park to the entrance of the public house and restaurant. There has been no Public House provision in Park Springs since the closure of the Gainsborough Park on Glentham Road. The number of residents is also expected to increase as a result of the new housing development currently underway by Miller Homes. Officers consider that the provision of new facilities to serve the local community where a deficiency exists is a material consideration that lends support to the proposals in an out of centre but not out of town location. The location is also considered sustainable and viable, by not only being accessible to residents by a choice of transport modes but also being located adjacent to a main thoroughfare with the ability to capture passing trade and draw income into the town. This is an advantage that the Gainsborough Park Public House did not benefit from. This support is conditional on being satisfied that no unacceptable impacts would fall on the town centre that would undermine its vitality and viability and that the use of an allocated employment site would not undermine the ability of the council to provide a range of employment sites.

The public house and restaurant proposed is categorised by the applicants as a “Food Led Pub” with the submitted floor and layout plans indicating an area of just under 100 square metres for the kitchen and preparation areas. The company states that on average 68% of the revenue generated will come from the sale of food. In terms of measuring impacts on the town centre PPS 4 requires an assessment for developments over 2,500 square metres gross floorspace. At 678 square metres this falls below the required threshold, however, an examination of existing public houses and hotels within Gainsborough and its immediate surroundings is considered helpful. Officers consider it reasonable to assume that any impacts that may arise are most likely to be felt by similar operators. In terms of size and operational characteristics the closest comparable offer is that provided by Trent Port on Ramper Road which has a footprint of approximately 528 square metres. This has the most potential to be affected by the current proposals, however, as it is located outside the defined town centre it has no special or protected status

in planning terms. Within the town centre there may be a limited impact on the Canute and Sweyn Forkbeard on Silver Street but these are not considered to be significant. On balance officers do not consider that the proposals will have an adverse impact on the vitality and viability of Gainsborough town centre.

Whether the loss of this allocated employment site would prejudice the ability of the Council to properly bring forward a range of employment sites over the plan period in the interests of future employment generation

To help assess the impact of this proposal it is necessary to examine the current supply of employment land and match this to a projected employment land demand or need. This is done within the West Lindsey Employment Land Review Update which covers a seventeen year period up to 2026 (2010). This states that West Lindsey has a headline supply of 63.71 hectares. Of this it estimates that 4.18 hectares may be lost from the land resource with a further 4.07 hectares possibly being used as expansion land for existing businesses. This leaves 55.46 which the report concedes is a worst case scenario with a more realistic assessment being 59.53 hectares spread over 33 sites. Alternative models are then used to forecast employment land need with caveats applied to both methods. The most common method is projections forward of historic land take up rates. This looks at West Lindsey historically and in the report is refined to take account of the significant growth forecast by increasing the annual historical rate of 2.30 hectares by 6.9 % to 2.46 hectares. A 25% buffer is added to this to allow for increased range and choice. This leads to a requirement for 52.28 hectares (17 years x 2.46 = 41.82 plus 10.46 (25%). Subtracting this figure from the worst case supply scenario of 55.46 hectares would result in a surplus of 3.18 hectares of employment land beyond available up to 2026 with the surplus rising to 7.25 hectares if the realistic scenario of 59.53 is used.

A second approach uses sectoral employment projections, estimating the overall employment based on future population estimates and breaking this down into sectors and ultimately land-uses (commonly known as economic forecasting). This model suggests an additional 7.27 hectares is required. Again a buffer is required to allow for margin and choice. Due to lower land totals involved the buffer applied is usually larger than using the historic take-up model. Typically 50 percent is added. This would take the total need up to 10.91 ha. This is a net need rather than a gross need as generated by the historic employment land take-up method. This means that the 10.91 ha is required on top of all that currently in use which can be accommodated within the existing supply. The report cautions, however, against relying too heavily on economic forecasts at local authority level due to the number of caveats attached to its findings.

Both models indicate that in quantitative terms there would be sufficient land to meet future employment needs if the development went ahead. The Employment Land Review also looked at the quality of employment land. All sites were graded using a standard scoring system that consisted of objective measures (as far as possible) and were scored for attractiveness to

the market to give a reasonably objective, transparent appraisal of the overall quality of the land resource to help guide future decisions . The sites were scored out of 70. The three most attractive sites scoring 60 and above, including the application site, are located in Gainsborough, cover 16.82 hectares and form part of the G(E)2 employment allocation. The loss of an attractive employment site in isolation might normally be resisted but a material consideration in this case is the relatively small size of site proposed for development that would still leave 16.40 hectares of attractive employment land remaining.

It is also useful to look at the potential employment levels that might be provided by the site if it was used in accordance with the allocated use. Using the inputs and assumptions in economic forecasting can assist in this although as stated above any findings should be treated with caution. Assuming a standard development density of 3900 square metres per hectare, and applying it to the site, results in floor space of (3900 x 0.4) 1560 sq metres. An employment density expressed as a space requirement per worker, depending on the use, is then applied. For a B8 (storage and distribution) use this is 50 square metres which equates to 31 employees (1560 divided by 50). The proposed development will create in the region of 50 jobs all be it in a different sector and a mix of part and full time posts that are equivalent to 25 full time jobs. As sufficient allocated land remains to meet those predicted employment land needs this additional employment can be supported. It is also capable of being delivered within 6 to 12 months of any permission being granted according to the applicants.

The comments from Economic Development in relation to possible negative impacts on existing or potential industrial users are noted. This relates to concerns that having a residential use on the site might inhibit the operational effectiveness of nearby industrial uses if they feel that they would need to take measures to avoid impacting on residential amenity. The nature and character of the residential use proposed is pertinent to the consideration of this point. If housing was the sole use being proposed on this site all other considerations aside this would represent a strong reason to withhold consent. In this case the only residential element of the proposal is the manager's living accommodation on the first floor which is required as an ancillary part of a larger commercial operation within an industrial estate and not as self contained living accommodation within a primarily residential setting. Given this context officers consider this to be acceptable.

Officers consider that the proposals will not prejudice the ability of the council to bring forward a range of sites in the interests of supporting employment generation.

Impacts on the character and appearance of the area

The site is in a prominent location on the A631 next to the traffic light controlled access to Somerby Business Park. It is on vacant cleared land with distant views of existing industrial buildings to the south and south west. The

existence of the application of the waste transfer station on the adjoining land is a material planning consideration.

Amended plans were submitted to change the orientation of the building in line with the comments from the environment team so it now better addresses the corner of the junction which is an important view on the approach to the town. The building is located in the northern section of the site running on a north east to south west axis parallel to A631 approximately 20 metres from the carriageway and is set back within its own site a minimum distance of 10 metres. The building is simple in form with gables of different heights and projections creating a free flowing organic form. A number of different walling, roofing and cladding materials are proposed including brick, untreated timber boarding and render. The use of different material is considered successful as it helps to reflect the development as a series of building elements and also adds interest to the external form and appearance of the development. Details of materials are not provided so a condition will be required

In relation to comments from the environment team about car park facing elevations. The northern elevation is 32 metres long with two projecting gables and window and door openings facing directly onto and providing access to the childrens play area and outside garden. This is considered to be one of the two principal elevations to the building and is viewed from the public realm not the car park.

The soft landscaping proposed which includes grassed areas and tree planting within and around the site is considered acceptable in terms of coverage and location, but a detailed scheme is required. This can be dealt with by condition. Similarly the plans also indicate an outdoor child's play area, garden area, paths and paved areas which are acceptable in visual terms but for which no details have been submitted. Details of walls and fences or other means of enclosure are also required. These issues can be dealt with by imposition of conditions.

The design, scale and layout of the proposals are considered to successfully address the issues arising out of the location of this prominent corner plot and represent an appropriate form of development that, subject, to the imposition of suggested conditions gives rise to no harm to the character or appearance of the area. The layout has also been amended to reflect pedestrian desire lines to the main customer door of the building.

Drainage

The highways and foul and surface water drainage systems to serve the larger allocated site have been granted planning permission, been implemented and are awaiting formal adoption. The installed system has "tails" or connection points to the application site. An on site attenuated drainage system is proposed that will connect to the existing surface water infrastructure system. Foul water will discharge via a gravity system into the wider development infrastructure. Subject, to the imposition of conditions

requiring further details, there are no reasons to withhold consent on drainage grounds.

Archaeology

As there is the potential for archaeological remains to be disturbed a scheme of archaeological works in line with PPS 5 will be required. This can be secured by use of conditions

Highways

The amended plans provide the requested cycle stands, motorcycle and disabled parking bays. No objections are raised on highways grounds.

Conclusion and reason for Decision

The application has been considered in the context of the development plan in the first instance, specifically policies STRAT1 – Development requiring planning permission, STRAT15 – Employment allocations, SUS1 – Development proposals and transport choice, SUS4 – Cycle and pedestrian routes in development proposals, SUS5 – Cycle parking facilities, MT1 – Market towns, CORE10 – Open space and landscaping within developments, RTC9 – Restaurant & cafe, drinking establishments and hot food takeaways, RTC 10 – Retailing from Industrial Estates, NBE10 – Protection of landscape character in development proposals, NBE14 – Waste water disposal, NBE15 – Water quality and supply of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These include PPS1 Delivering Sustainable Development (2005), PPS4 Planning for Sustainable Economic Growth (2009), PPS5 Planning for the historic environment (2010), PPS23 Planning and Pollution Control (2004), PPS25 Development and Flood Risk (2010), Gainsborough Regained – The Masterplan 2007 and the following Programme of Development 2008, the West Lindsey Corporate Plan 2011-2014 and the West Lindsey Employment Land Review. Significant weight is afforded to the themes and priorities of the Corporate Plan. This includes the desire to improve access to a full range of services and facilities that meet the needs of the local community and to help foster a prosperous and enterprising district where a greater number of businesses can grow and prosper.

In light of this assessment, it is considered that subject to the conditions detailed below the application should be granted. Although the development is located outside the defined town centre it is not considered harm the vitality and viability of the town centre, or prejudice the ability of the Council to properly bring forward a range of employment sites over the plan period in the interests of future employment generation. It will also remedy the deficiency in the provision of such a facility within the Park Springs residential area which is

within 10 minutes walking distance . These factors are accorded significant weight in the determination of this application as are the new local employment opportunities' that will help meet the need identified in the Corporate Plan for more businesses and enterprises in the hospitality sector employing local people. The design and form of the scheme is a successful response to its location and is not considered to give rise to any harm to the character or appearance of the site and the wider area.

Recommendation - Grant Planning Permission subject to the following conditions

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

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

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

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

2. No development shall commence until a scheme for surface water disposal for the development has been submitted to and approved in writing by the Local Planning Authority (LPA).

Reason: To prevent the increased risk of flooding, ensure future maintenance of the surface water drainage system and to accord with the provisions of Planning Policy Statement (PPS) 25 (2010). 3. No development shall take place until details of the proposed treatment to all the boundaries of the site including, where appropriate, walls, fences, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that appropriate boundary treatment on this prominent site is provided in the interests of visual amenity in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and CORE 10.

