



PL.10 15/16
Planning Committee
13 January 2016

Subject: Planning applications for determination

Report by:	Chief Operating Officer
Contact Officer:	Mark Sturgess Chief Operating Officer Mark.sturgess@west-lindsey.gov.uk 01427 676687
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices.

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

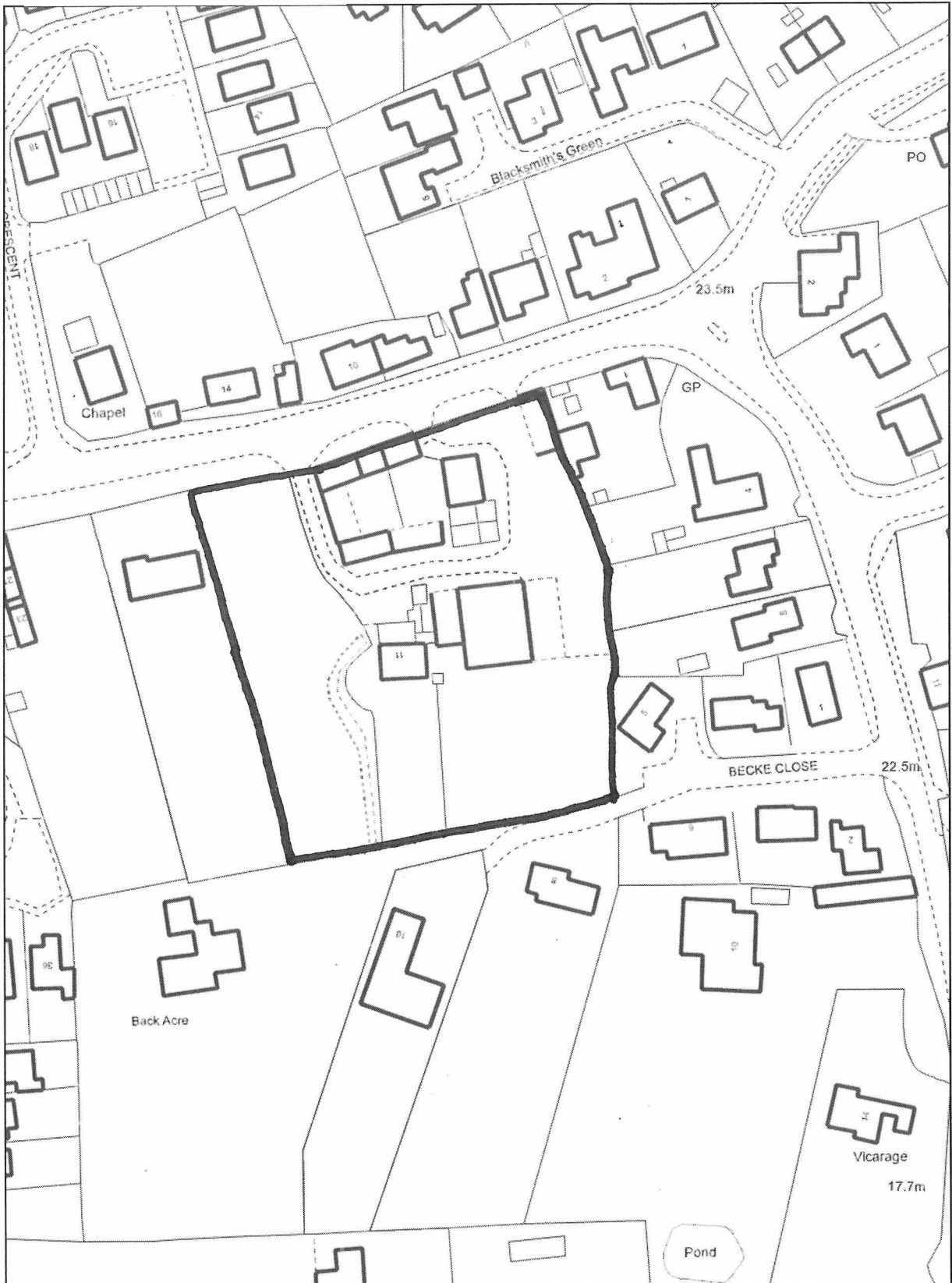
No

Key Decision:

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

Yes

No



Officers Report

Planning Application No: 132418

PROPOSAL: Outline planning application for erection of 13 dwellings with all matters reserved and the conversion of a barn to a dwelling

LOCATION: Bleak Farm High Street Cherry Willingham Lincoln LN3 4AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllrs Bridgwood, Darcel and Cllr Mrs Welburn

APPLICANT NAME: Administrators of the Estate of R Bowser

TARGET DECISION DATE: 08/05/2015

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: George Backovic

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

- The provision of 25% affordable housing: 3 dwellings on site and an offsite contribution of £26,638.50.
- The provision of not less than 3% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;

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

Introduction: The site is located to the south of High Street in the village of Cherry Willingham and covers 0.73 hectares of land. It is roughly square in shape and comprises a farmhouse and various former farm buildings. Older brick buildings are located to the front of the site, rear facing onto the road behind a deep grass highway verge. These buildings are mostly open into their own small 'courtyard' and in varying states of repair. To the rear of the site there are larger and more modern pre-fabricated structures used for storage, there is hard standing and over growth around the site where material has been stored externally and where vehicles have circulated through the site. There is a grassed paddock running along the western edge of the site with an old orchard in the south eastern corner and two horse chestnut trees protected by a Tree Preservation Order (TPO) along the front. Along the rear boundary are two oaks who during consideration of the application were considered to meet the criteria for having a TPO placed on them and this was made on 24th March 2015.

High Street runs along the front (north) of the site and the residential curtilages of existing dwellings form the eastern, western and southern boundaries of the site.

Proposal: An outline planning application for 14 dwellings with all matters reserved for subsequent consideration was originally submitted. A protected species survey and tree report was submitted in support of the application. The application now proposes 14 dwellings, 13 new build and the conversion of an existing brick barn, which was found to contain a bat roost, to a dwelling. The existing farmhouse will be retained. **Although a number of indicative schemes and layouts have been submitted the application still remains in outline form with all matters reserved for future consideration.** The only exception to this is the retention and conversion of one of the barns.

Relevant history: The north eastern section of the site is allocated for residential development as site CW2 by STRAT 2 – Residential Allocations – Lincoln Policy Area of the West Lindsey Local Plan First Review 2006. It covers 0.29 hectares (0.7 acres) and is intended to deliver 10 dwellings. It comprises 39.7% of the application site.

Representations:

Cllr A Welburn: Will the orchard be saved? I can see on the conservation notes that it has a value for its biodiversity and I know it is used by residents to pick fruit but we did fail to get it registered as a community asset, even so I would like to see every effort made to save this area. I would also like to ask for an archaeological survey of the area as this site has been occupied since the early 1800s and is also adjoining to the farms & manor house that have stood in this area since the 1400s and before that was part of the area mentioned in the doomsday book. We have also had Roman and Saxon finds within close proximity to this site and the heritage society are interested in logging and recording any artefacts that may be located. This is a unique opportunity to explore this area. I appreciate the need to develop this site but it must be done sensitively retaining the village feel, I cannot over stress the importance of this area, it is near the site of the original village and has stood at the village centre in more recent times, we must under no circumstances loose the aesthetics of our village with development for the sake of it. Please ensure that the design & materials are in keeping with the original house and do not take anything away from the country feel

Cherry Willingham Parish Council: Following a meeting taking place of the Planning Committee taking place, Cherry Willingham Parish Council in principle do not object to the Bleak Farm planning application. However we have some comments which we believe would enhance the scheme whilst also helping to retain the historic context of the site. We have previously been in talks with the land owner regarding their application and would welcome the opportunity to further work with them to help direct the village's views on the potential development of this site. It is therefore a disappointment that we were not notified by the planning department at West Lindsey of the amended plans and feel this needs to be pointed out considering the value and sensitivity of this site within the heart of the village. We feel that the overall

feel of the amended scheme is still suburban in form which doesn't reflect the historic context of the site. The sketch for plots 1-4 is similar to developments found in more built up areas as opposed to a village or rural setting, especially with the inclusion of a wall and railings. We feel that the least that could be done here would be to replace these with a softer boundary. However, these plots, whilst they follow the line of the existing farm outbuildings, don't have the look or feel of the character expected from a former farm site. We understand that a conversion of the existing buildings is not feasible but would prefer to see a development which reflects the existing features by making the buildings more agricultural and traditional in style and taking into account the existing street scene. Looking at the existing street scene we see that the site doesn't currently infringe directly onto the High Street and access is via a track to the Farmhouse and outbuildings. The concerns raised by the Planning Committee are that the five new plots facing the road are designed to have their primary access from the High Street. Coupled with allowing only one designated parking space each for plots 1-4 we can see an issue arising where residents regularly park on the roadside, especially those with more than one vehicle per household. This is of particular concern to the Parish Council as the High Street already sees a high volume of vehicles parking along here and it is something which we do not want to see becoming a bigger issue. This is also the main bus route through the village which connects us to Lincoln and may cause issues with other large vehicles passing through. One suggestion for resolving this issue may be to turn the houses around so that their location is just in front of the current designated parking spaces on the plans. This would then ensure that the majority of the development is self-contained within the site and allow greater privacy for the gardens of these plots. This would then enable the developers to look at installing a 6ft high wall to the rear of these properties in the style of the existing agricultural buildings whilst creating a garden boundary. It would fit in with the existing street scene and reduce the amount of stationary traffic which could build up on the High Street with the current proposals. Parking appears to remain a potential issue on the site in general with limited spaces being made available for the majority of the plots. Most modern families will have at least two vehicles with some having three or more depending on how many are living there. Providing one or two parking spaces on a limited site such as the proposed may and will cause issues further down the line with residents parking on the road and blocking access for others. Ultimately, as a Parish Council, we would welcome the opportunity for this site to have a reduced number of properties that are replaced with larger but better quality ones. We feel that this would still retain the value in the development whilst reducing the density of the site. This would work better as it would enable the homes to have more of a traditional and sensitive feel to them to reflect the existing site's layout. The main farmhouse, whilst being retained in this application, feels as though it is being compromised by the other properties on the site. The close proximity of number 14 doesn't give the prominence that such an old and historic part of the village deserves whilst the location of number 15 restricts the view and openness of the site as it appears today. It is vital that we stress how important the open space in front of number 15 as you enter the site is as it forms an integral part of the site in retaining its current character. We would

ideally like to see this protected as open space in anticipation of any further amendments or future planning applications for this site. By reducing the number of dwellings on the site and opening up the entrance to allow more open space this will retain the significance and character of both the Farmhouse and site whilst maintaining the current traditional street scene.

Local residents: There are 8 objections and 1 representation in support of the proposals.

Comments are from: 4, 10 and 19 High Street, 5, 6, 8 and 10 Becke Close: 3 Dale Avenue and 3 Waterford Court. A 69 signature petition has also been submitted which seeks to *“retain at the very least the barn and stonewall fronting High Street, alongside the two magnificent chestnuts”*

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Grounds of objection:

- The orchard trees are very important for biodiversity but the planning application does not take this into account. It needs to be considered as a priority habitat within Lincolnshire and National action plans. The submitted ecology / protected species report recommends further surveys which have not been carried out. It also states that “the orchard comprises traditional trees and represents a valuable biodiversity asset and should be retained and provision contained in the application proposals for its sympathetic restoration and management. The submitted layout clearly disregards this recommendation.
- Cherry Willingham was formerly a hamlet with few houses and has a small history, therefore I think it sacrilege if the barns and house on the High Street are removed. I see from the plan that the farm house is going to remain, but the other buildings at the front of the site are to be replaced by no doubt expensive executive homes similar to those at the bottom of Waterford Lane. This is unnecessary - having worked for an architectural practice in Oxford for many years in a building that was formerly used as a fruit storage barn and associated buildings which we sympathetically rebuilt in the same configuration, I think this should be done with these existing buildings. The first "barn" single storey next to 1 the High Street would make a beautiful single storey, barn conversion, and the other buildings on the front could be rebuilt in virtually the same way as a courtyard development providing maybe three or four dwellings or even Alms Houses. I think it is vital we do not change the face of the High Street, as we have a few cottages, the Church and one or two other old houses and that is all. Cherry is 95% 60's onwards brick and concrete. There is no reason why the developers cannot do this and retain an attractive view*
- I appreciate that they are not listed buildings above, but I think in the interests of retaining something of a village atmosphere, it is imperative the road facing buildings are retained and rebuilt in the same style and configuration.

- No appropriate consideration given to the loss of privacy, disturbance and impact on visual amenity:
- The plans do not give a true representation of the adverse impacts it will have. The current farmyard is 1 to 2 feet higher in ground level than our property. Height restriction should be imposed if planning is granted. Bungalows not houses.
- A full tree report needs to be submitted as the plans submitted show trees in the wrong position and omit those existing. The two large trees on the south should be protected by preservation orders.
- We want the orchard retained to preserve our visual amenity. Not all species surveyed.
- Seeks the imposition of a condition on behalf of 19 High Street that there should not be windows or habitable rooms at first floor level within 15 metres of the boundary
- Unacceptable change to the character of the village.
- No transport reports submitted.
- Density is unacceptable
- No landscaping.
- Will not function well with the surrounding properties or respond to local character and will be visually unattractive so it will not be in keeping with the National Planning Policy Framework.
- My property is a bungalow and will be overlooked by any two storey development and will clearly be subject to noise disturbance regardless of the type of property.
- Bleak House Farm is in the heart of the older part of Cherry Willingham. Much of the village was built post 1950 and has little character, the High Street however has a selection of old properties which serve as a reminder of the history of the village. It would be fantastic if Bleak House could remain as it is, but I do know this is not realistic. I object to the current proposal as I don't think it will be in keeping with the area and fear another bunch of crammed in houses. A revised application for fewer homes in keeping with the surroundings and utilising some of the current farm buildings (barn conversions) including the retention of the Bleak House would be more sympathetic to the area.

Support:

- The farmyard which is directly opposite my house, where I have lived for the past 47 years has never been an attractive scene of beauty. It has encompassed a mixture of buildings in various states of repair, and the grounds have been used for objects past their day of use. Tidiness would not have improved over the years. I consider the plans are acceptable with the proviso that elements of High street are respected

LCC (Highways): Do not wish to restrict the grant of planning permission.

Note: Only 5 dwellings are permitted to be served from a private drive
Access would be subject to meeting the minimum visibility requirements

Layout, geometry and construction would be subject to the specification laid out in Lincolnshire County Council's Development Road Specification and adoption under the Section 38 process.

Environment Agency: No objections

LCC (Historic Services): It is recommended that prior to development the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the archaeological handbook (2012)) according to a written scheme of investigation to be agreed with, submitted to and approved by the Local Planning Authority. This should be secured by an appropriate condition to enable the historic assets within the site to be recorded prior to their destruction. The results of the survey should be submitted to the Local Planning Authority and the Historic Environment record prior to work commencing on site. This scheme of works will consist of full historic building recording.

Environmental Protection: Given the historic use of the land for agricultural storage there is a requirement for a contaminated land survey to be undertaken prior to development. A sustainable surface water disposal method ought to be considered over soakaways.

Tree Officer (WLDC): On the assumption that the submitted layouts are indicative as all matters are reserved on this outline planning application I have the following comments to make:

There are two TPO horse chestnut trees on the front boundary. Protective fencing will be required to be positioned around the outer extents of their Root Protection Areas (RPA's). A local resident raised concerns about the trees in this site, especially the orchard trees, and asked me to do a TPO assessment on the trees. The two large oaks on the rear boundary met the criteria for a TPO to be made and this was subsequently made on 24th March 2015 (Cherry Willingham No. 1 2015). The TPO trees will require appropriate protective fencing placed around the outer extents of their calculated Root Protection Areas (RPA's). Section 4. Of the submitted tree report covers all aspects of tree protection, and its recommendations should be conditioned and adhered to. The Tree Protection Plan (TPP) on page 5 of the tree report shows where the protective fencing should be positioned to prevent root damage and ground compaction across the RPA's of the TPO trees within this site, and the neighbouring trees (T7, T9, T10 & T11) close to the westerly side boundary. The tree survey sheets within the tree report also has a table listing the minimum radius for protective fencing around individual trees. Protective fencing should not be placed closer to the trees than the RPA radius measurements listed for each tree. The TPP also includes protection areas around trees T5, T6 and T8, but I do not consider these to be of good enough quality, size or prominence to insist on their retention and protection. T6 stem is in a damaged and decaying condition, ash stem T5 is only 140mm diameter so is a size that can be easily replaced in a more appropriate position after development as part of a landscape scheme, and T8 is a young tree with a low fork and bent stem. T14 is a walnut within the orchard area. It has a reasonable structure, but has low amenity value and is currently insignificant

within the whole site. These are not good enough to warrant their retention and could be removed to make way for development. The orchard trees were not closely inspected for their health and remaining life expectancy. These do not meet the criteria for a TPO, but this does not necessarily mean they are not important for other reasons. A TPO identifies trees which are important for their quality and prominence of visual amenity value that they provide to the surrounding community. Traditional old orchards are very important for their mosaic habitat and high biodiversity value, which is not part of a TPO assessment.

The tree report has assessed the orchard trees just as a group of trees and does not address any old orchard biodiversity value. Admittedly various orchard trees are in very poor condition including one or two that have actually fallen over, but the cavities and decay of old orchard trees are part of their important value for biodiversity reasons. Removing several trees for the development and incorporating remaining trees into gardens where the ground around them is likely to be close mown lawn, or the trees are likely to be removed to make more garden space and get rid of the 'tatty' trees will basically destroy the old orchard as a habitat. Old orchards are not just valuable for the biodiversity value of the trees, but also for the additional features around the trees, such as long grass, hedgerows, often a pond etc... all of which combine to create a mosaic of habitats characteristic of old orchard habitats. The submitted ecology report also has a paragraph about the orchard, stating that "the orchard comprises traditional trees and represents a valuable biodiversity asset, not only for the fruit varieties, but also from the wealth of insects associated with such habitat.... It should be retained and provision contained in the application proposals for its sympathetic restoration and management". The full importance of this recommendation in the ecology report has not been reflected in the indicative site layout, as the developers wish to remove many of the orchard trees, and the layout places the rest of the trees within gardens where they will be at risk of removal. These actions will basically destroy this old orchard as an important Biodiversity Action Plan habitat and remove the valuable biodiversity value that it currently provides. * Within the Lincolnshire Biodiversity Action Plan, 'Targets and actions 2011-2020' would like Local Authorities to ensure that traditional orchards are recognised as a BAP habitat in need of protection within the planning system.

I have no objection to much of the proposed development, but I do object to the destruction of the old orchard. I acknowledge unfortunately that there is no statutory protection that can be applied to it.

Housing and Communities: The affordable housing requirement on the above development will be for 25% of the units to be delivered as affordable housing. This equates to 3.5 units, 3 on site and an offsite contribution of £26, 638.50 Based on the West Lindsey SPG off site contributions 2012 tariff.

Lincolnshire Police: Acknowledges scheme is in outline and offers advice when detailed proposals are being considered, in terms of properties orientated to overlook streets / public areas; car parking provision (ideally

within curtilage of the property at the front); clearly defined public / private space; creating defensible space to buildings; landscaping – low planting and raised canopies to allow surveillance; social inclusion – affordable housing should be pepper-potted; footpaths to be overlooked by housing; management of public open space.

Relevant Planning Policies:

National Planning Policy Framework, March 2012 (NPPF)

Planning Practice Guidance

Further Draft Central Lincolnshire Local Plan 2011-2036 (October 2015)

The second phase of public consultation for the draft local plan started on 15th October 2015 for a 6 week period to close on 25th November 2015 therefore the draft local plan can only be given limited weight at this stage, in accordance with paragraph 216 of the NPPF. Weight can be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In terms of the proposed development, the following policies are considered relevant:

- LP1: A presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy and Settlement Hierarchy
- LP3: Level and Distribution of Growth
- LP11: Meeting Housing Needs
- LP17: Landscape, Townscape and Views
- LP14: Managing Water Resources and Flood Risk
- LP22: Local Green Spaces
- LP25: Design and Amenity

West Lindsey Local Plan First Review 2006 (WLLP)

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

- **STRAT1:** Development requiring planning permission;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 2: Residential allocations – Lincoln Policy Area

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat2>

- **STRAT3:** Settlement Hierarchy;

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

- **STRAT9:** Phasing of housing development and release of land;

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

- **RES1:** Housing layout and design;

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

- **RES2:** Range of housing provision in all schemes

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

- **RES5:** Provision of play space / recreational facilities in new residential Developments;

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

- **RES6:** Affordable Housing;

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

- **NBE10:** Protection of Landscape Character in development proposals;

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

Main issues

Principle of Residential Development

Impacts on the character and appearance of village

Biodiversity and protected species

Residential Amenities

Affordable housing

Assessment:

Principle of Residential Development

Planning applications must be determined in accordance with the development plan, unless there are material considerations which indicate otherwise. The principle of development in this location has already been accepted by the allocation of part of the site for housing. Cherry Willingham is designated as a Primary Rural Settlement under STRAT 3 which defines these as key service centres that meet most of resident's day to day needs,

and of those villages in its rural hinterland. It is therefore considered a sustainable location for development.

The publication of the 5 Year Land Supply Report (October 2015) does not alter the position of the spatial strategy of the adopted Local Plan (2006) policies, they are still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development. This would lend support to the incorporation of additional land beyond the allocation.

One of the sections of additional land proposed contains an old orchard which has resulted in a number of objections to the proposal including from the council's tree officer. Requests were made during the application process to protect these by placing a Tree Preservation Order (TPO) on them however for the reasons outlined above this was not possible although two trees on the site now have TPO protection. The possible loss of the trees and potential biodiversity weighs against the proposal on this part of the site, however, unfortunately the orchard trees could be removed irrespective of the current application. On balance noting that no details of the proposed dwellings including layout are sought at this stage and subject to the imposition of a condition in relation to bio diversity enhancements being provided the principle is considered acceptable.

Impacts on the character and appearance of village

A strong desire has been expressed in the representations received to make use of the existing brick buildings on the site thereby helping to preserve its existing character. As part of the application process indicative proposals and designs were submitted and subsequently amended. These details do not form part of the consideration of the application although understandably comments have been made in response to them. This application simply seeks approval to the principle of residential development and it should be noted that the barns in question formed part of the original allocation for the site. The exception to this is the retention and conversion of an existing barn within the site to a dwelling following the discovery of bat roosts within the building. There will be conditions requiring details of conversion works to be submitted to and approved in writing prior to commencement of works.

Biodiversity and protected species

A protected species report was initially submitted which concluded that the existing buildings had potential to support roosting bats, and this was supplemented by a further survey which demonstrated the presence of an active roost. Two owl boxes are located on site and some Swallow nests are present. No amphibians and reptiles were seen or encountered. Mitigation will be incorporated in the site design for the continued presence of owl boxes at a suitable spot, and provision of an open-fronted structure with suitable

wooden beams and design to continue to attract swallows. The barn which contains the roost is to be retained and converted to a dwelling, Subject to the imposition of conditions securing the mitigation measures this is considered acceptable.

Residential Amenities

The detailed impacts on amenities of neighbouring residents will be assessed at the reserved matters planning application stage. The closest dwelling is 5 Becke Close which sits at a lower level and is angled at 45 degrees facing the site. At its narrowest the application site is 77 metres wide at this point which will allow a dwelling to be situated a sufficient distance away from number 5 taking the change in levels into account. Number 6 is located to the south east of the application site on the opposite side of Becke Close and at its closest is 10 metres distant. Number 8 Becke Close is located to the south of the application site and is set back within its plot 10 metres from the rear of the application site. 19 High Street is located to the west of the application site and its boundary is formed by a mix of fencing and hedging and at this point the width of the application site is in excess of 80 metres. The size of the site is considered sufficient in order to be able to design a scheme that would not have adverse impacts on existing residents. The original allocation which covers 39.7% of the site area envisaged the delivery of 10 new dwellings, and a reflection of this density would result in 25 dwellings on the larger application site. 14 dwellings are proposed, 13 new buildings and the conversion of an existing barn, and it is considered that this will allow a suitably designed scheme to come forward.

Public Open Space

RES 5 seeks the provision of 3% of the total site area for developments of up to 20 dwellings as informal recreational land or play space and/or associated equipment. This will be secured through a section 106 agreement.

Affordable Housing

RES 6 seeks a 25% contribution towards affordable housing. As 14 new dwellings are proposed this equates to 3.5 units. Three affordable units will need to be provided on site with an offsite financial contribution equating to 0.5 units' £26,638.50. This will need to be secured through a section 106 agreement.

Highways

No objections are raised on highway safety grounds.

Drainage

The site is not located in an area at risk of flooding and conditions will be imposed requiring drainage details to be submitted to and approved in writing and implementation in accordance with the approved details.

Potential Contamination

This can be addressed by use of a condition in line with the recommendation from Environmental Protection.

Archaeology

Section 141 of the National Planning Policy Framework sets out that Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. This will be delivered by the use of planning conditions.

Conclusion

This is a proposal for residential development in a sustainable location incorporating a previously allocated housing site which will make a contribution to affordable housing. Subject to the imposition of the conditions discussed above, following the completion of a section 106 agreement, that delivers affordable housing and public open space, a grant of planning approval is considered appropriate

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

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

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

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

2. No development shall take place until, plans and particulars of the access, layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in accordance with the National Planning Policy Framework and saved Policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

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

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

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

4. No works to convert barn “15(Ex)” on Drawing No. L- BOW-025-SLPP REV E dated 11.09.2015 to a dwelling shall take place until full details of mitigation measures in relation to the existing bat roost described in the final Bat Survey Report prepared by JBA Consulting dated October 2015 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason: To protect wildlife and biodiversity in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review 2006 to accord with the provisions of the National Planning Policy Framework 2012.

5. No works to convert barn “15(Ex)” on Drawing No. L- BOW-025-SLPP REV E dated 11.09.2015 to a dwelling shall take place until full details of the proposed works including internal and external alterations and proposed floor plans have been submitted to and approved in writing by the Local Planning Authority, The works shall be carried out in accordance with details approved.

Reason: In the interests of visual and residential amenities in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:

- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an un developed site

- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;

The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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

7. No development shall take place until, a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme approved under this condition.

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

8. 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 historic assets within the site are recorded prior to their alteration or removal in accordance with the National Planning Policy Framework 2012.

9. No development shall take place until details of measures to mitigate the impact on the biodiversity of the site including a timetable of have been submitted to and approved in writing. The agreed measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect wildlife and biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework

10. No development shall take place until details of two owl boxes to be located within the site and of provision for swallows as set out in the Ecology / Protected Species Survey dated 8 October 2014 have been submitted to and approved in writing. The agreed details shall thereafter be implemented and maintained.

Reason: To protect wildlife and enhance biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework

11. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

1. The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
2. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
3. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
4. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works

contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

5. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The work required by this condition is necessary in order identify potential contamination on-site as recommended by Environmental Protection and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Conditions to be observed during the development of the site

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

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

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

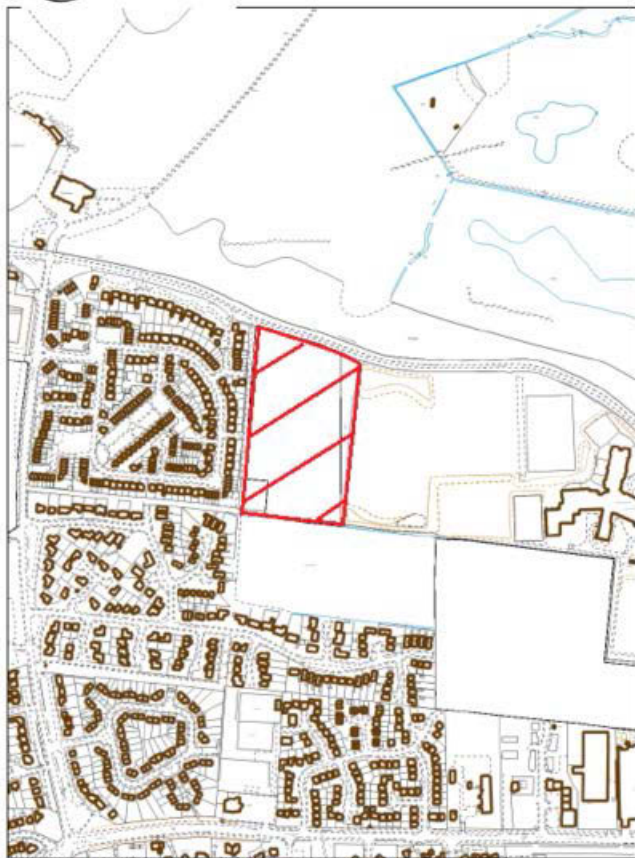
13. Following the archaeological investigation referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the development being completed.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the historic assets within the site are recorded prior to their alteration or removal in accordance with the National Planning Policy Framework 2012.

14. None of the dwellings hereby approved shall be first occupied until the foul and surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the details required by conditions 6 & 7. The approved system shall be retained thereafter.