3. No development shall take place until, a scheme of soft landscaping including details of the size, species and position or density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

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

4. No development shall commence until a schedule of landscape maintenance for a minimum period of five years from the completion of the development has been submitted to and approved in writing by the local planning authority.

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

5. No development shall take place until a scheme of hard landscaping works including details of the vehicle and pedestrian access and circulation areas, outdoor play area, and hard surfacing materials has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this prominent site in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this prominent site in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the development is near to a Roman Kiln site and there is the potential for roman remains to extend in to the site. The site also lies in a likely area where the Battle of Gainsborough was fought in 1643 during the Civil War

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the development is near to a Roman kiln site and there is the potential for Roman remains to extend in to the site. The site also lies in a likely area where the Battle of Gainsborough was fought in 1643 during the Civil War

9. No development shall commence until there has been submitted to and approved in writing by the local planning authority details of the finished floor levels for the approved building.

Reason: To ensure an appropriate relationship with its surroundings on in the interests of visual amenity and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006

10. No development shall take place until a scheme for the lighting of all roads, parking areas, footpaths, buildings and open spaces (if applicable) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and potential glare and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

11. The development shall be carried out using the external facing and roofing materials as agreed by the Local Planning Authority and referred to in condition 6.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. The development shall be carried out in accordance with the finished floor levels as agreed by the Local Planning Authority and referred to in condition 9.

Reason: To ensure an appropriate relationship with its surroundings on in the interests of visual amenity and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006

13. The development shall be carried out in accordance with the hard landscaping details as agreed by the Local Planning Authority and referred to in condition 5 and retained thereafter.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this prominent site in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

14. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the development is near to a Roman Kiln site and there is the potential for roman remains to extend in to the site. The site also lies in a likely area where the Battle of Gainsborough was fought in 1643 during the Civil War

15. Following the archaeological site work referred to in condition 7 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the development is near to a Roman Kiln site and there is the potential for roman remains to extend in to the site. The site also lies in a likely area where the Battle of Gainsborough was fought in 1643 during the Civil War

16. The report referred to in condition 15 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval

of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010). Specifically the development is near to a Roman Kiln site and there is the potential for roman remains to extend in to the site. The site also lies in a likely area where the Battle of Gainsborough was fought in 1643 during the Civil War

17. The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 10 and retained thereafter.

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to protect the character of the canal corridor and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

18. The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 2 has been fully completed and it shall thereafter be retained in perpetuity.

Reason: To prevent the increased risk of flooding, ensure future maintenance of the surface water drainage system and to accord with the provisions of Planning Policy Statement (PPS) 25 (2010).

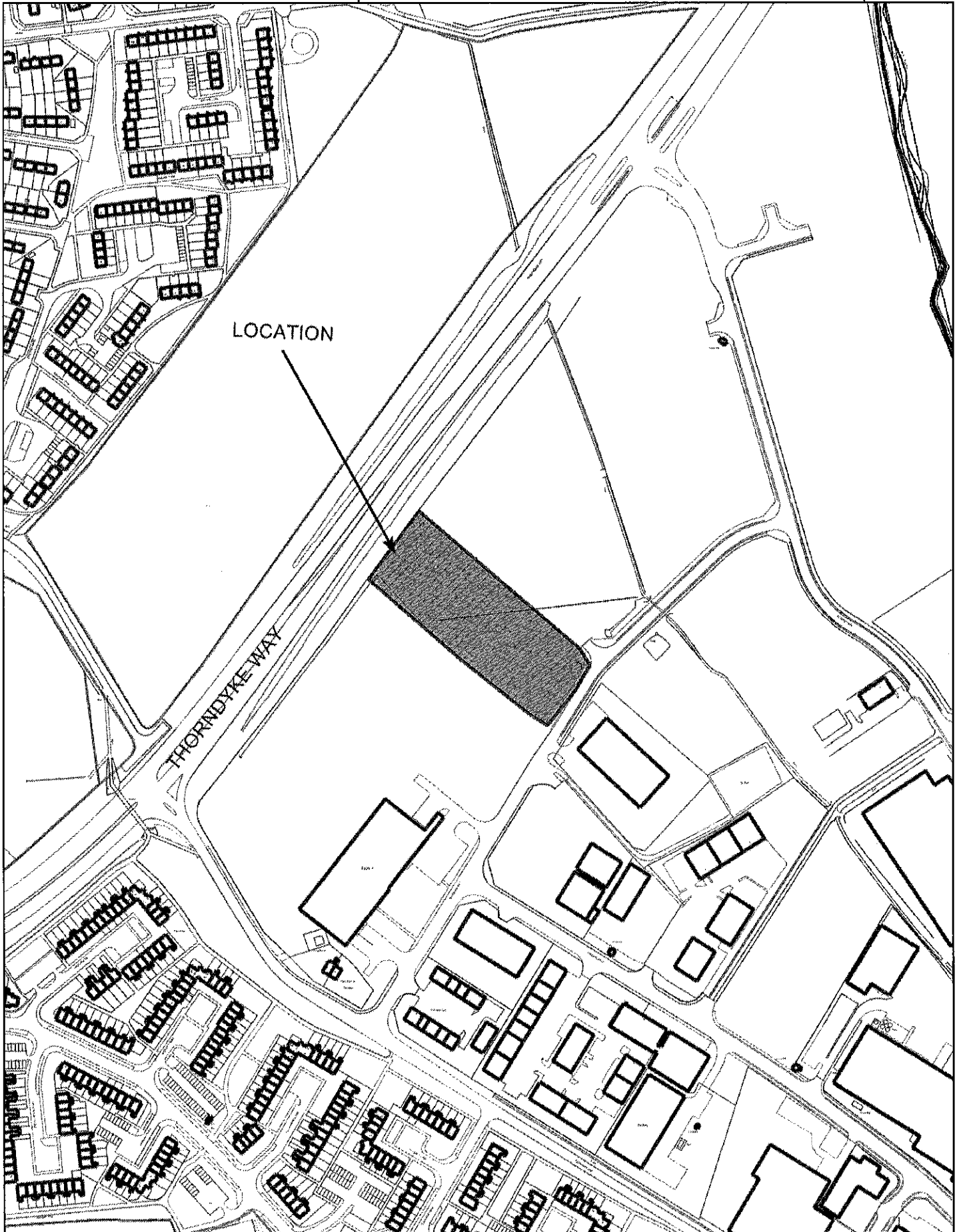
19. All planting, seeding or turfing comprised in the approved details of soft landscaping (referred to in condition 4) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation and shall thereafter be retained in perpetuity.

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

20. Prior to the bringing into use of the development the access, parking, turning and servicing areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and

thereafter shall be made available at all times in perpetuity for their designated purposes.

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



ITEM 3

Officer's Report

Planning Application No: 128070

PROPOSAL: County Matters application to construct a waste transfer station with associated weighbridge, single storey office/welfare building, car park and supporting access road and drainage infrastructure.

LOCATION: Marshall Way Heapham Road Industrial Estate
Gainsborough

WARD: Gainsborough North

WARD MEMBER(S): Cllr Bardsley Cllr Bowler Cllr Dobbie

APPLICANT NAME: Lincolnshire County Council

TARGET DECISION DATE: 19/12/2011

DEVELOPMENT TYPE: Not Required on PS1/2 Returns

CASE OFFICER: George Backovic

RECOMMENDED DECISION: To advise Lincolnshire County Council that there are no objections to this proposal subject to additional tree planting on the eastern and western boundaries of the site and consideration being given to relocating the balancing pond to the south western corner of the site and planting hawthorn along the line of the security fence.

Introduction

This is a County Matters application for a waste development, Lincolnshire County Council being the determining planning authority. West Lindsey District Council are a statutory consultee

Description:

The application site is a vacant triangular shaped plot, 1.14 hectares in size, within the Somerby Park Industrial Estate to the east of Gainsborough. The A631 (Thorndike Way) runs along its northern boundary and it is accessed off Marshall Way to the south.

Lincolnshire County Council has applied for the erection of a waste transfer station, weighbridge, single storey office building and drainage infrastructure including a balancing lagoon. The building is set back within the site and covers a total area of 2627 square metres, and will be built in two phases. It measures 71 metres by 37 metres. The height to the eaves is 9.68 metres

rising to a maximum height of 12 metres. It is steel framed with a mix of vertical and horizontal cladding and has a curved steel roof.

Relevant history:

99/P/1041 – Outline Planning Permission for B1, B2 and B8 granted in 2001.
 M03/P/0579 – Reserved Matters Permission for Roads and Sewers granted in 2003.
 121036 - Outline Planning Permission for B1, B2, B8 and A2 granted in 2007.
 126442 – This was renewed in 2010.

The site is The site is part of a larger a larger 48 Hectare employment allocation G(E) 2 for development falling within Use Classes B1, B2, B8 and A2.

Relevant Planning Policies:

Development Plan

- **East Midlands Regional Plan**

Policy 38 Regional Priorities for Waste Management

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- **Lincolnshire Waste Local Plan 2006**

Policy WLP 8: Waste Transfer Stations

Policy WLP 21: Environmental Considerations

<http://www.lincolnshire.gov.uk/searchResults.aspx?qsearch=1&keywords=Lincolnshire+Waste+Local+Plan&x=34&y=27>

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

STRAT 1 - Development Requiring Planning Permission

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

STRAT 15 – Employment Allocations

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

CORE 10 – Open Space and Landscaping within Developments

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

Other relevant policy

- **Joint Municipal Waste Management Strategy for Lincolnshire 2008**

<http://www.lincolnshire.gov.uk/residents/environment-and-planning/recycling-and-waste/joint-municipal-waste-management-strategy-for-lincolnshire?tab=downloads>

- **PPS 9 - Biodiversity and Geological Conservation (2005)**
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- **PPS 10 – Planning for Sustainable Waste Management**
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1876202.pdf>
- **Waste Strategy for England 2007**
<http://www.official-documents.gov.uk/document/cm70/7086/7086.pdf>

Main Issues

- **Principle**
- **Site Specific Considerations**

Assessment and Conclusion:

Principle – The Waste Strategy for England 2007 provides the national strategy for implementing the European Community Landfill Directive (1999) which aims to minimise the amount of waste sent to landfill sites. The emphasis is on reducing the generation of waste followed by re-use, recycling and composting and the recovery of value from waste through the generation of electricity and or heat with disposal as a last resort. At a regional and local level this is being driven forward by the Lincolnshire Waste Partnership which comprises the County Council, the seven District Councils and the Environment Agency with the aim of delivering sustainable waste management services to the community. The Joint Municipal Waste Management Strategy for Lincolnshire (2008) sets out objectives for sustainable waste management in Lincolnshire and the principles of regional self sufficiency and the proximity principle. Waste Transfer Stations (WTS) are integral to this process and facilitate efficient waste management by controlling the flow of waste to its final end use.

In this particular case, the WTS is intended to temporarily store waste from West Lindsey waste collection vehicles and household waste recycling centres prior to the onward transportation in bulk carriers. It will reduce the number of vehicle movements and minimise the cost of transport hauling waste long distances. This is done by locating the WTS close to centres of population from which the waste is collected and by bulking up the waste on site and loading it onto larger vehicles for its onward journey. The waste from this WTS will serve the Energy from Waste facility in North Hykeham and Materials Recovery Facilities by collecting and feeding recyclables.

There is a general presumption in favour of waste management facilities in Planning Policy Statement 10 – Planning for sustainable waste management

and within the Lincolnshire Waste Local Plan 2006 subject to environmental considerations. PPS 10, in addressing sites that are not identified in a development plan document as suitable for waste management facilities, states that “such facilities should be considered favourably” when consistent with the policies of the PPS and the waste planning authority’s (Lincolnshire County Council) core strategy. This is considered to be the case here with the waste planning authority as applicant. The site is allocated as Employment Land, however, it should be noted that there are no specific land allocations for waste management facilities in the West Lindsey Local Plan First Review 2006 and PPS 10 encourages planning authorities to consider a range of locations including industrial sites as these are considered to be more compatible with waste management facilities. Given the wider regional benefits and contribution of this proposal to sustainable waste management in Lincolnshire it is considered that, on balance, the loss of this 1.14 hectare employment land allocation is acceptable. Members are also referred to the assessment in Item 2 of this agenda (127741) regarding employment land supply. The principle of this proposal is accepted and supported.

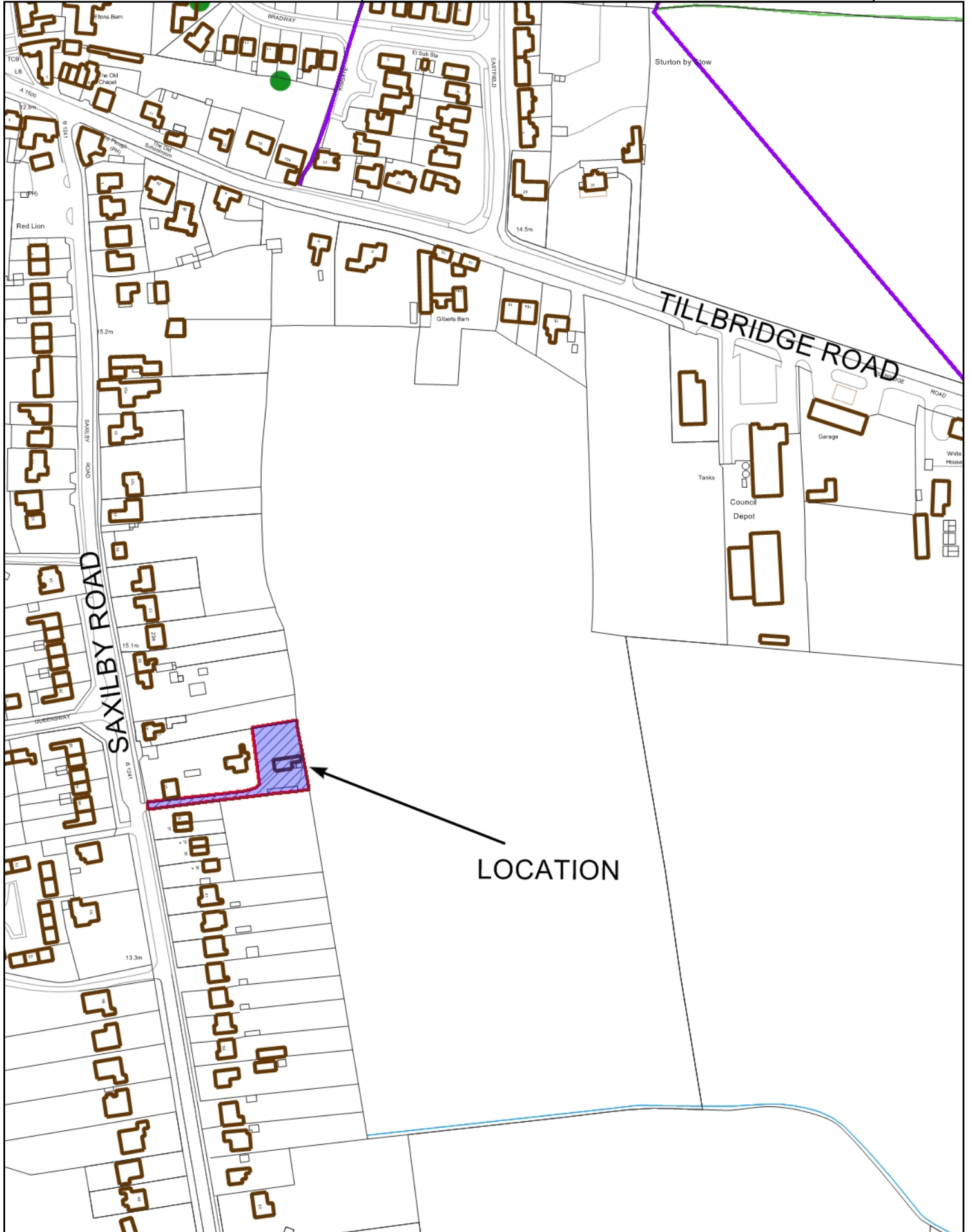
Site Specific Considerations – The building proposed is set back within the site close to its boundary with the A631 on one of the main approaches to Gainsborough. It is also adjacent to the application site for the public house and restaurant development as reported in item 2 of this agenda. The existence of this application should be afforded weight in the assessment, and this weight may increase dependant on the resolution for the public house application (it is advised that a resolution to grant permission should result in more weight being afforded to the existence of this adjoining proposal).

With a maximum height of 12 metres the building will be prominent on the approach to and from Gainsborough. The only planting and landscaping is at the front of the site facing on to the Industrial estate leaving the building completely open to unhindered views from the A631. It is considered necessary to provide some bulk tree planting along its eastern and western boundaries to provide some screening.

Consideration should be given to relocating the balancing lagoon from the south eastern corner of the site to the south western corner as it would allow space for more planting and increase bio diversity opportunities.

Consideration should be given to planting hawthorn along the proposed 2.4 metre high security fencing which help ameliorate its visual impact and also act as a deterrent due to the prickly nature of the species.

Recommendation: To advise Lincolnshire County Council that there are no objections to this proposal subject to additional tree planting on the eastern and western boundaries of the site and consideration being given to relocating the balancing pond to the south western corner of the site and planting hawthorn along the line of the security fence.



ITEM 4

Officer's Report
Planning Application No: 127890

PROPOSAL: Planning application for construction of a detached 2 bedroom bungalow to replace dilapidated outbuildings

LOCATION: R/O Red Roofs 31 Saxilby Road Sturton By Stow Lincoln, Lincolnshire LN1 2AA

WARD: Stow

WARD MEMBER(S): Councillor Shore

APPLICANT NAME: Mrs H Shore

TARGET DECISION DATE: 12/01/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Helen Marriott

RECOMMENDED DECISION: Refuse planning permission

Introduction

This application is being reported to this Committee due to the applicant being an immediate family member of a Councillor (Councillor Shore).

Description:

The site is a plot located at the south eastern edge of the settlement of Sturton by Stow. It is accessed via a single track driveway located off the east side of Saxilby Road to the rear of an existing dwelling 'Red Roofs'. Open countryside is located to the east of the site with residential properties and gardens located on all other sides. The site contains a dilapidated outbuilding with garage and storage space.

The proposal seeks permission to construct a detached 2-bed bungalow (with office and therapy room) and integral garage. It would have an 'L' shape design measuring 15 metres by 14.8 metres with a ridge height of 5.3 metres. The dwelling would have a timber frame and its external surfaces would match the adjacent dwelling 'Red Roofs' comprising brick cladding and a pan tile roof.

Relevant history:

No relevant planning history

Representations:

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

Sturton by Stow PC: Issues raised include the following:

- the development is not within the building line;
- entrance drive is not safe;
- may set precedent for further backland development in the future;
- the proposed dwelling includes a treatment room and use as a business would increase vehicular traffic using shared drive.

Local residents: One letter of representation received. Main issues relate to:

- Loss of outlook;
- Increased noise/nuisance from vehicles using single vehicle width driveway;
- The dwelling should be used purely for residential purposes;
- May set precedent for further dwellings on this land which would result in upset, loss of privacy and devaluation of property.

LCC Highways: No objection. Although the access width is below the width normally required for a private carriageway, the principle of residential development served by this roadway is already established and an objection based upon the inadequacy of the vehicle access would therefore be unsustainable.

Environmental Protection: No objection subject to informatives.

LCC Archaeology: No objection.

Relevant Planning Policies:**Development Plan**

- East Midlands Regional Plan 2009
Policy 13a Housing Provision
http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf
- West Lindsey Local Plan First Review 2006

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

STRAT 3 – Settlement Hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 7 - Windfall and Infill Housing Development in Subsidiary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

SUS 7 – Building Materials and Components

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

RES 1 – Housing Layout and Design

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

RES 3 – Backland and Tandem Development

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

NBE 20 – Development on the Edge of Settlements

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

Other policy

- Draft National Planning Policy Framework
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 – Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 3 – Housing (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>
- PPS7 – Sustainable Development in Rural Areas
<http://www.communities.gov.uk/publications/planningandbuilding/pps7>
- Lincolnshire Design Guide for Residential Development
- West Lindsey District Council Annual Housing Supply Assessment 2011

Main issues

- The principle of development
- Impact upon living conditions
- Impact upon visual amenity
- Drainage
- Highway Safety

- Other

Assessment:

The principle of development - The Draft National Planning Policy Framework highlights a presumption in favour of sustainable development. PPS3 aims to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. PPS7 emphasises that the focus for most additional housing in rural areas should be on existing towns and identified service centres, though it will also be necessary to provide for some new housing to meet identified local need in other villages. Policy STRAT 1 of the Local Plan Review requires new development to have regard to the scope for providing access to public transport and for reducing the length and number of car journeys, and to the availability and capacity of infrastructure and social/community facilities to adequately serve the development. Policy STRAT 3 of the Local Plan identifies Sturton by Stow as a Subsidiary Rural Settlement within the settlement hierarchy. It has limited access to local services/community facilities and is not a highly sustainable location for new housing development.

Policies STRAT 1 and STRAT 9 also give priority to the development of previously developed sites over sites that are deemed less sustainable and/or are Greenfield sites. The site is currently garden land. Garden land is no longer included within the definition of previously developed land in amendments made to PPS3 in June 2010.

Policy STRAT 7 states that infill development will be permitted within Subsidiary Rural Settlements subject to a number of criteria including the development meets a local need or is otherwise required to accommodate a local resident with a connection to the village. Evidence of local need has to be provided by the applicant and includes the need to demonstrate a strong connection to a particular area and the need to demonstrate that the proposal would enable them to stay in the area when otherwise they could not afford to do so.

The Design and Access Statement states that job redundancy and a need to remain in the village, which has been the applicant's home for many years has prompted the application. This is because the cost of living in the present dwelling 'Red Roofs' is becoming increasingly difficult to meet. It further states that other options like renting or buying have been considered but are not financially viable options. No specific details have been provided.