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

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



Officers Report

Planning Application No: 133351

PROPOSAL: Outline planning application for the development of up to 80no. dwellings-access to be considered and not reserved for subsequent applications

LOCATION: Land south of The Belt Road Gainsborough
WARD: Gainsborough North
WARD MEMBER(S): Cllr Bibb, Cllr Boles, Councillor Bardsley
APPLICANT NAME: Thonock & Somerby Estates

TARGET DECISION DATE: 06/11/2015
DEVELOPMENT TYPE: Small Major - Dwellings
CASE OFFICER: Jonathan Cadd

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

- The provision of 25% affordable housing units,
- £34,000 for health centre improvements.
- £224,914 education contribution
- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems

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

Description:

This application was deferred back to officers at the last planning committee meeting to negotiate amendments to the scheme to increase parking provision for existing residents of the Belt Estate. The amendments can be seen in the revised indicative site plan as 15 on street car parking bays.

This outline application seeks permission for 80 houses with all matters reserved (Scale, Layout, Landscaping and Appearance) except access.

The two access points for the development would be from Sunningdale Way. These access points have already been formed as part of the original Barrett Estate and are tarmacked, lit and have footpaths on both sides of the road. The current access to the now defunct oil pumping station on site would be closed off.

The indicative plan provided show areas of open amenity space which are also utilised for sustainable urban drainage areas. The applicant proposes housing of generally two storey height although 2.5 storey structures would be considered at key locations.

The applicant is also offering 25% affordable housing to be provided on site.

The site is roughly rectangular in shape and has an area of 3.45ha. The site is generally flat although ground levels fall slightly to the south east. The site is currently used for agriculture although the south western corner is fenced off and forms the former oil pumping station. This has been capped off and pipes cleaned and filled. Dykes exist along the eastern and southern boundaries.

The site is bounded by mature hedging to the north and the Belt Road. Several mature trees grow within the hedge including a good example of an Oak tree to the north western corner. To the west is an overgrown field hedge although there are gaps in this hedge. To the east and south is 2m high paladin fencing.

The site bounds an existing housing estate to the west where houses and gardens generally back onto the application site. These houses are two storeys in height. To the south is a dense block of mature trees (The 8 Acres Wood) whilst to the east are the playing fields of Trent Academy. To the north is the Belt Road beyond which is a strong mature tree belt to Gainsborough Golf Club.

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

The development has been assessed in the context of Schedule 2 of the Regulations but due to its scale and size (developments of <150 dwellings) are not schedule 2 development. The proposal is not therefore an EIA development.

Relevant history:

W33/384/84 Erect building in connection with the oil business. No observations 12 Jun 1984

GU/27/59 Drill boreholes within the urban district. CP

130947 County Matters application PL0011 14 for the determination of new and updated conditions to which a mining site is to be subject. No observations.

Adjoining housing site to west.

117831 Reserved Matters Planning Application to amend approved layout, minor reconfiguration of housing areas, substitution house types and provision of two additional dwellings (Re-submission of M05/P/0512) Granted 18 April 2006

117392 Reserved Matters Planning Application to amend the alignment of an approved means of access and landscaping to conform with the requirements of 278 works (Granted Outline Planning Permission, application number M03/P/0200) Granted 24 Jan 2006

116025 Reserved Matters Planning Application for residential development of 257 dwellings and associated works (Granted Outline Planning Permission, application number M03/P/0200) Granted 28 July 2005

M03/P/0200 Outline planning application for residential development. Granted 29 Dec 2003.

Representations:

- Ward members: Request to be kept informed of application but verbally raised concerns about increases in highway traffic, housing mix and the lack of executive housing, accessibility and affordable housing.
- Town Council/Meeting: No response received
- LCC Highways: Development accessed from the Belt Road will not be supported to the impact on highway safety.
- Environment Agency: No objection
- Archaeology: No objection
- NHS: Request £42,500 contribution to support local health facilities
- Environmental Protection: Concerns raised in relation to filter drains in back garden areas. There is a general inability to control such areas. Such facilities should be positioned to property frontages where access can be gained for maintenance.
Request conditions relating to contamination and noise.
- Health & Safety Executive: Request that IGAS be contacted due to capped oil pumping station.
- IGAS: No comments on the scheme but request various advice notes relating to the capped oil well are attached to any planning application to ensure a precautionary approach is taken to construction around these assets.
- Lincolnshire Fire & Rescue: Object on ground of inadequate water supply. Request 2 fire hydrants to accord with BS750:2006 to be located within a conspicuous location.

Local residents:

Objections from: 54, 71, 73, 75, 77, 83, 85, 91 (x2), 93, 95 (x2), 101 143 Sunningdale Way, 25 Lindrick Drive, 8 Birkdale Square. In summary the objections received included the following:

Only a small number of residents have been consulted on this development, the whole estate should have been notified as it will affect them in terms of traffic levels,

Location – the site is active agricultural land outside the urban boundary. The application should be refused on these grounds. There is a significant walk to any facilities showing the site to be unsustainable. There are lots of brown field sites in Gainsborough more suitable than this. These should be developed first. The site is within the AGLV and would not enhance the area.

Access – the Belt Housing estate is poorly designed with only one space per dwelling to park cars. As a result of this cars constantly have to park on pavements both sides of the road which prevents pedestrians walking on pavements but also narrow the road into a single carriageway. The additional 200 vehicles generated by the proposal could not be accommodated on the estate and congestion would increase and safety would reduce. Emergency vehicles cannot get past, these parked cars. Cars are parked all over including at junctions. In such situation it is very difficult to see and manoeuvre around. Traffic I worse please check this out at the weekends. The proposal will make things worse but increasing the need to get past these cars. The highway network is too narrow and the roads are in a poor state of repair. There is also only one point of access to this road. This would increase the maintenance costs for the Council. The estate roads were built for this estate not for another 100 dwellings. At access point c the two houses either side have only one car parking space so they have to park on the road, how are these cars going to be dealt with? No other options are possible, it is unfair if these owners are to have their space removed. A roundabout should be created at the blocked paved area on Sunningdale Way to prove traffic flow, speed humps and additional parking for existing residents. Snow blocked the estate in recent years so the new residents will be blocked in.

Access should be from the Belt Road to protect residents, the developer should pay to upgrade the Belt Road if it is not good enough. This should include: white lines, speed reduction to 30mph, widening, pavements and lighting.

Children play on the highway and additional traffic will create serious concerns for residents. The play area is also across the main loop road increasing the chance for accidents. There are no footpaths on the Belt Road or lighting making it unsuitable for pedestrian traffic and cyclists. The newly laid surface just leads to speeding increasing risks. The applicant should be made to improve this situation by providing footpaths and cycle paths to the school. The road is already at capacity with lots of accidents. The play areas will draw children leading to anti-social behaviour. The SUDS will be dangerous leading to the potential for children to drown.

Further development in the area will make it worse including a new school. The Avenue cannot cope.

Photographs in the presentation were taken at the wrong time of day when most vehicles are out of the estate.

Construction traffic should not be allowed through the estate for nuisance and safety considerations. As a result all construction traffic should enter and

leave the site at the Belt junction. Who will have to pay for the damage to any of the roads on site?

Housing need – Despite comments there is no housing need in Gainsborough, there are a significant number of houses up for sale on the Belt estate showing no need for additional dwellings.

The application site is quite small and 100 additional houses would be a lot for this site showing it to be an over development.

Affordable housing should not be approved on the site. The original estate was marketed as non-affordable these social houses should go into the centre of Gainsborough

Services - The town already struggles in terms of health services, schools and jobs, not to mention police and crime levels. Work and jobs should influence the location for additional dwellings. The estate is well kept and safe.

Residential amenity - Construction methods should be agreed to limit the impact on neighbours. Some residents backing onto the site work nights. Dust and noise would be a constant theme for years. Houses will overlook existing estate. Additional traffic will cause additional noise and nuisance.

When purchasing properties it was for the quiet enjoyment and outlook, we weren't told about further development. The increasing number of housing will reduce house values. There is not enough broadband on the current estate, the proposal will make it worse.

Wildlife - The site is home to deer, game and various species of bird. If development is to proceed then existing trees and hedges need to be protected. There are owls and buzzards living in the 8 Acre Wood and use the site for hunting, what will happen to them? Bats use the existing oak tree. The tree is protected by a TPO. The field is well used by dog walkers and is a cherished area. Footpaths would be used for anti-social behaviour. Existing owners have to pay a management fee for the upkeep of the area it seems unfair these other people should be able to use it for free.

Safety – The development should not back onto schools which would allow children to be watched. Child safety issues.

The site boundaries are not correct, boundary lines are to the middle of the hedge not the fence.

Profits first, residents feelings second.

Water pressure is already low at the site.

Revised plans

Highway Authority: Do not object subject to conditions relating to highways and drainage. There is also a requirement to enter into a s278 highways agreement to provide a 2.5m wide cycle and pedestrian access across the front of the site to connect to The Avenue.

NHS England: Request a contribution of £34,000 to improve health facilities

LCC Education: Request a contribution £224,913.60 towards Primary and Sixth Form education facilities

Gainsborough Town Council: The highways situation was noted as being dangerous but given recent decision at Saxilby it is clear that the situation could not be considered as severe and it is unlikely that sufficient reason for refusal could be justified.

Local Plan policies are out of date whilst the new Local Plan policies cannot be given weight. The Town Council would like to recommend that pressure be placed on the Central Lincolnshire Planning Team.

77 (x3), 81 (x3), 83, 85 93(x2) 95 (x3), 135, 137 Sunningdale & 25 Lindrick Drive

Most properties have two cars but only one space on the driveway with few garages. Why was such a situation allowed? This leads to the access roads of the original estate being heavily parked including double parking. Emergency vehicles have difficulty passing the site. Vehicles have to reverse out in between cars making it very dangerous. There are also limited sightlines at the two access junctions. A further 80 dwellings will make this worse. The two access points to the new estate are used by the two corner properties to park their second vehicle making these dangerous. It would also harm occupiers amenities. The entrance to the estate (Sunningdale Way) is confusing leading to accidents. There are fears for the safety of children within the houses on these roads, and ongoing concern for pedestrians, vehicles, site traffic, and road wear and tear.

Despite the two access points shown the majority of people will use point A increasing congestion and danger at this point.

Traffic at the access to The Avenue is very congested at 8am and 5pm. The extra traffic will make this worse. During the evenings the access roads are used for the parking of vehicles.

Access should be from the Belt Road why is this not being used? Existing developments use the Belt Road why not this one? This includes IGas which uses HGV's. The £25 million pound improvement to the Belt Road should occur now otherwise the proposal ought to be refused.

Traffic at the bottom of Thonock Hill is bad and this will make it worse. Also more consideration should have been given to Thonock Road, The Little Belt and the Avenue.

All objections relate to the access, in general, why does no one listen to those whom know the area?

Barratt Homes holds a ransom strip across the access, is Barratt Homes a key driver as to why the proposal could not be accessed off the Belt.

The removal of access from the Belt Road though is acceptable as it no longer passes behind my property. If the houses behind my property can have at least a 5m space between boundaries also in order to maximise privacy from the new houses. Concerns are also raised with respect to houses siding on to the existing houses

Why should existing occupiers have to put up with construction traffic every day for the next few years? The Belt Estate roads were built for the existing number of dwellings not 80 additional houses.

Social housing: The current belt development does not have any social housing which was a key consideration in purchasing a property in this area. Social housing would have a negative impact on the area and house values.

Water pressure is also poor and this will make it worse.

Loss of hedges to the front of the property.

Houses will now face onto the school aiding those whom wish to harm the children and is an ideal location to watch them.

Why can't these be larger houses more appropriate to this area? Why can't the houses go elsewhere? There are plenty of brownfield sites in Gainsborough.

Loss of value and loss of view.
Loss of wildlife

Why hasn't everyone in the estate been notified?

In response, the loss of a view and value are not material planning considerations. Water pressure is a matter for Seven Trent Water.

Revisions following the Dec 16th Planning Committee

135 Sunningdale Way

Further to the Planning Committee meeting on the 16th December 2015, at which I was present, I found it hard to fully understand the proposals about some extra garages so have since listened to the meeting on line and comment as follows since this application has been deferred:
1)I do not see how 12 garages built on the new development behind the houses on the eastern side of Sunningdale Way will ease the movement of traffic along the two main roads through Sunningdale Way.

*If?? the garages are used it will probably only be last thing at night and only if

the drivers are happy about walking back to their house in the dark, so cars will still be on the road during busy times.

*If the garages were to be built it raises questions as follows:

*How will the users be selected?

*Who will own the garages?

*Who will maintain the garages?

*What happens when someone moves away and puts their house (and garage) on the market?

*** As I said previously it will not make the slightest difference to the difficulties for the residents on the existing estate in relation to traffic volume increasing.

2) One factor was not mentioned at the meeting, which is very relevant, is where will the access be for all the construction traffic providing materials and equipment for the new site.

Sunningdale Way is even less suitable for heavy lorries, JCBs, cranes etc.etc. So this access MUST be from the Belt road.

I suggest, therefore, that the proposer again contacts Highways for their views.

If the highways still say all access can only be through Sunningdale Way then this should be the final nail in the coffin for this proposal until a time when the Belt Road has been totally redesigned and improved.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/>

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

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

STRAT3: Settlement hierarchy

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

STRAT9: Phasing of housing development and release of land

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

STRAT12: Development within the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

SUS1: Development proposals and transport choice
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Pedestrian and cycle routes within developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

MT1: Market Towns
<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm#mt1>

RES1: Housing layout and design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES2: Range of housing provision in all schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES5: Provision of play space/ recreational facilities in new residential development
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

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

CORE10: Open space and landscaping within developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE10: Area of Great Landscape Value
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE14: Waste water disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE19: Landfill and contaminated land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>

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

Central Lincolnshire Local Plan Further Draft (Oct 2015)

http://central.lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP9: Health and well being

LP10: Meeting accommodation needs

- LP11: Meeting housing needs
- LP12: Infrastructure to support growth
- LP13: Transport
- LP14: Managing water resources and flood risk
- LP16: Development on land affected by contamination
- LP17: Landscape, townscape and views
- LP18: Climate change and low carbon living
- LP25: Design and amenity
- LP26: Open space, sports and recreation facilities

The Central Lincolnshire Local Plan Further Draft is currently going through its second consultation (Oct 2015). The policies of this plan are therefore subject to debate, possible objection, modification or deletion. In accordance with paragraph 216 of the NPPF the Plan's policies can only be afforded very limited weight at this stage.

Main issues

- ***Principle of housing in this location and sustainability*** (STRAT1, STRAT3, STRAT9, STRAT12 and MT1)
- ***Highway safety*** (STRAT1 & RES1)
- ***Character*** (STRAT1, RES1, RES5, CORE10, NBE10 and NBE20).
- ***Housing mix*** (STRAT1 and RES2)
- ***Open space, play areas and drainage (maintenance and management)*** (STRAT1, RES1, RES5, CORE10 and NBE14)
- ***Contributions*** (STRAT1, STRAT9)

Assessment:

- ***Principle of housing in this location and sustainability***

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

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

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

Development would take place on agricultural fields in active arable use. The NPPF (paragraph 112) states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is

demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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

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

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

The new Further Draft Central Lincolnshire Local Plan (Oct 2015) has just been published and also contains a suite of policies relating to the planning principles for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Gainsborough would be considered as a main town. Here policies indicate that substantial housing development should be directed to the town supported by appropriate levels of employment growth, retail growth and wider service provision. LP3 indicated that 4,435 new dwellings required in Central Lincolnshire would be located within sustainable urban extensions and regeneration of specific areas.

Although the site has been put forward within the SHELAA for Gainsborough the application site has not been formally designated within the draft plan for consideration. The adjoining site, recently built out, is noted within the plan as being an acceptable location for housing. Similarly, the northern SUE to the north east of the site is also allocated as a potential housing site indicating that in principle this part of Gainsborough is deemed acceptable for growth.

In considering the Further Draft of the Central Lincolnshire Local Plan, it is important to note that it is still some way from adoption and particular approaches and/or policies could be challenged. As such whilst these policies need to be considered they should still only be afforded limited weight.

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

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

The Council has recently received the new 5 Year Housing Land Supply document which indicates the Council is able to identify a supply of 5.37 years’ worth of land across Central Lincolnshire.

The publication of the 5 Year Land Supply Report (October 2015) does not alter the position of the spatial strategy of the adopted Local Plan (2006) policies, they are still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development. The provision of the 5 Year Housing Land Supply Report should be considered within the planning balance required by para 14 of the NPPF, however as outlined earlier, the spatial strategy outlined within the Further Draft of the Local Plan notes that Gainsborough will be the focus for substantial housing development and as such it is not considered that the planning balance in this application will be particularly altered by the publication of the 5 year housing supply.

As has been indicated above Gainsborough is deemed to be a sustainable location and as such will be the recipient of an appropriate number of dwellings within the Further Draft Local Plan to contribute to the five year housing supply of land.

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

For decision-taking this means:

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

Planning balance

The proposed development does not comply with the adopted Development Plan, The West Lindsey Local Plan. Its spatial approach to housing and housing supply policies are largely deemed to be out of date. The Central Lincolnshire Local Plan is still at an early stage within the adoption process having only just completed the second consultation phase with the results of this unknown.

Annex 1 of the NPPF explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular

the presumption of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taken the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

As noted the plan is at an early stage and therefore its policies should only attract limited weight.

In the absence of an up to date Local Plan the proposed development therefore needs to be assessed against the provisions of the NPPF.

Sustainability

The NPPF indicates Sustainability has three strands: economic, environmental and social. The proposal therefore falls to be considered in these terms

Although the application falls outside the development boundary of Gainsborough it does adjoin it on two sides. Saved Policies STRAT3 and MT1 indicate the importance of Gainsborough as a central location for growth. Policy MT1 seeks to ensure an adequate supply of housing with choice and opportunity for all who need a home by allocating suitable sites and ensuring a mix of housing types including an element of affordable housing where needed.

The benefits of being located on a site adjoining Gainsborough is that it allow residents to enjoy the full range of facilities available within a town of this size. This includes jobs, education, health, retail and leisure facilities. Such development would support the growth of Gainsborough in economic and social terms and accord with the town's growth point status. These are strong positive reasons to support a residential proposal on this site.

Environmentally the site is well contained with the existing Sunningdale Way development to the west, residential and woodland development to the south and the school to the east. Whilst the proposal would lead to the loss of a greenfield agricultural site, it is a single relatively small field in between existing urban development. The proposal therefore would appear is a logical rounding off of the existing urban area. This also limits the impact of the loss of grade 3 agricultural land. The impact on the wider AGLV area would be limited by its position but also by the large belt of mature trees to the north of

the Belt Road. These trees fall within the ownership of the golf club and form a dense natural boundary to Gainsborough from northern viewpoints. As such from a character viewpoint the impacts of this proposal would be limited to the immediate surrounding area rather than from longer distances.

The site, however, is not without its short comings. Whilst in general distance terms the site well located for services and facilities the road/ pathway network is very limited meaning that access to services has to take a roundabout route increasing journey times. The Belt Road could provide access to a number of facilities but again the highway is not suitable for pedestrians or cyclists as there are no footpaths or street lights and the speed limit is 60 mph.

Initially the only option for cyclists and pedestrians would be to walk through Sunningdale Way to access the majority of facilities. The distances and average timing to access such facilities are noted below.

Amenity Type	Amenity Description	Distance from site	Timing (minutes)
Public Transport	Bus stops Lime Tree Avenue/ Highfield Lodge	1km	11
Shops/ services	Coop (Front Street)	1.6km	19
	Town Centre	1.7km	20
Schools	Morton Trent Side (Primary)	1.9 km	22
	Gainsborough Academy (Secondary)	1.9km	22
	Castlehills Primary (opening Sept 2015)	550m	6
General facilities	Doctors Surgery (Vanessa Drive)	1.5km	17
	Chemist (Vanessa Drive)	1.5km	17
	Leisure Centre	700m	8

In an effort to enhance access the applicant has agreed to direct a pathway through the site to the academy school to enhance connections. The exact detail of this is to be agreed but would allow pupils attending Trent Academy from the west good access to the school without a long walk. As the land beyond the application site falls within the schools grounds it is not possible to extend the access further but would allow the school to create a corresponding access to their side to enhance connectivity. The applicant has also agreed to fund a combined footpath/ cycle way along the front of the site to connect to the existing pathway at The Avenue. This would be constructed on highway land and would provide further connection without the need to navigate the existing estate pavements.

The site is also within an area that is designated for extensive housing as part of the Northern sustainable urban extension. This will require extensive works to the Belt Road. This would improve connectivity to the wider area along with the potential for public transport services. Such improvements would resolve the limitations outlined, however, such proposals are at a relatively early stage may be some years away. Therefore only limited weight should be attached to such matters and the present situation should be the main determining factor.

- **Highway safety**

The application now seeks to access the development solely from the existing estate of Sunningdale Way rather than partially from the Belt Road. The use of the Belt Road is the preferred route for objectors as it would take the pressure off the existing roads which are congested with parked vehicles. The issues to be considered are: the acceptability of the use of the existing highway access and why the Belt Road cannot be used.

The access points proposed to Sunningdale Way are of tarmac construction with paving either side and lit with street lights. The road is approximately 5.5m wide with the pavements either side some 1.8m wide (approx.). Such widths are deemed sufficient to allow vehicles to pass each other including HGV's. The width of the road, junction geometries and footpath widths on Sunningdale Way are all, in general, acceptable in terms of highway safety and allowing the free flow of traffic for both the existing estate and the proposed 80 dwellings.

Objectors have indicated that many residents park on the highway due to the limited car parking at their properties. This is partially due to the limited on-site parking levels on driveways. It is clear from site visits at various times of the day and early evening that vehicles (including transit type vans) are parking partially on the pavement and partially on the highway. Where this occurs on both sides of the road this can narrow the carriageway to a single lane.

Whilst accepting this is not an ideal situation, many roads in urban areas are congested like this and operate without significant accident levels or congestion. It can also be argued that vehicles parking on the highway can be considered as traffic calming measures requiring drivers to slow down and be more attentive to other road users. It is worth noting that in this case the estate is a product of its time when planning policies both local/national sought minimum densities and maximum off street car parking levels of 1.5 spaces per dwelling. In addition to this, a number of integral garages on the estate have been converted into habitable rooms reducing parking space at properties.

Similarly, it is noted that vehicles parking on pavements reduce safety levels for pedestrians. Whilst this is correct this currently happens and the proposed development will not in itself increase the level of vehicles parked on the highway/ path on Sunningdale Way. As such safety will not be made worse.

Highway Authority officers have been on site and considered the existing situation at Sunningdale Way and The Avenue. They have also been forwarded objectors photographs of the parking in the area. Having considered these matters they have not objected to the present proposals and consider the existing network to be safe, suitable and have capacity to accommodate the proposal.

In an effort to reduce existing residents' concerns the applicant has revised the indicative site plan to show 15 on street car parking bays close to the proposed access points, limiting the distance of these bays to the adjoining houses. Garage courts and off street car parking areas were deemed to be more problematic to fit into the scheme in an acceptable manner on the basis that such features could lead to crime and anti-social behaviour. In addition, the issues of who would be allocated such spaces and who would manage/ maintain such features would need to be resolved. It should also be noted that some existing occupiers may well object to such features adjoining their homes. The revised plans show an arrangement where on street parking is available, is reasonably close to existing houses, is overlooked, and hence is safer and finally can be adopted by the Local Highways Authority as part of the highway. Whilst this is unlikely to remove objections to this application the applicant has sought to address some of the residents' concerns and those of the Planning Committee.

The use of the main access points for heavy construction vehicles is a concern and an additional condition is recommended requiring the provision of a construction site and construction traffic management plan. This would include a routing agreement.

The submitted Transport Assessment has also considered the impact on various junctions that traffic would utilise in the wider area. These studies have concluded that the junctions have capacity to accommodate additional traffic without harm to safety or a significant increase in traffic congestion. Such studies have also taken account of the traffic generated by the proposed housing scheme at Castle Hills (131606) and the new school on the same site.

In considering the original scheme the Highway Authority has indicated that it would object to an additional access being formed onto the Belt Road, even for a small number of houses. The reason given for this is the quality of the highway which is a 60mph road, with no pavements or street lighting. This arrangement continues for a substantial distance along the Belt Road. Any increase in traffic along this road would therefore increase the risk of accidents both at the new junction but also that of the Belt Road and The Avenue which is particularly poor due to limited sight lines to the west because of the crest of the hill.

The Highway Authority has indicated that to improve the road would require considerable investment, which would include road widening, pavements, lighting and junction improvements to The Avenue which would involve the flattening of the hill crest to the west. Such works would be necessary to

consider a reduction in speed limit which could allow additional access points to the road. Such works are disproportional to the scale of development currently proposed. The Northern Sustainable Urban Extension (SUE) to Gainsborough to the east offers a realistic potential to fund highway improvement works due to its potential scale and impacts. Such a development, however, may take some time to come forward and as a result to allow access to the Belt Road on the basis that the improvements would follow shortly through the SUE work would increase traffic levels at a dangerous junction without a reasonable prospect of the improvements being completed. This would be unacceptable particularly when acceptable access points are available.

In accepting that the site has limited links to the surrounding area, the applicant has agreed provide an additional pathway to the school to the east of the site and an extended cycleway/pathway to the site frontage to link to The Avenue. These elements are not insubstantial and would aid access by no vehicular means.

- ***Character***

The site is currently an agricultural field with mature hedging (and some mature trees) to the north and the Belt Road. The Belt Road itself has grass verges either side of the road creating a rural feel to this area. The development of a housing estate would therefore represent a significant visual change to the character of the area. The loss of greenfield a site and its replacement with a housing estate could be considered to detract from the traditional rural character of the Belt.

As has been outlined above, however, whilst the site is located on the edge of Gainsborough it is surrounded on two sides by existing development. This together with the tree belt screening to the north and south reduces any physical character impacts to the immediate area. This includes the impact on the Area of Great Landscape Value. The character classification for this area is the Trent Valley. Here the landscape is characterised by the higher land on the outskirts of Gainsborough which is screened by dense tree planting. It further notes that new development to the periphery should be bounded by new or existing hedgerows and anchored into the wider landscape. The belt of trees to the north and south reduces any long distance views of this site.

In this instance the Belt Road provides a physical boundary to development to the north whilst the site is bounded by the Summerdale Way estate to the west and the Trent Valley Academy (with its extensive planting and sports pitches) to the east. This together with the 8 acre wood to the south provides the main characteristics to the immediate area. The developer seeks to build on the good design of Lindrick Drive fronting the Belt Road by proposing housing facing onto the road with significant additional planting, the retention of the existing trees and hedges to maintain the character of the Belt Road. This is particularly important and, although this is application is for outline permission, conditions are recommended to maintain a landscaped strip to

the front of the site. This will assist to maintain the attractive quality of the area.

The plans whilst indicative also show that open space can be provided to the east of the houses. This would be accessible but would also help to soften the change in character from open playing fields to residential estate. Similarly, indicative plans show the retention of existing hedges and trees along with further landscaping which can be controlled through conditions.

The proposal for general two storey development with key note buildings of 2.5 storeys in height would not be out of character with surrounding areas.

- **Housing mix**

Objectors to the scheme seek to reduce housing number whilst the requirement for larger executive housing has also been requested. Local Planning Policy RES2 seeks developers to provide a mix of housing and tenures to meet the needs of the population. The outline nature of the application makes this difficult to identify but indicative plans show the site to be capable of accommodating mainly 3 and 4 bedroomed properties. It is likely that at reserve matters stage that a greater mix will be sought, however, the plans are sufficient to show that up to 80 dwellings could be accommodated in this site. Any reduction in the size of homes could be therefore accommodated within the maximum number of dwellings recommended for this site.

Applicants also propose 25% affordable homes and are willing to accept these properties be accommodated on site. This recognises the need for affordable housing within Gainsborough.

- **Open space, play areas and drainage (maintenance and management)**

The development would lead to the loss of open countryside which does provide an attractive area for recreation, indeed the current driveway to the former oil well is used by dog walkers informally. Its loss to development would therefore represent a decline in some existing resident's amenities.

The indicative plan, however, includes significant areas of open space within it which are linked in a linear fashion to the eastern side of the site. This area together with landscaped walks equates to the significantly greater area than the 7.5% open space requirement sought by Saved Policy RES5. Given the outline nature of the site it is recommended that conditions are imposed requiring this area of the site to be made available as useable open space.

A LEAP area is proposed which is an equipped play area for the local area. No details of this have been provided and investigations need to be undertaken as to whether the town council wishes to take responsibility for future maintenance of this provision. A management company is proposed to

maintain this facility and an s106 legal agreement is recommended to ensure facilities are available to maintain this in the future.

It is noted that within the surrounding area, surface water drainage has been an issue. The removal of this green field site could therefore exacerbate this issue which is a concern.

As noted above, however, the site includes a dedicated play area and more general open space which would double as part of a sustainable urban drainage area to flood at times of excessive rain. Such drainage features are generally dry for the majority of the year and would be graded in a shallow fashion to ensure that they are usable in a safe manner.

The applicant has provided a general drainage strategy which has indicated that a development of this scale could be successfully drained without causing harm to surrounding areas. The strategy indicates that surface water would be directed to swales and ponds before being released at controlled greenfield rates into the existing dyke system. The detailed scheme would need to be designed and agreed for the site but the layout and density is such that appropriate drainage measures could be accommodated on site. Any detailed design will need to be submitted as part of a reserve matters application. It is important, however, that an s106 legal agreement is entered into at the outline stage to ensure a future developer is bound to comply with such an agreement.