There are currently a range of properties available for sale and rent within Sturton by Stow starting from an asking price of £110,000 for a 2-bed terraced house or £450 per calendar month for a rental property (details found on a search on www.rightmove.co.uk 20 December 2011). Specific financial circumstances of the applicant have not been provided and I am not satisfied that there is no alternative option to meet the applicant's local need.

In addition, the Local Planning Authority (LPA) has an up-to-date five year supply of housing and there is currently an over supply of housing in the District. The Local Planning Authority's (LPA) Annual Housing Supply Assessment confirms that there is a supply in the District of 7.5 years overall against Policy requirements. As the site is not previously developed land and given the oversupply in the district the site is not a priority for residential development.

The application site is garden land located in a Subsidiary Rural Settlement and a specific and overriding defined local need for the proposed dwelling has not been demonstrated. There is currently an over supply of housing in the District and the release of this site for housing would undermine the plan, monitor and manage principles of releasing land for housing contrary to the aims of PPS3, PPS7 and Policies STRAT 1, STRAT 3, STRAT 7 and STRAT 9 of the Local Plan.

Impact upon living conditions - Policy STRAT1 states that development must reflect the need to safeguard and improve the quality of life for residents. Policy RES 1 states that permission will only be granted for new residential development provided that impact on the amenities of nearby residential properties is satisfactory. RES 3 states that backland or tandem development will not be permitted where it would lead to one or more of a number of criteria including an adverse effect on the living conditions of occupiers of existing dwellings.

The side elevation of Nos 31, 33 and 35 face immediately onto the access roadway leading to the proposed dwelling. Additional vehicles using this access road to serve the proposed dwelling do have the potential to increase levels of nuisance by virtue of increased noise levels. However, this access is already used by Red Roofs with its main parking area currently located on the application site. It is not considered that additional vehicle movements generated by one additional dwelling would have a materially greater impact than the existing impacts associated with the use of this access.

The side elevation of the proposed bungalow would face the side elevation of Red Roofs at a distance of approximately 14 metres. However, this separation combined with the scale of the development would ensure that the proposal does not result in a material detrimental impact upon the amenity of the occupiers of Red Roofs. Nor would the proposal adversely affect the rear garden areas of dwellings to the north and south of the site for the same reasons in addition to existing levels of landscape screening. Overall the proposal would not result in a detrimental impact upon occupiers of adjacent properties by virtue of an overbearing impact; overlooking or loss of privacy.

Impact upon visual amenity - Policy RES1 (supported by STRAT1) requires new residential development to have regard to the local environment in terms of siting, layout, density, scale, massing, materials; the retention of important site features such as trees and the provision of key features to enhance the character of the locality. Policy RES 3 states that backland or tandem

development will not be permitted where it would adversely affect the general quality and character of the area. NBE 21 states that development on the edge of settlements which detracts from the rural character of the settlement edge will not be permitted.

The proposed dwelling would be located at the south east edge of the settlement of Sturton by Stow. It would largely be situated on the footprint of a dilapidated outbuilding to be demolished and its design and plot size is generally in keeping with the design and plot size of dwellings in the immediate vicinity which is characterised by an array of property types of varying styles and ages. It would not be prominent in the street scene due to its position within the rear garden area of Red Roofs. In addition, the site is surrounded by 1-2 metre hedgerow with a large number of trees which would screen the majority of views of the proposed bungalow from all sides.

Overall, the proposal would not detract from the general quality or visual amenity of the area or the rural character of the settlement edge.

Drainage - Policy STRAT 1 of the Local Plan requires new development to have regard to the availability and capacity of infrastructure. Foul sewage would be disposed of via the mains sewer. Surface water would be discharged by way of a sustainable drainage system. As such, the proposal is unlikely to result in any additional drainage issues, although such matters would need to be the subject of a condition if it is resolved to grant permission.

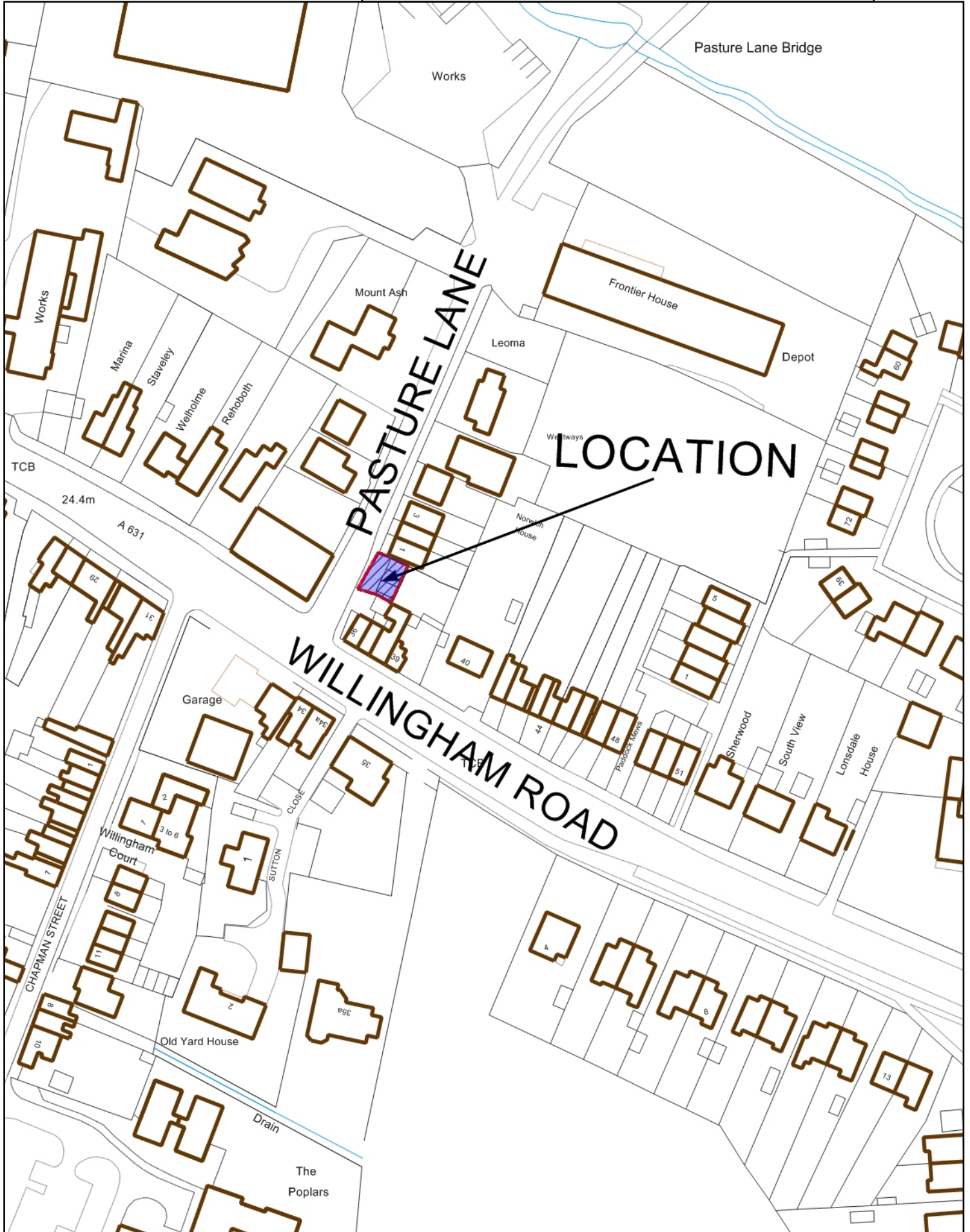
Highway Safety - Policies STRAT 1 and RES 1 require the provision of satisfactory parking and access to and from the site. Local Plan parking standards require a maximum of two car parking spaces plus one additional parking space per dwelling for visitors. The proposal includes the provision of at least 2 car parking spaces which is less than the maximum standard. The County Highways officer has been consulted on the application and has no objections. The proposal would not have an adverse impact on highway safety in accordance with Policies STRAT 1 and RES 1 of the Local Plan.

Other matters - The proposed dwelling includes the provision of a therapy room/office for the provision of counselling sessions by to the applicant. No more than 2 clients would visit the dwelling once per week. The use of the dwelling for this purpose would not therefore change the overall character of the property's use as a single dwelling. Any future intensification of this use may require a change of use application to a business use.

The precedent for potential future development and the devaluation of property are not considered to be material planning considerations.

Recommendation: Refuse planning permission for the following reasons:

1. The application site is garden land located in a Subsidiary Rural Settlement which is not considered to be a sustainable location for new housing development. A specific and overriding defined local need for the proposed dwelling has not been demonstrated. There is currently an over supply of housing in the District and the release of this garden land site for housing would undermine the plan, monitor and manage principles of releasing land for housing. The proposal is therefore contrary to the aims of PPS1 Delivering Sustainable Development, PPS3 Housing, PPS7 Sustainable Development in Rural Areas and Policies STRAT 1, STRAT 3, STRAT 7 and STRAT 9 of the West Lindsey Local Plan First Review 2006.



ITEM 5

Officer's Report
Planning Application No: 128058

PROPOSAL: Planning application for demolition of existing garage block - comprising 3no. domestic single garages - and erection of pair of semi-detached dwellings on site of garages - resubmission of 127060

LOCATION: Garage Block Pasture Lane Market Rasen Lincolnshire LN8 3DT

WARD: Market Rasen

WARD MEMBER(S): Councillors Bridger and Keimach

APPLICANT NAME: Mr T Pickering

TARGET DECISION DATE: 20/01/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Planning Permission subject to conditions.

Introduction and Relevant History:

Members may recall an identical planning application (Ref: 127060) was originally presented to Development Management Committee on 1st June 2011. Members resolved to grant planning permission subject to the completion of a Section 106 agreement securing the development as affordable housing in perpetuity. The requirement to secure the dwellings as affordable units was considered necessary to outweigh any harm to the over supply of housing in the District. The application was subsequently returned to Development Management Committee on 16th November 2011 to be determined as an application for open market housing in the absence of a completed Section 106 agreement. The officer recommendation of approval was overturned by members and the application was refused planning permission for the following reason:

“In the absence of the provision of affordable housing being secured, there are no reasons for supporting this development in this location”

In response to this refusal, the applicant has actively pursued a legal agreement to provide both houses as affordable housing through a Registered Provider. The draft legal agreement is appended to this report. The completion of this agreement is imminent.

Members will note from this report that officers do not consider that the provision of this affordable housing is necessary to make the

development acceptable. However, if members consider that it is necessary, then it is asked that they delegate the decision to the Planning & Development Services Manager to enable the legal agreement to be completed and signed.

Description:

The application site comprises a block of 3 domestic garages located within Market Rasen. To the north of the site is a block of 3 modern houses, to the south of the site is a row of 4 listed cottages.

The application seeks permission to erect a pair of one bedroom dormer bungalows.