- **Services and infrastructure.**

The issue of sustainability also relates to the ability of existing services to deal with the proposed development. Given the site adjoins the Gainsborough area occupiers will be able to access the majority of high quality services. This accords with Saved Policy STRAT1, ix) which requires the availability and capacity of infrastructure and social/community facilities to adequately serve the development;

The Education Authority has now requested a financial contribution (£224,914) to Primary and Sixth Form Education in the Gainsborough to support physical expansion of facilities. The applicant has accepted the requirement and this will form part of an s106 legal obligation if the application is supported.

Health provision also requires support as the capacity of general practitioner services in Gainsborough is under pressure. The NHS has indicated that a contribution of £34,000 is requested. This would include works to Caskgate Street Surgery, Pottergate Surgery and Cleveland Surgery both of which are on Vanessa Drive. This will take the form of physical alterations/extensions to assist in dealing with the increase in numbers at the surgeries.

Finally, the Sustainable Urban Drainage systems which form part of the open space and the LEAP will require a maintenance regime for long term. The facilities will not be adopted and as a result a management company will need

to be agreed along with a management plan. The applicant has indicated a willingness to enter such an agreement and has agreed heads of terms as outlined at the start of this report.

Other matters

Nature conservation

The applicant has provided a phase 1 habitat and protective fauna survey which indicates that the site is generally farmed and therefore has limited opportunities for wildlife. The site does, however, include a number of mature trees and hedgerows. These features have the potential for wildlife and should be retained. The applicants' layout is indicative but does show the retention of hedgerows to the front of the site. The hedge to existing properties is not shown and is sporadic but can be accommodated within any layout given the indicative nature of the current plan. Conditions are therefore recommended to ensure that the investigations are undertaken and until these occur to retain existing trees and hedges currently on site.

Contamination

The site is known to have been the location for oil pumping apparatus and piping. Whilst the operator has capped the well, cleaned and filled remaining pipework with inert material there is still a potential for contamination following this use. As a result of this it is recommended that conditions be imposed requiring an assessment of the site for potential contaminants with remediation/ mitigation undertaken if required.

Conclusion

Although the site is not allocated within either the adopted West Lindsey Local Plan or the Further Draft of the Central Lincolnshire Local Plan the site immediately adjoins the urban area of Gainsborough with all its facilities and opportunities. Gainsborough is noted within both Local Plans as being a focus for significant housing growth particularly within the wider north eastern part of the town around where this development is proposed. Whilst the site does not form part of the 5 year housing land supply assessment, the advice within the NPPF is that housing development within sustainable locations should be supported unless material planning considerations indicate otherwise. The five year supply is therefore a minimum requirement but reduces the weight to be placed on the provision of housing in the planning balance where significant material concerns are outlined.

The development of the site would have limited impact on the character of the wider area and on a more localised basis could be considered to finish off the urban area next to the open playing fields of Trent Academy. The use of conditions to ensure public open space fronts both the Belt Road and the school fields would ensure that the character of the area would be enhanced by softening the change from open space to an urban environment.

The site is located outside of the flood zone and would provide a good mix of additional housing for the town. The application shows an agreement to provide 25% affordable housing and this will assist to meet need within the Gainsborough area. Similarly, the site would generate a need for a £34,000 health and £224,914 education contribution to be provided to mitigate any increased impact of the development on local facilities. Surface water drainage would be managed through a SuDs system of swales before releasing water into the existing drains at a controlled rate reducing the likelihood of any additional flooding being experienced at the site or in the surrounding area.

The proposal would utilise access points to an existing estate which are deemed of sufficient width and quality with pavements and lighting to protect safety and maintain capacity. Additional on street car parking has also been proposed. The Highway Authority has not objected to the proposal.

The proposal would, however, build upon a grade 3 greenfield site taking it out of agricultural production and creating a further urban area. The proposal would also alter some existing resident's outlook. Whilst such concerns are noted, it is considered that the loss of this small individual field of moderate to good quality would not be sufficient reason to resist the proposal. Similarly, the impact on the character of the area would be limited to its immediate surroundings. The proposal would significantly increase traffic levels within the existing estate which would increase nuisance, congestion and reduce safety. These impacts both individually and collectively are not deemed serious concerns and the road system would be sufficient to accommodate additional traffic without harm to safety or congestion levels. Without a formal objection from the Highway Authority it is not deemed appropriate or acceptable to seek to resist this proposal on these grounds.

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

- The provision of 25% affordable housing units,
- £34,000 for health centre improvements.
- £224,914 education contribution
- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems

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

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

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 30 months from the date of this permission.

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

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

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should include:

- Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site, following the principles within the submitted Drainage Strategy.
- Attenuation details and discharge rates to demonstrate that rates would not exceed 12.5 litres per second; and
- Details of the timetable for, and any phasing of, implementation of the drainage scheme;
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime;

The development shall be carried out in accordance with the approved drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details

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

4. No development shall take place until, a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme approved under this condition.

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

5. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the street layout proposed shall be submitted to and agreed in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of highway safety and capacity; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with saved Policies STRAT1 and RES1 of the West Lindsey Local Plan.

6. Before development first commences the recommendations of the Wildlife Report, including the submission of additional reports and investigations, shall be completed and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: To protect wildlife and enhance biodiversity in accordance with saved Policies STRAT1 and CORE10 of the West Lindsey Local Plan and the provisions of the NPPF.

7. No development shall be commenced before the details of works to improve the public highway (by means of providing a 2.5 metre wide shared surface footway/cycleway along the Belt Road to form a connection with the development adjacent to the north eastern corner of the site so as to connect up to the existing facilities at the junction of the Belt Road with The Avenue) and a pedestrian access pathway through the development to the Trent Academy boundary have been submitted to and approved in writing by the LPA. The approved schemes shall be certified complete and ready for use by the local planning authority before the any dwelling is first occupied on site.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and inaccordance with Saved Policies STRAT1, STRAT9, RES1, SUS1 and SUS4 of the West Lincsdey Local Plan and the provisions of the NPPF.

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

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the

Environmental Health Manager in accordance with West Lindsey Local Plan First Review Policy STRAT1.

9. No development shall take place until, a construction traffic routing and timing agreement has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interest of residential amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Conditions to be observed during the development of the site

10. Notwithstanding the outline nature of this permission the areas of open space hatched on drawing no. PL02 rev k shall be maintained as public open space/ suds drainage feature and shall not be used for any other purpose.

Reason: To maintain the character of the area and to provide adequate outdoor amenity space and to create an acceptable transition from the countryside to urban area in accordance with saved Policies: STRAT1, RES1 and NBE20 of the West Lindsey Local Plan.

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

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

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

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

13. The development hereby approved shall not exceed 80 dwellings.

Reason: To maintain the character of the area, highway safety and drainage in accordance with saved Policies STRAT1, RES1 and NBE20 of the West Lindsey Local Plan 2006.

14. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

Conditions to be observed before occupation of any of the dwellings

15. None of the dwellings hereby approved shall be first occupied until the foul and surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by conditions 3 & 4. The approved system shall be retained thereafter.

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

16. Notwithstanding the details submitted with the application, none of the dwellings shall be first occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

17. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: PLO1, PLO2 rev K (in relation to open space only), PLO3 and Documents Titled: Design & Access Statement, Phase 1 Habitat and Protected Fauna Survey, Planning Statement, Flood Risk Assessment, Transport Assessment. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policies STRAT 1 STRAT3, STRAT19, MT1, RES1, RES5, RES6, SUS1, SUS4, NBE20 and CORE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (NPPF)

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

None

Advice notes

The developer will need to enter into a Section 278 Agreement with Lincolnshire County Council to deliver the highway improvements and combined cycle path and footway.

The Sustainable Drainage Scheme should include the use of permeable paving, driveways and road and include a scheme to transfer surface water from private properties to the swales proposed. The private driveway construction should also not involve the use of culverts but be crossable open channels.

The developer is directed to the attached map and advice notes with respect to the pipelines and wells on the site and the guidance, restrictions and legislation which protects them.

The developer is requested to include two fire hydrants within the development. The fire hydrants should be located on the main roads (in accordance with BS3251/ 1976 and conform to BS750:2006 and should sustain a minimum outlet discharge of 20 – 75 litres/ second.

Reason for approval

It is considered therefore that on balance the proposal would represent a sustainable residential development, which would assist to meet the housing need whilst maintaining: the character of the area, heritage assets, residential amenities, highway safety, local facilities, landscaping, wildlife and drainage capacity and would accord with saved Policies STRAT1, STRAT3, STRAT19, RES1, RES5, RES6, SUS1, SUS4, NBE20 and CORE10 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework (NPPF)

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by: Jonathan Cadd

Date : 4/12/15.

Signed: 

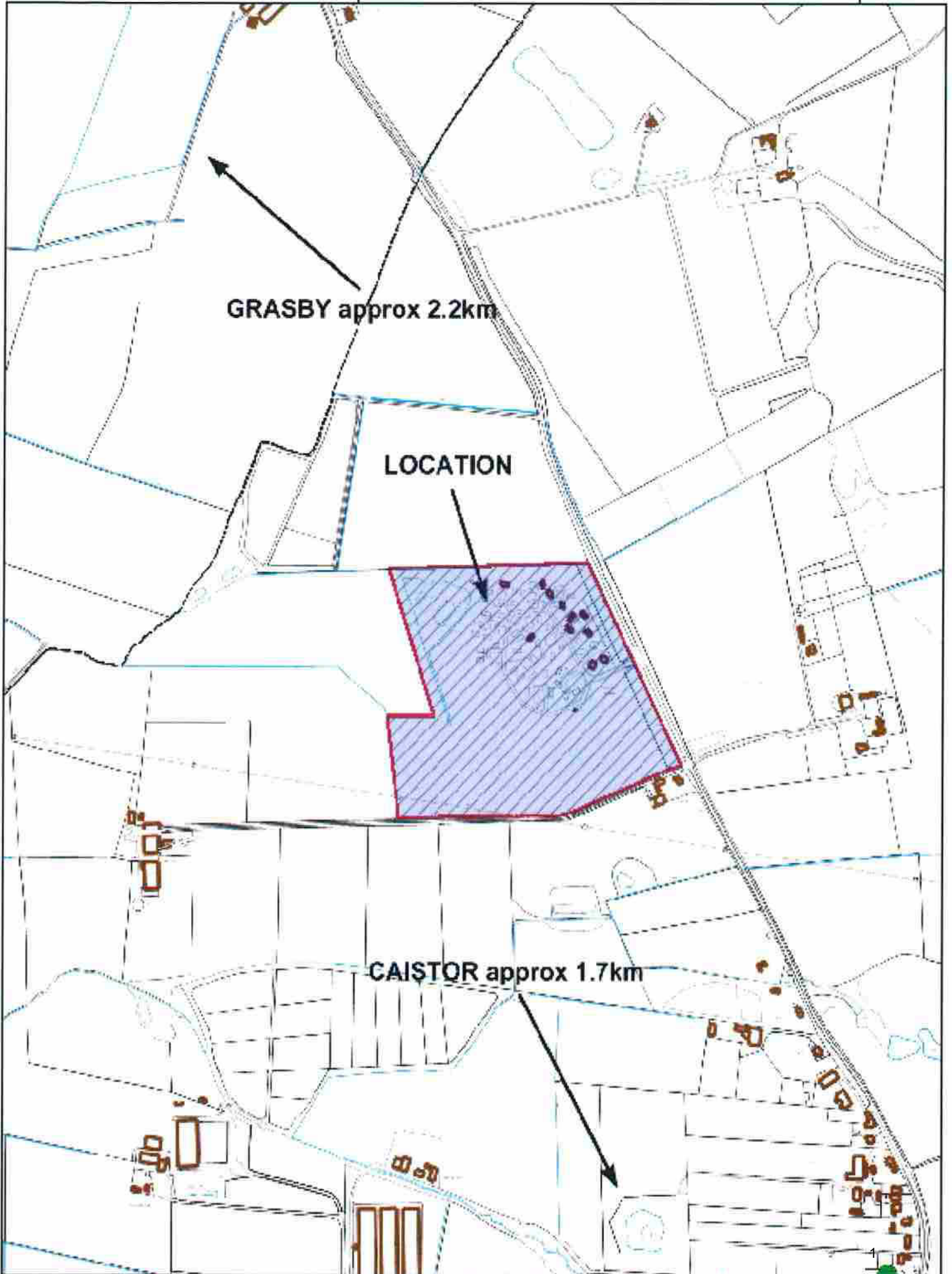
Authorising Office **Date:**

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee



Officers Report

Planning Application No: 133413

PROPOSAL: Planning application to remove conditions 1 and 2 of planning permission 131272 granted 12 June 2014-to allow permanent residential use of holiday lodges

LOCATION: Wolds Retreat Holiday Park Brigg Road Market Rasen LN7 6RU

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O. Bierley and Cllr Mrs A T Lawrence

APPLICANT NAME: Mr William Green, Greens Park Homes Ltd.

TARGET DECISION DATE: 04/11/2015

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: George Backovic

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

1. The provision of an offsite contribution towards affordable housing of £726,510 (Based on the West Lindsey Supplementary Planning Guidance off Site Contributions in Lieu of Affordable Housing (2010 tariff))
2. Delivery of a regular bus service between the site and Caistor Town Centre with details of the proposed frequency to be agreed and measures to ensure the continued operation of the service.
- (3. The provision of a financial contribution towards education).
- (4. The provision of a financial contribution towards medical services.)

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

Description:

Site- Partly completed Holiday Park set within open countryside between the town of Caistor and Grasby. There are 14 log cabins on the site

Proposal and relevant history

Planning permission was originally granted in 2002 for a total of 60 units comprising a mix of log cabins, static caravans and tourers (M01/P/1032). This was subsequently changed and permission was granted for 60 log cabins and a new access in 2005 (M05/P/0219). Application 120746 deleted the restriction on occupancy of the log cabins between 5th January and 1st

March to enable use of the site for holiday accommodation all year. The deleted condition was replaced by alternative conditions which ensured the continuing nature of the occupation of the buildings as holiday accommodation and the prevention of use as permanent residences. In 2011 a Lawful Development Certificate was granted confirming it was lawful to use 60 cabins for holiday accommodation for up to 12 months. A Section 73 application was submitted in 2012 to vary condition 1 by excluding 11 named plots from the restriction on use as a person's sole or main place of residence (Ref 128389). This was presented to Planning Committee which turned down the application in line with the officers' recommendation and issued a new planning permission with the restrictions remaining in force.

There is also an undetermined planning application for a retrospective change of use of a cabin to a site office and a shop (133400).

This application seeks to remove conditions 1 and 2 of planning permission 131272. This was also a Section 73 application to vary condition 1 of planning permission 120746 to allow permanent residential use of all 60 log cabins. This was not granted and a new permission was issued with the following conditions:

1. None of the buildings shall be used:

- (a) otherwise than as holiday accommodation; or
- (b) at any time as a person's sole or main place of residence

Reason: To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with Policies STRAT1 and STRAT 12 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and the National Planning Policy Framework 2012.

2. The owners/operators of the land on which the buildings stand shall maintain an up-to-date register of the names of all owners/occupiers of the individual buildings on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with Policies STRAT1 and STRAT 12 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and the National Planning Policy Framework 2012.

The applicants lodged an appeal against the imposition of the conditions (Ref APP/N2535/W/14/3001260) which was **dismissed** on 20th May 2015.

The current application also seeks to remove these two conditions with the changes from the previous proposal in the provision of an adoptable footpath including street lighting from the site to the closest footpath to the south towards Caistor (approximately 835 metres) and offers the possibility of a minibus service operating twice daily Monday to Friday between the site and Caistor town centre.

Representations:

Chairman/Ward member(s): Cllr O. Bierley: Requested referral to planning committee for determination.

Caistor Town Council: The council is in **favour** of the application but think:

- The current 50 mph speed limit on Brigg Road A1084 be extended to the Clixby side of Wolds Retreat.
- That some contribution to medical health services be made
- That the site is made up of a mixture of cabin designs rather than becoming an uninteresting view
- That street lighting be subdued and tasteful so as to allow people to be aware of the night sky
- That if a bus is to be provided it is preferable that people support the shops in Caistor, rather than having an on-site shop

Local residents: 21 representations have been received in **support** of the proposal from: 10 Balmoral Close (owner of plot 28 Wolds View); Holly Cottage; Fonaby Lodge; 2 Hopfield, Hibaldstow; 2 Cottages, Newsham Lane; 15 Malvern Avenue; Fornaby House Farm; Fonaby Lodge; Fonaby House Farm Cottage; 5 Hazel Croft, Immingham; Plots 1, 3,6 and 7 Wolds View; Turnbury House. Brigg; The Studio, Market Place; The annex, Welton House; Clark House Cottage; 22 Plough Hill and 28 South Street:

- This is a well maintained, attractive and secure site and I would prefer to live next to a retirement park rather than a holiday park
- I fully support this application as the development is on a brownfield site with all services (gas, electricity, water and drainage) in place at present. When fully finished it will significantly enhance the site. It will also deliver more houses in the area and increase the footfall to the town thereby helping the businesses in Caistor.
- With a young family the footpath is a massive plus point

- Represents the perfect opportunity to increase housing numbers and reduce the pressure on Caistor
- Refusal would be a disappointment to current residents
- This is a brownfield site with the bases already in place and the footpath would make walking to Caistor easier
- We do not have enough accommodation to meet the needs of our community which this will address
- Enabling the site to be occupied by only over 50's for permanent residential use should alleviate pressure on local authority housing in the area.
- The addition of a footpath along Brigg Road would be a good idea and make the road safer for pedestrians walking in to Caistor
- The mini bus service would be an added bonus as it would not be necessary to use a car to access the facilities in Caistor
- A great site which has not developed due to planning conditions
- I understand the owner has spent more than £1.5 m on this site and has not been able to gain a return on his investment. It is important to encourage businesses to invest in Caistor.
- I am the editor of a hyperlocal news website called the Caistor Citizen and should like to ensure the planning authority is aware of public opinion in support of this application.
- This will allow the site to be completed

A representation has been received from 9 Horsemarket:

- The application should formally offer what is currently only in the supporting information
- That the offered footpath and lighting link from Wolds Retreat to Sheilings Farm – 930 m / 1017 yards be conditioned and no further residential occupation should take place until it is complete.
- That the current 50 mph speed limit be extended on Brigg Road A1084 to Wolds Retreat
- That the applicant provide a data / registration number recording SID machine

- That the dwellings shall be for permanent occupation by persons over 50 years only
- Given that 60 dwellings will realise at least 120 residents that a contribution to medical/health services must be made.

Local Businesses: A petition with 28 signatures has also been received:

“We the undersigned businesses of Caistor fully support the application for Wolds Retreat. As a town keen to support small business we welcome the footfall the site will create”

Market Place: Eileen’s Sport Therapist; Mick’s Chippy; Skin Couture; Beauty Couture; The Settlement, Just For Gents, Caistor Loco, Pizza Uno, The Paper Shop, Caistor Post Office; Sanderson Green; South Street: The Dresser of Caistor; Sandhams Wine Merchants; Lincolnshire Computer Surgery; Coffee shop and the White Hart Public House; Tea Cosy Café, Cornhill; Spar, Horsemarket; Music Tuition and Therapy, Lincoln Drive; Caistor WI, Dale View; Caistor Plumber, Wolds Retreat; Mandy’s Hair Salon, High Street LN66, Vegetable Stall, Gordon Fields, Market Rasen; Pet Stall, Howsham; P D Electrical, Nettleton; Caistor Arts & Heritage, Horsemarket and HC Taxis, South Kelsey.

LCC Highways: No objections subject to footpath provision via a section 278 agreement

Housing and Communities: In relation to affordable housing on this application should permission be granted for 60 new permanent residences there would be a requirement for 25% of the total units to be delivered as affordable housing as per policy Res 6 of the West Lindsey Local Plan First Review 2006. The ‘demonstrated need’ being evidenced by the Central Lincolnshire SHMA 2015. However the location and type of housing proposed is considered both unsustainable and unsuitable for the delivery of affordable housing and therefore an offsite contribution would be required in lieu of affordable housing. Based on the West Lindsey SPG off Site Contributions in Lieu of Affordable Housing (2010 tariff) this would equate to £726,510.00

25% of 60 = 15

15 x £48,434.00 = £726,510.00

Permanent Dwellings: The Housing and Communities Team consider park homes to be wholly unsuitable as permanent dwellings for over 55’s particularly as residents become less mobile and more vulnerable. Adaptations may be necessary in the future for the older demographic. In such dwellings adaptations are neither cost effective nor in many instances can they be adapted to suit specific needs. Based on this the application to remove the conditions is not supported by the Housing and Communities Team

Conclusion: If Members are minded to grant permission there will be a requirement for an off-site affordable housing contribution however the application to remove conditions 1 and 2 of planning permission 131272 granted 12 June 2014-to allow permanent residential use of holiday lodges is **not supported** by the Housing and Communities Team

LCC Education: Verbal update

NHS England: Verbal update

Relevant Planning Policies:

Development Plan

West Lindsey Local Plan First Review 2006 (saved policies)

STRAT1: Development requiring planning permission

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

STRAT 12 Development in the open countryside

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

National Guidance

National Planning Policy Framework 2012

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance 2014

<http://planningguidance.planningportal.gov.uk/>

Main Issues

- Whether the current application with the addition of a public footpath and the possible provision of a mini bus service overcomes the reasons for the dismissal of the previous appeal
- Need for affordable housing
- Education Contribution
- Medical Contribution

Assessment:

Introduction - An application under Section 73 of the amended 1990 Planning Act is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This

[section](#) provides a different procedure for such applications from that applying to applications for planning permission, and requires consideration only of the question of the conditions subject to which planning permission should be granted. This does not prevent consideration of the wider considerations affecting the original grant of permission: the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited.

The options are therefore as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. The new conditions cannot be any more onerous than the existing permission.
2. Grant permission unconditionally if it is considered that the existing conditions do not pass the six tests contained within Planning Practice Guidance (precision, necessary, relevant to planning, relevant to the development, enforceable and reasonable in all other respects)
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

Whether the current application with the addition of a public footpath and the provision of a possible mini bus service overcomes the reasons for the dismissal of the previous appeal:

The Inspector reasoned that the limited bus service provision and the lack of a safe walking route did not provide sufficient transport alternatives and that the scale of the development would create an unacceptable number of car-based trips. This allowed him to conclude that the site was not in a sustainable location and would not constitute sustainable development.

In deciding the appeal the Inspector noted that there were no footways or paths from the site to either Grasby or Caistor. A condition had been suggested requiring the provision of a new footway from the site to connect with the Highways Authority's proposed footway from Caistor to Sheilings Farm however the Inspector felt that there was *"insufficient information to conclude that the appellant's suggestion would be possible or acceptable to the Highways Authority. At present, the walking route to Caistor involves crossing this busy main road several times as the existing footway lies on alternative sides of the road. In the absence of further information, I am not persuaded that there is, or is likely to be, a safe walking route between the site and Caistor."* The current application includes detailed plans and specifications for the construction of a 1.2 metre wide footway including the position of proposed street lighting. These plans have been assessed and no objection has been raised to the proposal from the Highways Authority.

The inspector also addressed public transport provision: *"Bus services to and from the site are limited. The weekly no 161 service, the thrice weekly service*

to a local supermarket and the advance booking Call Connect service are not available every day or in later evening. Whilst there may be some mobile provision of services in the area or future provision of a small on-site shop, it is unlikely that these bus services would sufficiently meet all of the needs of the occupiers, which would also include the need to travel to health and medical facilities. This would be the case regardless of the age of the occupiers so the appellant's suggestion that the age restriction could be changed would not overcome these concerns. The appellant has not provided sufficient evidence to show that any expansion of bus services to or from the site is likely. The current application includes a letter from J R Dent Coaches which simply states:

"I would like to confirm that we would be happy to provide a regular service transporting fare paying passengers from Wolds Retreat into Caistor and return. The registered service which would be partly subsidised by yourself to carry passengers once or twice daily throughout the week, times and frequencies to be discussed at a later stage". There is no mechanism offered to deliver such a service and to ensure its continued operation beyond the grant of approval. In any event the provision of just a single return service in the morning and one in the afternoon on weekdays only is not considered sufficient to satisfactorily address the lack of public transport. A more frequent service including during weekends would be more appropriate and would increase the sustainable credentials of the sites location. This could be capable of being satisfactorily addressed through a section 106 legal agreement. The applicant's agents have suggested that the proposed footpath works commence no later than the occupancy of the 15th cabin and be completed prior to the occupation of the 31st cabin. This is not considered acceptable as the key issue is that the site needs to be considered a sustainable location in order for planning approval to be granted. There are already 14 holiday lodges on the site which if planning approval were to be granted in the absence of the footpath and bus provision would be permanent residences in a "location that is not sustainable" as described by the Inspector.

This is a finely balanced case as the Inspector was unequivocal in dismissing the appeal and objections to the proposed removal of the conditions are raised by the Housing and communities Team. Notwithstanding this it is considered that on balance subject to the upfront provision of the footpath and an improved bus service both secured by appropriately worded conditions and a section 106 legal agreement that the current proposals reasonably address the reasons for dismissal of the previous appeal.

Highway Safety

There are no objections to the proposal on highway safety grounds and no requirement for the 50 mph speed limit to be extended as requested in some of the representations received above.

Affordable Housing

Approval of the current proposals would allow up to a total of 60 permanent residences to be built on the site. Policy RES 6 - Affordable Housing sets out

the affordable housing policy context for the District. The affordable housing requirement will be for 25% of the dwellings to be delivered as affordable housing (15 dwellings). Paragraph 50 of the NPPF is relevant to the approach to affordable housing. As can be seen from the comments above this will need to be provided in the form of an offsite contribution of £726,510.00 towards affordable housing provision secured through a Section 106 agreement. There is no agreement at the time of preparation of the report from the applicant to this.

Education and Health Contributions

These may be required however at the time of writing this report comments are being awaited.

Condition limiting occupation to over 55s only

Although the application refers to the site being used by persons aged 55 and over there is no sound planning reason for the imposition of a condition restricting the use of the site. It is not considered reasonable, necessary or relevant to the development.

Design

The designs of the log cabins have been approved by previous applications.

Conclusion

Option 1 referred to above is considered the most appropriate course of action. Conditions 1 and 2 of the original approval which taken together ensure the use of the site for holiday purposes only can be removed subject to the completion of the footpath referred to above and the provision of an acceptable bus service between the site and Caistor Town centre. This would render the current conditions as unnecessary and not reasonable.

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

1. The provision of an offsite contribution towards affordable housing of £726,510 (Based on the West Lindsey Supplementary Planning Guidance off Site Contributions in Lieu of Affordable Housing (2010 tariff))
2. Delivery of a bus service between the site and Caistor Town Centre with details of the proposed frequency and measures to ensure the continued operation of the service.
- (4. The provision of a financial contribution towards education. tbc)
- (5. The provision of a financial contribution towards medical services tbc).

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

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 are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings listed below:

- 999/01
- 999/02
- 999/03
- 999/04

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

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

3. No log cabins on the site shall be used as permanent residences until the proposed footpath and street lighting works shown on the drawings referred to in condition 2 have been implemented in full to the written satisfaction of the Local Planning Authority.

Reason: These are required to provide a safe walking route between the site and the facilities and services in Caistor and are a key component of being able to view the site as a sustainable location for permanent residences in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012

Human Rights Implications:

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

Legal Implications:

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

Prepared by: George Backovic

Date:

Signed:

Authorising Officer:  **Date:** 30 Dec 2015

Decision Level (tick as appropriate)

Committee



Site location plan

1:2500 @ A3

Officers Report

Planning Application No: 132847

PROPOSAL: Hybrid planning application for a change of use to provide areas of public open space-sports facilities, including outline planning application for the erection of up to 200no. dwellings and associated roads and infrastructure with access to be considered and not reserved for subsequent applications.

LOCATION: Land off Larch Avenue Nettleham Lincolnshire

WARD: Nettleham

WARD MEMBER(S): Cllr G Mc Neill, Cllr A White

APPLICANT NAME: Beal Homes Limited

TARGET DECISION DATE: 20/07/2015

DEVELOPMENT TYPE: Large Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: GRANT PLANNING PERMISSION, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The Developer covenants with West Lindsey District Council to pay West Lindsey District Council ('The Council') the total contribution of £7,400 for all measures identified within the Travel Plan plus a further £5,000 pa for a period of five years for a Travel Plan Co-ordinator.
- To deliver 25% of the housing units (up to 50 dwellings to be a mix of shared equity/affordable rent) as Affordable Housing on site.
- A financial contribution of £451,057 (four hundred and fifty one thousand and fifty seven pounds) towards the enhancement of education facilities within Nettleham.
- A financial contribution of £85,000 (eighty five thousand pounds) towards primary care NHS health facilities within a five mile radius of the application site.
- Future management and maintenance of public open spaces, play areas and surface water drainage scheme via an appropriate management and maintenance regime, to be agreed in writing. This includes the management and maintenance of the part of Nettleham Beck running through the north of the site.
- Provision of Nettleham Beck footpath and amenity area

- **The re-profiling of the site to reduce flooding and increase land able to accommodate flood water**
- **The Developer shall pay the Council, on or before the completion of the Agreement, the proper and reasonable legal costs incurred in connection with the preparation and completion of the Agreement**

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

Description:

The application site is located to the south eastern edge of Nettleham off Larch Avenue a modern housing estate. The site has a rough “L” shape some 14ha in area.