Representations:

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

Parish/Town Council/Meeting: Object on the following grounds:

- Poor Access
- Lack of parking on and off site
- Overlooking of neighbouring properties

Local residents: 1 Pasture Lane. Object on the following grounds:

- Window at side of our property (No 1) will be completely blocked from light and our view obstructed to look onto a brick wall.
- New dwelling also block light and view from our (No 1) upstairs hallway window.
- To block the light and view de-values property.
- Increased street parking/highway safety issues
- Original planning approval 98/P/0398 for our property and the adjoining houses contained a condition requiring the garage and visitor parking to be kept available at all times
- Up until 6 months ago one of the garages was usually rented by occupiers of existing properties
- Would not have purchased our property if we thought there was a possibility of the garages to the side being knocked down and replaced with housing

LCC Highways: No objections request condition.

Archaeology: No objections

Relevant Planning Policies:

- **East Midlands Regional Plan**

Policy 1 Regional Core Objectives

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

Policy 3 Distribution of New Development

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

Policy 13a Regional housing provision

http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

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

STRAT 1: Development requiring planning permission

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

STRAT 3: Settlement hierarchy

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

STRAT 5: Windfall and infill housing development in Market Rasen (including Middle Rasen) and Caistor

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

STRAT 9: Phasing of housing development and release of land

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

MT1: Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

RES 1: Housing layout and design

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

Other relevant national guidance

Draft National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

PPS 3: Housing

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>

PPS5 Planning for the Historic Environment (2010)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

PPS 7: Sustainable development in rural areas

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

Main issues

- Section 106
- Principle (including housing supply and affordable housing)
- Impact on street scene and setting on nearby listed buildings
- Impact on residential amenities

- Other Matters

Assessment:

Section 106 – As detailed in the introduction to this report, the applicant is in the process of completing a Section 106 agreement that will ensure the houses remain affordable in perpetuity. Officers do not consider that this is required to make the development acceptable and have attached no weight to this in the consideration of this application.

Principle - The Draft National Planning Policy Framework highlights a presumption in favour of sustainable development. PPS3 aims to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Policy STRAT 3 of the Local Plan identifies Market Rasen as a Town at the top of the settlement hierarchy making it the most sustainable location for development.

Policy STRAT 5 states that planning permission will be granted for new residential development on previously developed land within Market Rasen providing the proposal complies with a number of criteria including being of an appropriate size, not being detrimental to the amenities of nearby occupiers being sensitively designed to reflect the character of the locality and not prejudice the housing strategy of the plan including the phasing and release of land set out in STRAT 9.

The site currently houses a block of three garages and is therefore considered to be previously developed land.

In terms of housing strategy, the Local Planning Authorities' (LPA) Annual Housing Supply Assessment confirms that there is currently a 7 ½ year housing supply in the District, against a requirement for a 5 year supply.

Balanced against this is the priority for regeneration and investment activity in the Market towns under Policy MT1 and the presumption in favour of granting planning permission for development proposals that assist in social regeneration or economic development of the town.

The Housing Team has previously confirmed that there is a lack of accommodation for single person households in Market Rasen and that this proposal which would provide 2 one bedroom dwellings which would go some way to meeting this identified need. Furthermore the proposal will increase the number of people living in the area to the benefit of the vitality, viability and economy of Market Rasen Town Centre.

It is considered that the benefit of providing additional accommodation for single person households which will contribute to the social regeneration and economic development of the town would outweigh any impact on the current over supply of housing in the District. The proposal would accord with the

aims of the DNPPF, PPS3, Policies STRAT 1, STRAT 3, STRAT 5, STRAT 9 and MT1 of the Local Plan and the aims of the West Lindsey Corporate Plan 2011-2014. The principle of the proposal is accepted.

Impact on street scene and setting of nearby listed buildings - The development will improve the character and appearance of this part of Pasture Lane by replacing a block of 3 domestic garages with a pair of traditional cottages. This pair of modest cottages would offer an enhancement and make a positive contribution to the street scene and the setting of the adjacent listed buildings.

To ensure appropriate materials are used a condition will be added to any permission. Furthermore a condition requiring the dwarf boundary wall along the site frontage to be completed shall also be attached in the interests of the visual amenities of the street scene.

Impact on residential amenities - To the north of the site is number 1 Pasture Lane, an end terrace house. It has 1 ground floor and 1 first floor non-habitable room window facing site. The owner has expressed concerns regarding overshadowing. The new dormer dwellings are larger than the current garage block, being 2.4 metres to eaves and 6.5 metres to ridge (existing garages are 2.3 metres to eaves and 4.2 metres to ridge). The new dwellings have been designed in order to reduce their impacts on the neighbouring properties. It is accepted the new dormer dwellings will restrict some light to number 1, however the main aspect of this house and location of habitable rooms face east/west (front and rear). The proposed dwellings are located to the south (side).

Other matters - Concerns have also been raised with regards to loss of parking. The proposal will result in the loss of three garages. However, Market Rasen is a sustainable settlement that has other transport options available other than the private car. LCC Highways officer have viewed the plans and do not raise any objections on highway safety grounds.

Overlooking has been raised as an issue, however, the houses face onto the road and there are no windows to the sides. To the rear are two small opaque roof lights. There is no reason to withhold consent on these grounds.

The effect on property values is not a planning consideration.

Conclusion and reasons for granting:

The application site is located in town of Market Rasen which is a priority for regeneration and investment activity. The benefit of two one bedroom dwellings on this brown field site, in terms of assisting the social regeneration and economic development of the town, would outweigh any impact on the current over supply of housing in the District. The proposal is considered to be acceptable in design terms and would not give rise to any harm in terms of visual impact and its appearance within the street scene. The proposal would

not have an unacceptable adverse impact on residential amenity. The proposal is therefore considered to comply with the objectives of the DNPPF, PPS 3: Housing and the West Lindsey Corporate Plan and to comply with Policies STRAT 1: Development requiring planning permission, STRAT3: Settlement Hierarchy, STRAT 5: Windfall and infill housing development in Market Rasen and Caistor, STRAT 9: Phasing of housing development and release of land, MT1: Market Towns and RES 1: Housing layout Development of the West Lindsey Local Plan First Review.

Recommendation: Grant permission subject to the following conditions:

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

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

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

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

2. Notwithstanding the submitted details no development shall take place until details of all external and roofing materials of both the boundary wall and the dwelling to be used (including the materials for dormer cheeks and face) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with policies STRAT1, STRAT5 and RES1 of the West Lindsey Local Plan First Review 2006.

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

3. The rainwater goods shall be black, half round and on rise and fall brackets and thereafter retained in perpetuity.

Reason: To ensure that the external appearance of the buildings is acceptable and in accordance with policies STRAT1, STRAT5 and RES1 of the West Lindsey Local Plan First Review 2006.

4. The dwellings shall not be occupied until the boundary walling along the site frontage with Pasture Lane, as shown on the application drawing TP/0211/02 A date stamped 25 NOV 2011, has been constructed to a height of 1 metre in materials approved under condition 2 of this consent. The wall shall thereafter be retained.

Reason: To define the site frontage in the interests of protecting the character of the street scene and the visual amenities of the area, in accordance with 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:

5. Notwithstanding the provisions of Classes A, B, C and D of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking or re-enacting that Order, the dwellings hereby permitted shall not be altered or extended and no new windows shall be inserted unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and to safeguard the character and appearance of the buildings and it's surrounding in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

DATED

2012

PLANNING AGREEMENT

between

(1) WEST LINDSEY DISTRICT COUNCIL

and

(2) TOM PICKERING

and

(3) LINGS COUNTY CONSTRUCTION LIMITED

Agreement under
Section 106 Town & Country Planning Act 1990

relating to land at
Pastures Lane, Market Rasen, Lincolnshire

Legal Services Lincolnshire
County Offices
Newland
Lincoln
LN11YS

ST / WL019 - 146

1. DEFINITIONS AND INTERPRETATION

1.1. In this Deed the following terms and expressions shall have the following meaning: -

“the 1972 Act”	The Local Government Act 1972 (as amended)
“the 1990 Act”	The Town and Country Planning Act 1990 (as amended)
“the 2000 Act”	The Local Government Act 2000 (as amended)
“the 2008 Act”	The Housing and Regeneration Act 2008 (as amended)
“Affordable Housing Unit”	means the Dwellings to be provided in accordance with Schedule 5
“Affordable Housing”	has the meaning given to it in Annex B of Planning “Policy Statement 3: Housing” as published by the Department for Communities and Local Government dated June 2011
“Chargee”	Any mortgagee or chargee of the Owner or Provider of Social Housing or the successors in title to such mortgagee or charge or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925
“Chargee’s Duty”	Means the obligation set out in Clause 7 of this Agreement
“Commencement of Development”	means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work,

	archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements
“Completed”, “Completion”	In respect of a Dwelling, the issue of a Final Certificate under the Building Act 1984
“Details”	Means the physical location, layout and specification of the Affordable Housing Units (including that of any common parts serving the Affordable Housing Units) as per the Planning Permissions
“the Development”	means the development the subject of the Planning Permissions
“Dwelling”	means any dwelling (including a house flat or maisonette) to be constructed pursuant to the Planning Permission
“HCA”	means the Homes and Communities Agency
"Interest"	Means interest at 4% above the base lending rate of the HSBC Bank Plc from time to time
"Index"	means the All Items Index of Retail Prices issued by the Office for National Statistics
“Open Market Dwellings”	means all those dwellings to be built on the Site excluding the Affordable Housing Units to be provided under this Deed and under any other similar agreement
“Protected Tenant”	Any tenant who: <ul style="list-style-type: none"> (a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit; or

- (b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit; or
- (c) has been granted a shared ownership lease by the Owner or a Provider of Social Housing (or similar arrangement where a share of the Affordable Housing Unit is owned by the tenant and a share is owned by the Owner or the Provider of Social Housing) in respect of a particular Affordable Housing Unit and the tenant has subsequently purchased from the Owner or the Provider of Social Housing all the remaining shares so that the tenant owns the entire Affordable Housing Unit

"Provider of Social Housing"

means a person who is a registered provider of social housing as defined in Section 80 of the 2008 Act who is registered pursuant to the 2008 Act and who has not been removed from the register and who is approved in writing by the Council (such approval not to be unreasonably withheld or delayed)

"Perpetuity Period"

means the period of eighty years commencing with the date of this deed

"the Plan"

the Plan annexed to this Deed

"the Planning Applications"

means the planning applications for planning permission for the demolition of the existing garage block and erection of a pair of semi-detached dwellings on the site of the garages allocated the Council's reference number 128058

"the Planning Permissions"

The planning permission subject to conditions granted by the Council pursuant to the

	Planning Applications substantially in the form of the Planning Permissions incorporated in this Deed at Schedule 2
“the Site”	Means the site which is the subject of the Planning Application and is edged red on the Plan
" Rented Affordable Housing Unit"	Means an Affordable Housing Unit owned and managed by a registered Provider of Social Housing which is available for rent to persons unable to access dwellings at a market rent and who are eligible for Social Rented Housing within the locality of the Site
“Social Rented Housing”	has the meaning given to it in Annex B of Planning “Policy Statement 3: Housing” as published by the Department for Communities and Local Government dated June 2011

- 1.2. Where in this Deed reference is made to any clause paragraph schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule recital or plan in this Deed
- 1.3. Where in any Schedule or part of any Schedule reference is made to a paragraph such reference shall (unless the context requires otherwise) be to a paragraph of that Schedule or (if relevant) part of that schedule
- 1.4. References to any party to this Deed shall include reference to their successors in title and assigns and to persons claiming or deriving title through or under them and in respect of the Council and/or the County Council shall include the successors to their respective statutory functions
- 1.5. Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 1.6. Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and

firms and all such words shall be construed interchangeable in that manner

1.7. Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise

1.8. Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it

2. LEGAL BASIS

2.1. This Deed is made pursuant to Section 106 of the 1990 Act Sections 111 and 120 and 139 of the 1972 Act and Section 2 of the 2000 Act

2.2. The covenants restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to section 106 of the 1990 Act and are intended to be enforceable by the Council as local planning authority

3. CONDITIONALITY

3.1. This Deed is conditional upon:

- a) the grant of the Planning Permission substantially in the form as annexed at Schedule 2; and
- b) the Commencement of Development

SAVE FOR the provisions of clauses 4.1.c, 4.1.f 6.1(b) and 6.1(c) which shall come into effect immediately upon completion of this Deed

4. **AGREEMENTS AND DECLARATIONS**

4.1. The parties agree and declare that:

- a) the provisions of this Deed shall not enforceable under the Contracts (Rights of Third Parties) Act 1999
- b) The covenants given in this Deed shall cease to have effect if
 - (1) the Planning Permission is quashed revoked or otherwise withdrawn at any time; or
 - (2) the Planning Permission expires prior to the Commencement of Development; or
 - (3) the Planning Permission is modified by any statutory procedure without the consent of the Owner
- c) this Deed shall be registrable as a land charge by the Council as local planning authority
- d) Following the performance and satisfaction of all of the obligations contained in this Deed the Council shall at the Owners expense effect the cancellation of all relevant entries made in the Register of Local Land Charges in respect of this Deed
- e) no person or party shall be liable for a breach of the restrictions and obligations contained in this Deed after that person or party has parted with all of his interest in the Site or the part in respect of which the breach occurs but without prejudice to any liability for any breach committed prior to such parting
- f) the Developer agrees to give the Council written notice of any change in ownership (excepting the sale of any individual house or plot) of its interest in the Site occurring before all the obligations under this Deed have been discharged within seven days of the same occurring
- g) nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the

Planning Permission) granted (whether or not on appeal) after the date of this Deed

- h) nothing contained in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as local authority and its rights powers duties and obligations under all public and private statutes byelaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
- i) if any severable provision of this Deed shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired
- j) no waiver unless in writing by the Council of any breach or default by the Developer in performing or observing any of the terms and conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach
- k) the obligations in this Deed shall not be enforceable against a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated by the Developer to that statutory undertaker nor enforceable against any highway authority which may be responsible for any public highway maintainable at the public expense
- l) where the agreement approval consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement approval consent or expression of satisfaction shall not be unreasonably withheld or delayed
- m) any notices requests demands or other written communications pursuant to this Deed shall be deemed to have been properly served if sent by

recorded delivery to the principal address or registered office (as appropriate) of the relevant party

- n) if any payment due under this Deed is paid late Interest will be payable from the date payment is due until the date payment is made
- o) any sum referred to in this Deed shall be increased by an amount equivalent to the increase in the Index from the date hereof until the date on which such that sum is payable
- p) this Deed shall not be enforceable against owner occupiers of Open Market Dwellings constructed pursuant to the Planning Permission or a Provider of Affordable Housing or their mortgagee nor those deriving title from them

5. **COUNCIL'S COVENANTS**

The Council covenants to comply with its obligations set out in Schedule Three

6. **OWNER'S COVENANTS**

6.1. The Owner covenants with the Council so as to bind the land into whosoever hands the same may fall

- a) to comply with its obligations as set out in Schedules Four and Five
- b) to pay to the Council on the completion of this Deed the reasonable legal costs of the Council in preparing, negotiating and completing this Deed
- c) to pay to the Council on the completion of this Deed the sum of (£1,500.00) one thousand five hundred pounds only) as a contribution towards the reasonable administration enforcement and monitoring costs in respect of the obligations created by this Deed

7. **THE CHARGEES DUTY**

- 7.1. The Chargee's duty for the purposes of this Deed shall be that the Chargee shall prior to seeking to dispose of the Affordable Housing Unit pursuant to any default under the terms of its mortgage or charge shall give not less than one months prior written notice to the Council of its intention to dispose and;
- a) in the event that the Council responds within two months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard the dwellings as Affordable Housing then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to secure such transfer
 - b) if the Council does not serve its response to the notice served under paragraph 7.1 (a) above within two months then the Chargee shall be entitled to dispose free of restrictions set out in the Fourth Schedule
 - c) if the Council or any other person cannot within three months of the date of service of its response under paragraph 7.1 (a) (a) above secure such transfer then provided that the Chargee shall have complied with its obligations under paragraph 7.1(a) the Chargee shall be entitled to dispose free of the restrictions set out in the Fourth Schedule PROVIDED THAT at all times the rights and obligations in this paragraph 7.1 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interests of the Chargee in respect of monies outstanding under the charge or mortgage

8. **JURISDICTION**

This Deed shall be governed by and interpreted in accordance with the law of England and Wales

9. **WAIVER**

No waiver (whether expressed or implied) by the Council or the Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council the County Council or the Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

10. **DISPUTE RESOLUTION**

10.1. In the event of there being a dispute arising out of this Deed or the subject matter thereof the following provisions shall apply:

- a) The parties shall use their reasonable endeavours to resolve the dispute by agreement
- b) If agreement cannot be reached the matter in dispute shall be referred to and settled by a single expert to be nominated by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party to this Deed
- c) The person to be appointed pursuant to clause 10.1 (b) shall be a person having five years or more post qualification experience of projects comprising works of the scale and nature of the Development
- d) Reference to the expert shall be on terms that determination shall take place within 28 working days of the expert accepting his instructions
- e) The expert shall have the power to award costs of the determination in favour of either party to the dispute at the expense of the other party and failing such determination such costs shall be borne by the parties in equal shares
- f) The expert shall be limited in his findings to the matter in dispute referred to him and shall provide written reasons for his decision
- g) The findings of the expert shall (other than in the case of a manifest material error) be final and binding on the parties to the dispute

11. **VAT**

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

12. **EXECUTION AND DELIVERY**

This document is executed as a deed and is delivered on the date stated at the beginning of this Deed

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written

SCHEDULE ONE
DETAILS OF THE OWNERS TITLE AND DESCRIPTION OF THE SITE

The site at Pastures Lane/Willingham Road Market Rasen edged red on the annexed plan title to which is registered at H.M. Land Registry under title numbers LL326638 LL106568 and LL110419

**SCHEDULE TWO
DRAFT PLANNING PERMISSION**

SCHEDULE THREE
THE COUNCILS COVENANTS

At the written request of the Owner the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

THE OWNERS COVENANTS

SCHEDULE FOUR

GENERAL

1. to notify the Council of the Commencement of Development within 7 days of the same occurring
2. to notify the Council of any changes in ownership other than the sale of an individual house or plot of any part of the Site within 7 days of the same occurring.

SCHEDULE FIVE

AFFORDABLE HOUSING

PART A

OPERATIVE PROVISIONS

1. In carrying out the Development the Owner shall construct and provide the Dwellings on the Site as Affordable Housing Units, which for the Perpetuity Period shall not be let, occupied or otherwise disposed of other than as Affordable Housing to Specified Nominated Persons, subject to the provisions of this Schedule
2. The construction of the Affordable Housing Units shall be completed in accordance with the Details and all Affordable Housing Units shall be integrated to and materially indistinguishable from the neighbouring Open Market Dwellings
3. Unless otherwise agreed by the Council in writing (not to be unreasonably withheld or delayed) the Affordable Housing Units to be provided on the Site

in accordance with Paragraph 1 of Part A of this Schedule 5 in any particular phase of the Development shall all be Rented Affordable Housing Units

4. Prior to the Completion of the construction of any Dwelling on the Site the Owner shall have entered into a contract for sale and purchase in writing with a Provider of Social Housing (such contract to have been approved in writing by the Council, not to be unreasonably withheld or delayed, prior to it being completed) and the Owner shall supply to the Council a certified copy of such agreement within 15 days of it being completed
5. Any contract or deed to sell or transfer the Affordable Housing Units to a Provider of Social Housing shall contain the following provisions:-
 - a. The grant by the Owner of all rights of access and passage of services and other rights reasonably necessary to the beneficial enjoyment of the Affordable Housing Units; and
 - b. A reservation of all rights of access and passage of services and rights of entry reasonably necessary for the benefit of the remainder of the Dwellings on the Site.
6. Subject to the provisions of paragraph 11 of this Part A of Schedule Five the Owner shall not permit or cause to be permitted the occupation of any Affordable Housing Unit save as:
 - a. in accordance with this Deed
 - b. by way of a mortgagee or legal chargee in possession
7. All units to be provided shall be built to Lifetime Homes Standards as defined in Schedule 6
8. The Owners shall provide the Council written notification of the Commencement of Development of each phase of the Development
9. No Dwelling shall be occupied on Site until details of a management scheme for the Affordable Housing to be provided on the Site has been submitted and

approved in writing by the Council such approval not to be unreasonably withheld or delayed.

10. Management of the Affordable Housing Units shall at all times be in accordance with the objects of a Provider of Social Housing
11. The use and occupation provisions set out in Part B of this Schedule 5 shall not be binding upon any Protected Tenant or any mortgagee or chargee of the Protected Tenant or any successor in title to the Protected Tenant PROVIDED that paragraphs 11 and 12 of Part B of this Schedule 5 are complied with.

PHASING AND MECHANISMS

12. The Development shall not be commenced until the Developer has notified the Council in writing of the date of the anticipated Commencement of Development;
13. The Owner shall give notice in writing to the Council of the date on which each Affordable Housing Unit will be available for occupation as follows:-
 - a. One months' notice in the case of any Affordable Housing Unit which is a Shared Ownership Dwelling and/or which is designated for a person with disabilities; and
 - b. six weeks' notice in any other case.

COUNCIL'S RIGHT TO INFORMATION

14. The Council may at any time serve notice on the owner or any occupier for the time being of an Affordable Housing Unit, requiring that person to provide information as to the ownership and occupation of the Affordable Housing Unit and to produce any evidence reasonably required to satisfy the Council that the Affordable Housing Unit is occupied by a specified eligible person.

15. Any request for information served under the above paragraph shall be deemed to be made under the provisions of Section 330 of the 1990 Act and the provisions of that section shall apply to any refusal to provide information so required or false statements made in reply thereto.