The site has a number of uses. The vast majority of the site is active agricultural land particularly to the north and north east whilst a small portion to the east has derelict buildings upon it. Another smaller portion of the land to the immediate north of the Hawthorns appears to be informal grass land. Ground levels to the east are generally flat but to the north the land falls significantly towards Nettleham Beck. The site is divided by a number of mature field hedgerows and shallow drainage ditches. In addition to this, a number of informal footpaths cross the site to the north with access points to the Hawthorns and the Ridgeway. Close to the beck is a balancing pond utilised for drainage from the existing Larch Avenue estate.

To the south and west of the site are existing residential developments of varying sizes, scale and age. To the east is a large horse paddock and agricultural fields. Boundary treatments vary although a significant number of dwellings have hedges and fences. A large mature hedge exists to the eastern boundary of the site. To the extreme eastern corner of the site lies the Nettleham Sewerage Station. To the north/ north west beyond the beck is a further residential area around Highfields Avenue along with further agricultural fields , is the subject of an outline planning proposal 131975 for 68 dwellings, access and allotments.

This application is a hybrid application including: change of use to provide public open space and an outline proposal for up to 200 dwellings with associated roads and infrastructure. Access is to be considered and all other matters reserved (scale, layout, design and landscaping). Access would be from a junction with Larch Avenue (between 2 and 2A) and the Hawthorns (nos. 8 and 9). The open space proposed would fall into a number of areas: an informal recreation area following Nettleham Beck to the north and north western portion of the site, a landscaped woodland walk to the north eastern section of the site and there will be a landscaped strip to the eastern edge of the site adjoining the horse paddock.

The housing development would be placed to the rear of the Hawthorns and extend northwards along Brooklands Avenue towards the Nettleton Beck. It would also wrap around the existing estate to the east and extend southwards towards Sudbrook Lane before connecting onto Larch Avenue.

The proposal would also include the demolition of 52 Brookfield Avenue to allow the creation of a cycle and footpath link to the village centre. Within the areas of open space a new recreation area would be formed to the side of the Beck (which would also double as a Sustainable Urban Drainage Area and flood plain when necessary. To the north eastern corner of the site farmland would be turned into an informal recreation space as would a landscaped area to the eastern section of the site.

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

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

Relevant history:

There are no historic applications which cover the full site but individual parts of the site have a planning history.

W65/221/89 Change of use of pig and poultry farm to builder's office and yard
Refused 06 Apr 1989

W65/460/93 Retention of mobile office Refused 23 July 1993

97/P/0239 Use of land and buildings for temporary storage of materials and site compound to serve adjacent development site. Granted 11 July 1997

Sites adjoining

131975 Outline planning application to erect 68no. dwellings -10no.
Affordable - including open space provision, associated garages and infrastructure - layout and scale to be considered and not reserved for subsequent applications

Representations:

Chairman/Ward member(s): Cllr McNeil requested the application go to planning committee due to the application being contrary to the Neighbourhood Plan but offered no opinions.

Nettleham Parish Council: The Parish Council objects to the proposal.

The parish meeting attracted 230 residents.

Reasons for objection:–

- The proposal is contrary to Saved Policy STRAT1 (i, ii, iii, iv, vi, ix, and xii)
- The proposal is contrary to the Nettleham Neighbourhood Plan which has reached its Reg 16 Consultation Phase through WLDC. In accordance with Government guidance the plan should be given significant weight. The Nettleham Neighbourhood Plan (NNP) satisfies the requirements of the NPPF para. 17 as the first 12 principles espoused, namely:

Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan making and decision-taking. These 12 principles are that planning should:

Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based upon joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

The proposals conflict with the NNP through:

- Housing numbers – through extensive consultations it is clear that residents want a number of smaller residential developments within the village rather than one large one. This is based on previous developments of between 50 and 70 houses, thus avoiding significant change to the character of the village. The NNP identifies land for 180 new houses spread over 4 sites, one of which has recently gained planning approval. To approve 200 houses on one site would double the number of new homes which were judged to be appropriate for local needs and services. This is reflected in policy H1 of the NNP which restricts sites to no more than 50 dwellings to ensure better integration into the existing community.
- Housing location – Part of the site, 3.5ha, is allocated within the NNP for 50 housing units. The site allocated is accessed off the Hawthorns but is limited to higher ground levels which were deemed sufficient distance away from the Beck so as not exacerbate flooding in the area. The proposal submitted includes areas which do flood.
- Flooding – In June 2007 the centre of Nettleham experienced extensive flooding following heavy rainfall. Nettleham sits in a shallow valley with much of the surface water from fields and the built up area, being deposited in the Beck. The Beck has a low fall rate between the village centre down to the proposed development; the fall is between 1-2m over a distance of 500 – 800m. Any increase in water level

immediately downstream of the current built environment has an impact up stream on the centre of the village. For this reason policy D4 of the NNP requires an effective drainage strategy, and specifically policy D6 calls for hydraulic modelling investigation of the Beck to accompany any application within 200m of the Beck to demonstrate that the existing community, both up and down stream will not suffer from increased risk from flooding. This concurs with specialist drainage advice provided to the Parish Council following the flood events in 2007. No such investigations have been provided by the applicant.

Concerns raised over the information provided:-

- Flood Risk Assessment: The report does not identify the magnitude of the problem of surface water runoff from a housing development of the proposed scale of this development. The submitted report fails to investigate the impact on adjacent properties both upstream and downstream following extreme rain fall events similar to the one 8 years ago nor the mechanical failure of the proposed pumped attenuation scheme.
- The Anglian Water assessment states there is capacity at the sewerage treatment works for the 70 houses proposed not the 200 proposed. Through the NNP negotiations Anglian Water stated it had capacity for 200 houses in total at the sewerage treatment works. This proposal along with the other designated housing sites would lead to an additional 330 houses needing to be connected to such a facility. There is no guarantees that the facility could accommodate this.
- Smell nuisance: The smell nuisance report submitted is flawed as it relies upon wind reports at RAF Scampton which is located on the Lincoln Ridge which is 30m higher than the site. The site and sewerage treatment works is located within a sheltered small valley and will subject future occupiers to odours. Residents of Larch Avenue some 600m away currently experience unpleasant odours approximately once a week. Further investigations are therefore required.
- Traffic: The development would create 1305 two way traffic movements on average during a 12 hour period (108 per hour) and this would be greater at peak times. Traffic would enter the Hawthorns and Larch Avenue through an existing residential development of 50 houses with a children's play area before leaving onto Sudbrook Lane which is single carriageway in places with passing places. The proposal would lead to significant levels of traffic through the village centre, particularly through the High Street and past the school which will exacerbate a currently unacceptable situation. This is why the NNP seeks to limit housing sites to 50 dwellings per site to encourage a wide distribution of traffic throughout the village.

The school is 1km away and even taking the consultant's positive estimates 80% of children will arrive by car. This would lead to serious congestion again exacerbating existing congestion and reducing safety.

Should permission be granted by the LPA additional contributions should be sought to improve the A158/Lodge Lane junction to ensure right turning traffic can leave the village easily. To not do so would lead to considerable congestion and the alternative A46 junction might be sought by drivers increasing traffic through the village.

- **Community facilities:** The Parish Council indicate that they would not be willing to take responsibility for the sports pitch nor wetlands and recreation areas. Nettleham is well served by the existing 4 ha recreation site at Mulsanne Park for a variety of sports. There is also a bowls club, rugby club and three children's play areas. There is also the original Bill Bailey Memorial Field. There is no need for this additional facility and the Cricket Club no longer wish to move.
- **Consultations:** Consultation by the applicant was limited and of the 90% of correspondence received only 5 attendees to their open events supported the proposal compared to the 90% of support given to the NNP.

Lincolnshire Fire & Rescue: Recommends two fire hydrants are installed.

LCC Strategic Flood Advice: Further investigations area required to determine whether ground conditions would be suitable for soakaways and infiltration ditches. Other Suds methods should be utilised even if soakaways would be unsuitable.

A drainage strategy is required prior to outline consent being granted (which includes infiltration tests and storage calculations), which detail which SuDs techniques will be utilised and their effectiveness for the surface water management. An indicative layout, ownership, adoption and maintenance proposals of the various drainage assets should be included.

The attenuation ponds appear to be located within the flood plain of the Beck which is at risk of flooding. Given the historic flooding to the village the loss of any flood plain will not be supported. The use of raised embankments is not acceptable unless an assessment of flood plain compensation is agreed.

Consent is required from the IDB (acting for LCC) for any new outfalls into the Nettleham Beck or any other water course.

LCC Highways: Travel Plan queries are raised in particular in relation to transport modal split percentage projections, funding of programme streams and travel plan co-ordinator role. Request for funding for two bus stop improvements to Brookfield Avenue, opposite Ridgeway and adjacent to Midway Close (approx. cost - £4000). The main walking routes from the site to

the school and other local amenities should be identified with tactile pavements installed to appropriate drop crossings.

Following assessment of the Transport Assessment I can confirm that although traffic will increase at the junctions on to the A46 and A158 they will continue to operate well below their theoretical capacity and therefore no mitigation works are required.

Environment Agency: Object – The FRA should investigate the possibility of making space for water adjacent to the Beck to help alleviate existing risk to the village of Nettleham and further downstream development. The investigation should consider ground works within the recreation area on land within flood zone 2.

Archaeology: Additional information required recommends trial trenches. No objection following additional information.

NHS England: A request for £85 000 is made. The Nettleham Medical Practice, Lodge Lane will be most likely to be affected by the development. The increase in the level of patient list size is likely to have a detrimental impact on patient care. Practices have to accept new patients so waiting lists do not exist. Additional funding would assist to provide reconfigured accommodation to meet the needs of an expanded practice and to create additional parking areas to alleviate current congestion issues.

Environmental Protection: In 2007 there was a significant flood event between the eastern edge of the village and the IDB managed area 1km downstream to the east. No, or little, maintenance of the stream had been undertaken in the two decades before that event. Water heights were 0.5m higher than the culvert at Brookfield Avenue. The 2007 event also led to overland flows from the agricultural land to Brookfield Avenue. Measures need to be put in place to prevent this in future. It is recommended that there is a clearly defined wash area where flooding can and will take place and that some balancing capacity for exceedance flows is retained outside of this, the flood zone, and the area impacted in 2007; and that the storage for a design criteria of a 100 year plus climate change is also outside this area.

Early consultation and agreement of Suds provision is recommended so as not to constrain or impact upon plans that may otherwise develop.

Informative; a design concept based around attenuation and discharge to the beck without it being shown that infiltration would not work, at present this is only a suggestion.

Contamination: A suitable condition should be attached.

Odours: The assessment submitted appears acceptable but occasions of localised environmental conditions mean that odour from the treatment works will be noticeable within the public amenity areas and potentially within residential gardens but these should be infrequent, of short duration and

unlikely to be deemed a nuisance. Should the indicative plans change, particularly if it brings housing closer to the sewerage works re-consultation will be required.

Lincolnshire Wildlife Trust: Request further reptile surveys are carried out to establish the possible presence of protected species on site. This should be done before the application is determined. A further bat survey is also recommended as it should be assumed that bats use the beck corridor for foraging.

The green infrastructure proposed is welcomed and it is recommended that species rich grassland is incorporated into the open space. The site is within the Northern Lincolnshire Edge with Coversands National Character Area, which is part of the area covered by the Trust's Lincolnshire Wildflower Meadow Network Project. The aim is to inspire local communities to create and restore wildflower meadows in community green spaces. Creation of species rich neutral grassland/ meadow habitats on this site could achieve targets for the project as well as contributing towards Lincolnshire Biodiversity Action Plan targets for lowland meadows.

Species rich grassland and meadows should also be formed along the road verges and swales creating green corridors throughout the site. Flood plain meadows could also be used alongside the beck as part of the SUDS scheme for wildlife and these should be linked up with other features. We would strongly support the inclusion of the system of SUDs within the development which would also be designed to benefit wildlife. Some of these areas would be broken up by primary roads and as a result there are possibilities for collisions. This risk could be reduced through tunnels under roads and amphibian friendly put gullies.

It is also recommended that bat and bird boxes be introduced to mature trees but also within buildings. Fences should have a 5 inches off the ground at assist hedgehogs and other wildlife.

Trees Officer: No objection in principle provided existing trees and hedges are retained and protected where possible, with adequate space consideration and protection measures, and a landscape scheme with a management specification.

Lincolnshire Police: Offer advice on designing out crime at reserved matters stage

Natural England: No comments to make.

LCC Education: Proposal would have a direct impact on local schools and a contribution of £451,057 is requested. The Nettleham Primary school is projected to have no capacity from 2017 even before the proposal is taken into account and the proposal will require 40 additional places. Scothern the nearest other primary school is also at capacity. There are no requests for contributions towards Secondary or 6th Form provision.

Anglian Water: The sewerage treatment works has capacity to accommodate 200 houses.

The site is close to the sewage treatment works which operates within industry standards but the proximity of the proposal to the works could lead to short periods of relatively strong odorous emissions, against which there is little effective mitigation. An odour dispersion model is recommended to establish the range at which the amenity of adjoining properties is likely to be impaired. Additional information on odour has been supplied but despite two emails indicating a response was forthcoming no additional comments have been received.

Lincolnshire Fire & Rescue: Require the installation of two fire hydrants

Neighbourhood Plan Officer: I believe this proposal would undermine the aims and objectives identified within the NNP and the consequences of this proposal on the delivery and integrity of the emerging Neighbourhood Plan should be carefully considered against additional material consideration.

Local residents: object

1, 2(x2), 2a(x2), 3, 9, 10(x2), 14(x2), 16, 24, 25(x4), 27, 31 (x2), 37(x2), 39(x2) Larch Avenue,
 1, 4, 8 The Hawthorns,
 2, 3, 15, 20, 22, 28, 30, 32, 34, 36, 38, 40, 42(x2), 48, 54, 56 Brookfield Avenue,
 2 Brookfield Estate,
 2, 41(x3) High Street,
 4, 40, 62, 79 Sudbrook Lane,
 15 Deepdale Lane,
 7 Poachers Meadow,
 11 (x2) Parkside,
 26, 28, 61 All Saints Lane,
 9 Ambrose Court,
 15 East Street,
 1 The Crescent,
 49 (x2), 51, 57 (x2) Ridgeway,
 4, 5 The Steepers,
 29, 37, 38(x2), 39, Washdyke Lane,
 6(x2) Poplar Farm Court,
 2 Heath Road,
 18 Ashtree Avenue,
 5 Kerrison View,
 14 Cherry Tree Lane,
 16 Scothern Lane,
 9 (x2) Greenfields,
 18 Willowfield Avenue,
 31 (x2) Kingsway
 Nettleham Woodland Trust

The objections to the scheme can be summarised as:

There is general support for growth and there is a need affordable homes just not this many and all in one location.