PART B

TERMS OF SELECTION OF OCCUPIERS OF THE AFFORDABLE HOUSING DWELLINGS

1. Subject to the provisions of paragraph of part B of Schedule 5 in respect of initial Affordable Housing Unit vacancies the Owner shall not permit the Affordable Housing to be occupied by persons other than those who are nominated or selected by the Council from the Councils Housing Register unless otherwise agreed in writing by the Council
2. In respect of any subsequent Affordable Housing Unit vacancies the Owner shall not permit the Affordable Housing to be occupied by persons other than those who are considered to be in housing need by the Council and/or the Owner in respect of Affordable Housing
3. The Owner shall give at least 10 working days prior written notice to the Council of the date on which each Affordable Housing Unit will be available for initial occupation
4. In respect of paragraph 1 of this Part B of Schedule 5 the Council shall be entitled to nominate all of the occupiers in accordance with the Terms of Priority at Part C of this Schedule
5. In respect of paragraph 2 of this Part B of Schedule 5 the Council shall be entitled to nominate a minimum of 75% of the occupiers and the Owner shall be entitled to make the remainder of the nominations
6. In satisfying their right to nominate (in accordance with paragraph 5 of Part B of Schedule 5) the Owner shall first seek to nominate a person who meets the

criteria Part C (1) (i) then Part C (1) (ii) moving through the criteria in order and on the basis that local connection as set out in Part C of this Schedule takes priority over housing need PROVIDED ALWAYS THAT any nomination shall comply with the objects of the Provider of Social Housing

7. The Owner shall inform the Council of every vacancy which arises on the Site within 5 working days of it arising and shall confirm if it is a vacancy within the 75% which require the Council to make a nomination and in confirming that it is not a vacancy for which the Council is required to nominate shall provide details of the category of person to whom it has been disposed of
8. The Council will provide full household information and information regarding the local connection at the point of nomination and will complete the nomination within 21 working days of the receipt of the notification of the vacancy from the Owner
9. In the event that the Council fails to nominate a new tenant within 21 working days of the receipt of the vacancy being notified or if the person nominated fails to take up the offer of housing within 5 working days of the offer being made or in the case of an assignment of a shared ownership lease the nominated lessee fails to enter into a binding agreement for the sale of the dwelling within 8 weeks of the nomination the Owner will have the right to select the tenant of the Affordable Housing from its own applicants provided always that they satisfy a strand of the Terms of Priority at Part C of this Schedule 5 with preference given to those applicants satisfying a higher strand of the Terms of Priority
10. All persons nominated by in accordance with the provisions of this Schedule 5 must meet the allocation rules and eligibility criteria of the Owner and if the Owner deem this not to be the case it must notify the Council of its decision within five working days of the nomination having been made
11. If the former lessee exercises his right to acquire the whole of the equity in the whole of the dwelling then upon transfer of ownership to that person that Dwelling shall, so far as is legally permissible, be subject to a right of pre-emption in favour of the Provider of Social Housing, exercisable within 28 days, provided that if such right of pre-emption is not exercised on the first

occasion on which it arises, the former lessee shall be entitled to transfer the Dwelling free from the provisions of this Schedule provided that clause 13 is complied with.

12. The Owner is to re-invest any net capital receipts from the disposal (except by way of a charge or mortgage) of any Affordable Housing other than to an Affordable Housing Provider in West Lindsey in liaison with the Council as Housing Authority

PART C

TERMS OF PRIORITY FOR THE SELECTION OF OCCUPIERS OF THE AFFORDABLE HOUSING DWELLINGS

1. **PLACE OF DEVELOPMENT (5 YEARS OR MORE)**
 - i. was born in the town of Market Rasen and lived there for 5 years or more; or
 - ii. has lived in the town of Market Rasen for 5 years or more but has been forced to move away because of the lack of affordable housing or
 - iii. has been permanently employed in the town of Market Rasen for 5 years or more
2. **PLACE OF DEVELOPMENT (BETWEEN 1 AND 5 YEARS)**
 - i. has permanently resided for between 1 and 5 years in the town of Market Rasen; or
 - ii. has lived in the town of Market Rasen for between 1 and 5 years but has been forced to move away because of the lack of affordable housing; or
 - iii. has been permanently employed in the town of Market Rasen for between 1 and 5 years; or
 - iv. needs to reside in the town of Market Rasen to give or receive family care and support
3. **ADJACENT AND IMMEDIATELY SURROUNDING PARISHES OF MIDDLE RASEN WALESEBY TEALBY AND LINWOOD (5 YEARS OR MORE):**
 - i. was born in one of the adjacent parishes and lived there for 5 years or more; or

- ii. has permanently resided in one of the adjacent parishes of for 5 years or more; or
- iii. used to permanently live in one of the adjacent parishes of [delete as appropriate for 5 years or more but has been forced to move away because of the lack of affordable housing; or
- iv. has been permanently employed in one of the adjacent parishes of for 5 years or more

4. ADJACENT AND IMMEDIATELY SURROUNDING PARISHES OF MIDDLE RASEN WALESBY TEALBY AND LINWOOD (BETWEEN 1 AND 5 YEARS)

- i. Has lived in Middle Rasen Walesby Tealby or Linwood for between 1 and 5 years but has been forced to move away because of the lack of affordable housing; or
- ii. has been permanently employed in the adjacent parishes of Middle Rasen Walesby Tealby or Linwood for between 1 and 5 years

5. WEST LINDSEY (5 YEARS OR MORE)

- i. was born in the district of West Lindsey and lived there for 5 years or more; or
- ii. has permanently resided in West Lindsey for 5 years or more; or
- iii. used to permanently live in West Lindsey for 5 years or more but has been forced to move away because of the lack of affordable housing; or
- iv. has been permanently employed in West Lindsey for 5 years or more

6. WEST LINDSEY (LESS THAN 2- 5 YEARS)

- i. has resided for less than 2 - 5 years in the district of West Lindsey; or
- ii. has lived in the district of West Lindsey for less than 2-5 years but has been forced to move away because of the lack of affordable housing; or
- iii. has been employed in the district of West Lindsey for less than 2-5 years

7. HOUSING REGISTER

- i. Anyone else on the Councils Housing Register
- ii. Anyone else on the list of a Provider of Social Housing

SCHEDULE 6

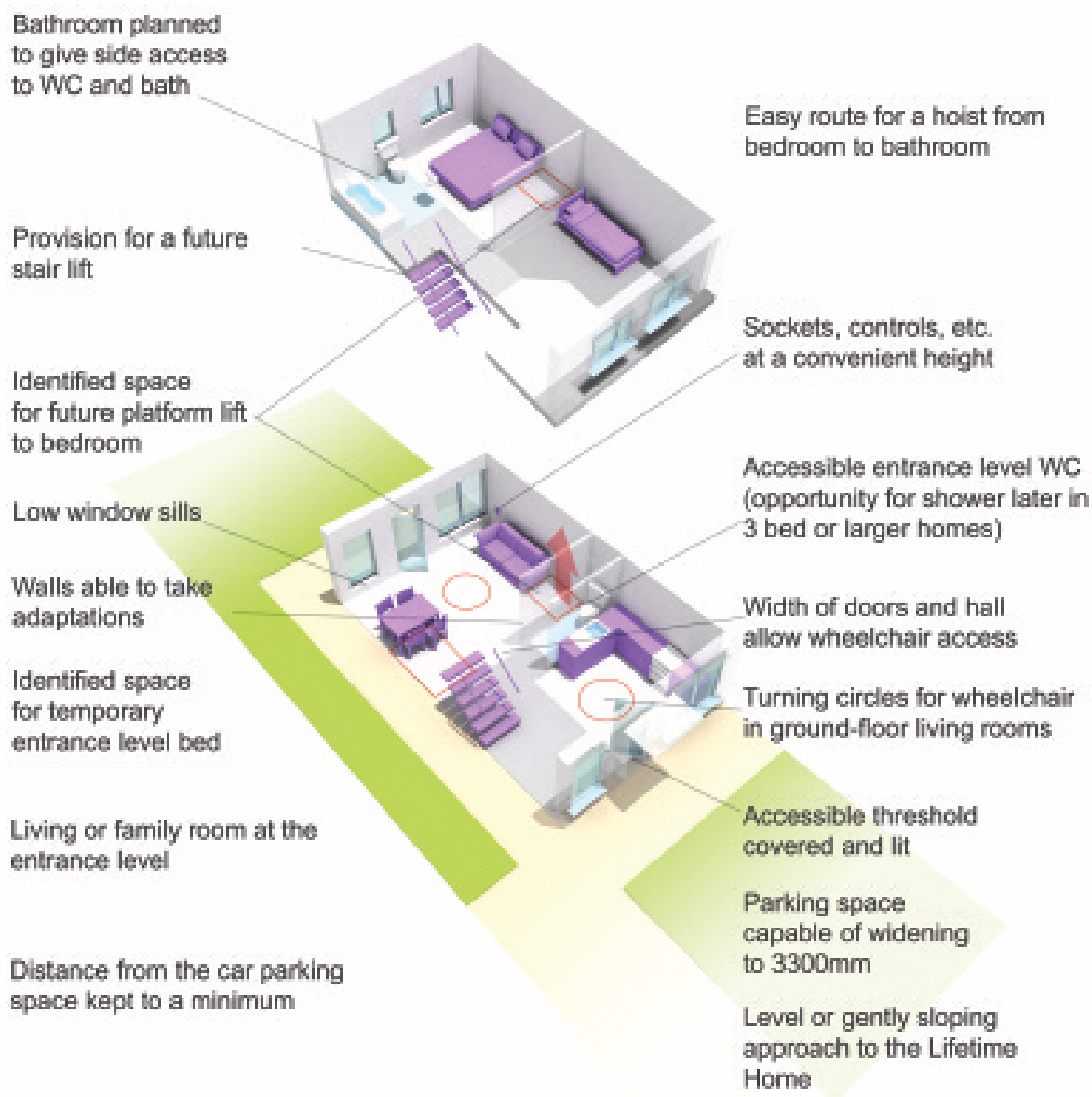
Lifetime Homes Standards

Lifetime Homes Standards are a set of simple home features that make housing more functional for everyone including families, disabled people and older people. They also include future-proofing features that enable cheaper, simpler adaptations to be made when needed. For example, they make Getting in and around the home easy for everyone, whether they have small children or limited mobility.

Key features of Lifetime Homes include level or gentle sloping approach to property, doors wide enough to allow wheelchair access, living room at entrance level, entrance level toilet, walls able to take adaptations, bathroom giving side access to toilet and bath, low window sills, and electrical sockets and controls at convenient heights.

The following diagram shows these simple features:

Lifetime Homes



Produced by PRP © Crown copyright 2008
 Diagram indicative only

THE **COMMON SEAL OF**)
WEST LINDSEY DISTRICT COUNCIL)
was affixed in the presence of:)

Authorised Signatory:

Executed as a Deed by **TOM**)
PICKERING in the presence of)

Witness
Signature
Address

EXECUTED AS A DEED by)
LINCS COUNTY CONSTRUCTION)
LIMITED)
in the presence of:)

Director:

Director/Secretary:



LOCATION

ITEM 6

Officer's Report

Planning Application No: 127976

PROPOSAL: Full Planning Application for change of use from residential garage to dog grooming salon, and addition of conservatory to the front.

LOCATION: 30 Sudbrooke Lane Nettleham Lincoln, Lincolnshire LN2 2RP

WARD: Nettleham

WARD MEMBER(S): Councillors Leaning and Sellars

APPLICANT NAME: Ms Michelle Major

TARGET DECISION DATE: 26/01/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Helen Marriott/Simon Sharp

RECOMMENDED DECISION: Grant Permission subject to conditions

Description

- **Site** – Existing single storey prefabricated single garage to rear of existing semi-detached bungalow, the garage being sited adjacent to the site boundary. The surroundings uses are entirely residential.
- **Proposal** – To change the use of the garage from purposes incidental to the residential occupation of the bungalow to a dog grooming salon. The garage would be extended with a conservatory to the front, projecting 1.5m further forwards towards Sudbrooke Lane, which would also be used by the business. The height and width of the proposed conservatory would mirror that of the garage.

Relevant history

The proposal was the subject of a pre-application enquiry although this related as to whether an application for planning permission was required.

Representations

Chairman/Ward member(s): No written comments received.

Nettleham Parish Council: Strongly object to this application. Object to the change of use on the grounds of noise disturbance to neighbours due to barking dogs; it is a wholly inappropriate development in this essentially residential housing area. The application is undesirable and speculative.

Local residents: Representations received from 23 and 32, Sudbrooke Lane, and 197, Yarborough Road, Lincoln (relative of 32, Sudbrooke Lane):-

- Proposed use is completely unacceptable in densely populated residential area.
- Businesses already have designated areas within the village.
- The level of noise from four existing dogs is causing a problem. Furthermore, how will these animals react to visiting dogs?
- Location adjacent to the boundary with a residential property will exacerbate problem.
- Parking on the road and verge by customers delivering and collecting dogs; a hazard for pedestrians and road users.
- The conservatory would be a substantial extension to the garage.
- The proposed floor plans indicate four dog cages which provides the potential for dogs staying over and 24 hour noise and disturbance.
- Some consideration given to waste in submission but not sufficient; will the extra bin be enough and how will it be sealed to prevent smells?

LCC Highways: No comments received.

LCC Archaeology: No comments/objections

WLDC Environmental Protection:-

- No complaints received regarding existing dogs.
- Proposed use would only be acceptable subject to conditions requiring soundproofing.

Relevant Planning Policies:

Development Plan

- **East Midlands Regional Plan 2009**
http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf
- **West Lindsey Local Plan First Review 2006**

STRAT1 – Development requiring planning permission.

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

NB. Policy CORE 8 – Commercial pet and animal establishments – relates to kennels and breeding uses. It is therefore not explicitly cited in this report although some of the issues raised in the policy, such as residential amenity, are relevant.

Other policy

- **PPS4 – Planning for Sustainable Economic Growth (2009)**

EC6 Planning for economic development in rural areas.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

- **PPG24 – Planning and Noise (1994)**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf>

Main issues

- Is this an appropriate location for a business use (residential area, allocated business sites in village)?
- Residential amenity (noise and disturbance, overlooking, smell)
- Highway safety (on site parking and manoeuvring arrangements and visibility at point of access)

Assessment

Principle - It is considered that, as a matter of fact and degree, a material change of use would occur for the use of the currently domestic garage for a dog grooming business. The application has therefore been considered on this basis. A dog grooming salon is considered to be a *sui generis* use (not falling within any of the classes of the Use Classes Order).

A search of agents that deal with rents, or leasehold and freehold purchases of commercial land and property in Nettleham appears to indicate that commercial land and property availability is confined to the two allocated sites in the Local Plan Review; Lodge Lane and Deepdale Lane (Enterprise Park). The former is undeveloped but is allocated for business uses (B1) and permission was granted in 2010 for non-residential institutions. The latter has been partly developed, some units are vacant and available and the allocated uses are B1 (business), B2 (general industrial) and B8 (storage and distribution). A dog grooming parlour, being a *sui generis* use, falls within none of the allocated uses, but is nevertheless considered appropriate as an employment generating use. However, given the relatively small scale of the business proposed and that the space and land available is more geared towards large business (the Deepdale Lane units starting from around £300,000 to purchase), then it is considered unreasonable to withhold permission solely on the grounds of availability of other sites.

Furthermore, national policy contained within PPS4 supports sustainable economic growth to support the rural economy and basing a business at home, within walking distance of a large customer base, does have the potential to provide for a sustainable business. The principle of the use is therefore considered acceptable subject to no site specific adverse impacts.

Residential amenity - Sudbrooke Road is a predominantly residential area. It is accepted that some businesses may be run from homes in the area, but an assessment of planning records for properties on this road suggests none have been the subject of planning permissions for business uses. This is reflected by an examination of the publicly visible areas of dwellings and their gardens in the area; no commercial signs, or numbers of commercial vehicles parked in driveways or outbuildings of a size that could house a business were observed by the case officer during his assessment of the character and appearance of the wider area.

This is not to say that a residential use cannot display some of the characteristics of the dog grooming business; a family may have more than one pet dog and also rely on a number of trips by car to and from the home to access services and facilities. However, the introduction of a separate business to the site not only adds to the potential for noise and disturbance derived from the existing house, but also has the potential to bring to the area a level of continuous comings and goings and noise from dogs that would not normally be associated with a dwellinghouse use. For example, if unrestricted, the business could attract customer visits by car throughout the day on a regular basis; it is accepted that the modest scale of the premises may largely dictate the number of comings and goings but if, unrestricted, there would still be the ability for customers to drop their dog off, whilst other dogs are being groomed. It is also the officer's opinion that dogs could bark more than they would do in their own home due to the unfamiliar surroundings. Such barking may be the result of anxiety or excitement.

However, paragraph 13 of PPG24 provides that restrictions on a use can provide suitable mitigation against residential amenity issues. In this instance, it is considered that the following restrictions are necessary and can address the likely issues:-

- Hours of operation – To prevent dogs being kept on site and customers visiting or deliveries being made during periods when neighbours are likely to be asleep, when traffic and general noise levels have reduced or when it is only reasonable that neighbours should be able to relax in their gardens without being affected by significant noise and disturbance. In this context, evenings, early mornings, the nighttime and much of the weekends should be safeguarded.
- Number of dogs on site in association with the business at any one time – For similar reason as above, but acknowledging that, even during weekday daytime, an unrestricted number of dogs is likely to result in unacceptable levels of noise.
- Soundproofing – Responding to the thin walls of the garage and lack of detail regarding the insulation cited in the application particulars.

It is also considered necessary that the use is limited to a person(s) residing at the bungalow. In the absence of this condition, there would be potential for an unacceptable level of overlooking and possibly noise and disturbance arising from the proximity of the driveway access to the garage and windows serving habitable rooms within the bungalow.

Finally, it is noted that comments have been received from neighbours regarding the commercial waste arrangements. The application forms propose an additional bin being provided by the Council for faeces and fur and collected monthly. The Council do not, to the officer's knowledge, provide such a service. A condition is therefore considered necessary to require a detailed scheme to be submitted prior to first use and implementation of the approved scheme thereafter.

Parking and highway safety – Neither the Regional Plan nor the Local Plan Review provide guidance on the number of parking spaces that would be required for a dog grooming salon. The demand is inevitably going to be dependant on the intensity of the use. The current access, parking and manoeuvring areas are characteristic of a domestic use and certainly would not be appropriate for the proposed use unencumbered by conditions. Indeed, with the loss of the garage and its extension with a conservatory, there would only be parking on the site for a maximum of two cars allowing for manoeuvring areas to enable cars to enter and exit the site on forward gear. However, with the conditions proposed to protect residential amenity, it is considered that the on and off-site parking arrangements are adequate. Specifically, with only two dogs on the site at any one time, this should result in only two cars being parked in association with the business. It is accepted that these would not be able to be accommodated within the site, but Sudbrooke Road has no parking restrictions within the vicinity of the site and it is also wide and straight which allows vehicles to safely pass parked cars. The distance from the nearest junction will also assist in maintaining an adequate level of highway safety.

Conclusion

The application has been considered against the provisions of the development plan in the first instance and specifically policy STRAT1 of the West Lindsey Local Plan First Review 2006 as well as against all other material planning considerations. Such considerations include national guidance contained within PPS4 – Planning for Sustainable Economic Growth (2009) and PPG24 – Planning and Noise (1994).

In light of this assessment, it is considered that the proposal is acceptable subject to conditions requiring soundproofing, restricting the number of dogs being on site at any one time in association with the business, commercial waste management, opening hours and a tie to the occupation of the existing bungalow. Specifically, with these conditions in place, it is considered that the principle of using this location is acceptable; the floorspace available at allocated sites is not tailored to small businesses such as this. The proposal will also not have a significant impact on residential amenity or highway safety.

Recommendation: Grant permission subject to the following conditions

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

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

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

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

None

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

2. Notwithstanding the details submitted on the application form, prior to the first use of the dog grooming salon hereby approved, there shall be submitted to and approved in writing by the local planning a scheme for the disposal of commercial waste associated with the use. Waste from the approved use shall be disposed of in complete accordance with the approved scheme thereafter.

Reason: To protect the residential amenities of neighbouring occupiers in accordance with West Lindsey Local Plan First Review policy STRAT1 – Development requiring planning permission.

3. Notwithstanding the details submitted on the application form, prior to the first use of the dog grooming salon hereby approved, the garage and conservatory buildings shall be soundproofed in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved soundproofing shall be retained thereafter.

Reason: To protect the residential amenities of neighbouring occupiers in accordance with West Lindsey Local Plan First Review policy STRAT1 – Development requiring planning permission.

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

4. No more than two dogs shall be kept on site at any one time in association with the dog grooming salon use hereby approved.

Reason: To protect the residential amenities of neighbouring occupiers, in the interests of highway safety and in accordance with West Lindsey Local Plan First Review policy STRAT1 – Development requiring planning permission and national guidance contained within PPG24 – Planning and Noise (1994).

5. The dog grooming salon use hereby approved shall not take place, nor shall be open to customers, nor deliveries taken or despatched from the site,

nor dogs kept on site in association with the approved use outside of the following times:-

08.00am to 18:00 hrs Mondays to Saturdays

08:00 to 13:00 hrs Saturdays

Reason: To protect the residential amenities of neighbouring occupiers in accordance with West Lindsey Local Plan First Review policy STRAT1 – Development requiring planning permission and national guidance contained within PPG24 – Planning and Noise (1994). .

6. The dog grooming parlour use hereby approved shall not be undertaken other than by a resident of No. 30, Sudbrooke Lane, Nettleham.

Reason: To protect the residential amenity of the occupier of No. 30, Sudbrooke Lane, Nettleham in accordance with West Lindsey Local Plan First Review policy STRAT1 – Development requiring planning permission and national guidance contained within PPG24 – Planning and Noise (1994). .