Why bother with localism if this proposal is granted permission. This proposal flies in the face of democracy and the construction of the Neighbourhood Plan which has been done in partnership with the local population and is in line with the NPPF will be wasted. 50 houses as recommended by the Neighbourhood plan not 200. Will it stop there why not 500 homes? The NNP is a well-considered sustainable plan that allows for growth that can be accommodated reasonably within the village. To approve the proposals in face of the Neighbourhood Plan would be dereliction of local democratic responsibilities. Look at the size of the proposal compared to the village now, how can this be sustainable? The proposal represents a 25% increase in the size of the village when the other NNP allocations are considered. The NPPG para 1 makes it clear that Neighbourhood Plans should reflect the needs and priorities of the community. A reluctance to accept any further development has been overcome but that such development should be spread across the village in a planned way. The Planning Inspectorate have accepted the importance of Neighbourhood Plans in determining applications. Nettleham will become a small town not a village.

There is no need for growth in the village, where is the evidence to support this. This clearly comes from pressure to build houses from central government. If there is a need then it is for affordable housing not market housing. There is no mention of such a provision in this proposal.

Other villages require housing to bring them back to life, why can't these houses be distributed to them? Equally brownfield sites should be used. How about all the former RAF bases in the area?

The village is already straining under the pressure of development. The proposal will increase the population by 600 – 800 people with 400 children. The school and medical practice is over-subscribed (you can't get an appointment). Staff cannot be recruited. Equally, the village of Nettleham has an aging population which requires additional care by medical practitioners. The Conservative Government funding change has led to the surgery having to increase its catchment to include the Carlton Centre. There is no mention of how this increased pressure will be dealt with. This pressure on schools and other facilities should also cover those in other villages. There is no surgery in Sudbrooke so everyone comes to Nettleham. Service to the local population will decline. William Farr School is at capacity. Such issues should be addressed by the developer with contributions. The proposal is not sustainable because of its scale.

The A158 and A46 junctions are very bad at peak times particularly in the rush hours. Turning right at all junctions is dangerous. The A158 is particularly bad in the summer with all the holiday traffic to the coast.

There are parking problems in the village centre due to traffic levels particularly at school times. There is too little parking in the middle of the village and at the schools. Traffic in the High Street/ The Green is really congested with cars even driving on pavements past other cars. Mill Hill to Greetwell Lane is also heavily constrained with cars parked on the pavements whilst parents/ shoppers access the school and shops. Vehicles often come to a stop in this location. The elderly and those with push chairs will be put at risk by parking on pavements and the increased traffic will worsen this situation. LCC improvements to road safety, in the form of new line marking will be totally eroded by the increase in traffic.

Wragby Road was a favoured route for people living in the village going to Lincoln but the difficulty in turning right has made people travel through the village centre which is already congested. The applicant's report shows this to be the case. This will make congestion worse. People also use Nettleham for parking to access buses for Lincoln.

Sudbrooke Lane is already busy with traffic as a shortcut to Sudbrooke village. The Larch Avenue/ Sudbrooke Lane junction has a blind spot and its junction to Lodge Lane is very acute and not suitable for heavy good vehicles. A bus stop is also located close to this junction increasing the chance of conflicting movements, particularly as buses often reverse around this corner. Sudbrooke Lane is also only suitable for single line traffic and will not cope with additional traffic proposed. The new development would create additional conflicting traffic movements in this area. The Rugby Club has also increased traffic in the area greatly.

The proposal will significantly increase traffic on Larch Avenue which is already busy. Concern over small children who play in the area and its elderly residents of which there are a large number. There is a play area opposite the junction with the Hawthorns. Safety will suffer. Larch Avenue and the Hawthorns is narrow and windy with limited visibility (indeed 1 and 3 The Hawthorns have a blind driveway). Cars park on the road and on the pathway with passing traffic having to sometimes negotiate a single carriageway width of road. The roads are not appropriate for considerable additional housing numbers. 200 houses means 300 cars. Sports ground will attract more traffic at evenings and weekends. Vehicles from visiting teams and spectators will park on the narrow roads in the area. Access to the Hawthorns should be shut off with traffic routed to the main street. Increase in noise and fumes from traffic in the immediate area effecting residents.

Footpaths with lighting should be considered up Lodge Avenue to mitigate traffic increases.

When Lincolnshire Police wanted a custody suite in 2012 they were told the A46 was already at capacity.

Houses would be too close to existing properties and will reduce privacy, light and sunlight. What about a right to a private life. There is no support for local home owners who pay their bills, Council Tax and invest in their properties.

The new access way to Brookfield Avenue and the Ridgeway will not be maintained and will lead to anti – social behaviour. Similar concerns are generated as a result of play areas shown close to existing properties. It is clear that the footpath to Brookfield Avenue will become a road at reserved matter stage.

Construction traffic will cause nuisance for many years particularly affecting residents on Larch Avenue. Conditions should require the development to be completed in a set period to reduce nuisance

Roads within the area are not well maintained and are not suited for cycle traffic.

The proposal is an over development of the site and is not in keeping with the area. The indicative plans will be changed so these plans cannot be considered accurate.

The sports ground is not required and is a gimmick, sufficient facilities are available within the village. This includes Mulsanne Park and Bill Baileys Park, not to mention the Rugby Club. The sports field is also located in a flood zone. No objection to the woodland area and new recreational facilities proposed.

Odour from the sewerage works occasionally wafts over to current houses surely this will make it worse by bringing houses closer to it. Most people are aware of it and don't object because it was there first but we do complain to Anglian Water. The capacity of the facility is nearly reached and as a result when operating close to capacity odour is more frequent.

It is unclear how gas, water and electrical supply will be impacted upon.

Loss of security as buildings are erected to the rear, will we get better fencing?

Loss of good agricultural land.

Loss of value to property. Loss of view, I don't want to see rabbit hutches behind me. People from the south will come/ retire to the area and take housing not locals.

Flooding occurs within the village and additional concrete and tarmac will not assist the proposal. Drainage and flooding is a particular problem on Brookfield Avenue and houses have been flooded. The lower part of the site always floods with Ducks swimming in the area regularly. 48/50 Brookfield Avenue is the lowest point of the area and as a result the water from the fields flows through these properties at times of extreme weather. Sewerage also surcharges in this area. The application site stores flood water from the Beck. The limited fall of the beck to the north east means that surface water cannot clear the area quickly leading to floods. The beck extends into Sudbrooke and will flood there if drainage is not thought about properly. When in 2012 the site flooded the waters took a long time to subside. The ground conditions are not

suited to infiltration and at the lower levels of the site, the water table is only 4ft below the surface (and that was measured in 1968 a very dry year). The north bank of the Beck is 1m higher so the application site is the flood plain for the area. If this area is lost as a flood plain then the centre of the village will flood.

Kingfishers, herons, bats, partridges, badgers, deer, pheasants, foxes and water voles have been seen along the beck at various points of the village. Proposals should not put such species in jeopardy. Children and walkers use the area for open air recreation and wildlife observation. This will be lost. It is understood that protected orchids grow on the site.

Consultation with residents has been limited.

Loss of value and loss of view.

Nettleham Parish Council (Revised Comments)

Grounds for objection

1. The area of the site and housing numbers are contrary to the Nettleham Neighbourhood Plan (NNP) which has met all the Basic Conditions as judged by an independent external Examiner. It has been approved by WLDC Prosperous Communities Committee to proceed to Referendum. The Referendum is scheduled to be held on 28 January 2016.

The Neighbourhood plan only allocates part of the land (shown as site C) in the Application for new housing, and then only for some 50 homes. (NNP Policy H1 and H7)

2. This large site is not designated in the Draft Central Lincs Local Plan (CLLP), which reflects the more limited NNP site C for 50 new homes, as part of a total allocation of 198 for Nettleham within the strategic housing plan to 2036.

Outline Planning Approval has already been recently granted for 68 homes on site B identified in the Neighbourhood Plan (policy H6). In addition the Parish Council are in advanced discussion with another developer on a third Nettleham site, (A), which is anticipated will comply with policies of the NNP (policy H1 and H5). This therefore demonstrates that the scale and housing densities identified in the NNP are deliverable in the village.

3. It has been demonstrated in the applicant's traffic report that there would be significant increase in traffic flows through the village centre (as well as in the vicinity of the proposed development) generated by a 200 homes development on this site thus aggravating an already congested situation. The Applicants own data shows extra vehicle movements of 131/hr at peak times in the morning and 145/hr in the

evening entering and leaving via the residential Sudbrooke Lane/ Larch Avenue junction. Their data also shows 49% of those journeys would go through the congested Nettleham village centre. Furthermore, there would be traffic contribution from the other developments identified in the Neighbourhood Plan, so the additional 150 homes that this scheme would bring on top of the 198 already identified in the NNP/ CLLP would severely exacerbate the traffic problems in the village.

4. Surface water runoff to the Beck from the site remains a serious concern and Applicants studies have shown that substantial works would be required to attenuate surface water runoff from such a substantial development. Rain water runoff from such a large development can also impact on the village centre as well as downstream of the site since it backs up into the village centre; this is especially so as 1 in 100/ 200 year flood events are now becoming more common in the UK.
5. The impact of construction traffic associated with the installation of such a large surface water storage facility required to attenuate the runoff from such a big site. This is in addition to the construction traffic associated with building such a large number of new homes, the length of time involved and its impact on residents in the locality, this is also in conflict with NNP Policy H1 (3rd para).
6. The applicant seeks to justify the extra housing numbers by referring to community benefit of some 5Ha of additional green space provision for the residents of Nettleham. However no evidence has been provided to show that this is supported by residents. In contrast, the Neighbourhood Plan has already identified 14 areas of Local Green Space (NNP Policy E2) providing some 15Ha of land in total, which is substantial for a community of some 3,500people. This existing Green Space includes a substantial Parish Council owned sports facility at Mulsanne Park and other play and recreational areas around the village.

Additional large areas of open green space were not identified in the Neighbourhood Plan as a highly desirable requirement in future planning (see Appendix C) below. On the other hand, additional footpaths/ bridleways and woodland walks were identified and they take up much less land. It is also within the developers/landowner's gift to provide new footpaths etc as specified in the NNP policy H7, as was the case for the Scothern Road development P/A 131975 (NNP Policy H6).

- NB/ This response should also be read in conjunction with the detailed Parish Council Response submitted against the original Planning Application on the 9 June 2015 (copy attached for ease of reference) and also the Applicant's failure to comply with the requirements of WLDC 2006 Local Plan (first review) Strat1 Policy.

Conclusion

- (A) This revised Application is in conflict with numerous policies in the Nettleham Neighbourhood Plan, which is shortly to be submitted to Referendum and subject to the outcome to be adopted by WLDC.
- (B) It is also at variance with the Draft CLLP site allocations and housing numbers.
- (C) The Applicants purport to justify quadrupling the housing numbers identified for this site in the Neighbourhood Plan on the basis of providing a large area of open space as a public amenity but has not provided any evidence of a broad consensus of public support or demand for it.

Relevant Planning Policies:

- National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practise Guide (NPPG)

<http://planningguidance.planningportal.gov.uk/>

- Local Policies

West Lindsey Local Plan First Review 2006

STRAT1 Development requiring planning permission

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

STRAT3 Settlement hierarchy

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

STRAT9: Phasing of housing development and release of land

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

STRAT12: Development in the open countryside

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

STRAT19: Infrastructure requirements

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

SUS1: Development proposals and transport choice

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Cycle and pedestrian routes in development proposals

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

RES1: Housing layout and design

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

RES5: Provision of play space/recreational facilities and new residential developments

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

RES6: Affordable housing

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

CORE10: Open space and landscaping within developments

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

CRT2: Standards for open space sports provision

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt2>

CRT9: Public rights of way

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt9>

CRT20: Watercourse corridors

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt20>

NBE14: Waste water disposal

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

NBE20: Development at the edge of settlements.

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

Central Lincolnshire Local Plan (CLLP) Further Draft Oct 2015

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP9: Health and well being

LP11: Meeting housing needs

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP20: Green Infrastructure Network

LP23: Biodiversity and geodiversity

LP25: Design and amenity

LP26: Open space, sports and recreation facilities

LP52: Residential allocations – large villages

LP55: Development in rural areas and the countryside

The Further Draft CLLP has just completed its second round of consultation, the results of which are unknown. The policies of the plan could therefore be challenged and indeed the plan will be subjected to examination through a

Local Plan Inquiry. In accordance with paragraph 216 of the NPPF the weight afforded to policies within this preliminary draft of the Local Plan is very limited. Such a position accords with the weight that Planning Inspector Manning gave to the emerging Local Plan at the Church Lane, Saxilby appeal (paragraph 26 of the decision letter).

Nettleham Neighbourhood Plan (Submission Version)

Nettleham Neighbourhood Plan (NNP):

The Nettleham Neighbourhood Plan has been produced following extensive public consultation. The formal examination of the Plan has been completed (30th September 2015) and the examiners recommendations/ amendments considered. West Lindsey District Council produced a Decision Statement on the 13th December 2015 confirming the examiners recommendation that the Plan was fit for purpose and that it should proceed to referendum. The vast majority of amendments the examiner recommended proposed have been accepted with the plan modified accordingly. The policy position outlined below is therefore based upon the Decision Statement of West Lindsey District Council. The referendum is programmed to be held on the 28th January 2016. Should the referendum support the adoption of the plan it would be used by West Lindsey to help determine planning applications in the neighbourhood area.

In accordance with paragraph 216 of the NPPF the Nettleham Neighbourhood Plan is at an advanced stage where it can carry significant weight as a material consideration.

NNP Policies:

- E-5 Nettleham Beck Green Corridor
- D-1 Access
- D-2 Pedestrian & cycling distances
- D-5 Drainage
- D-6 Drainage
- D-7 Residential development in the countryside
- D-8 Residential development on approach roads
- D-9 Design of new development
- H-1 Managed housing growth
- H-2 Housing mix
- H-3 Housing for older people
- H-4 Affordable housing element and criteria
- H-5 Affordable housing element criteria
- H-8 Land behind The Hawthorns
- S-1 Services and facilities

Main issues

- *Principle of housing development in this location (STRAT1, STRAT3, STRAT6, STRAT9, STRAT12 and STRAT19)*
- *Design and character of the area (STRAT1, STRAT6, RES1, CORE10, CRT20 and NBE20)*
- *Highway safety and congestion (STRAT1, STRAT6, SUS1, SUS4 CRT9 and RES1)*
- *Flooding (STRAT1, RES1, NBE14 and CRT20)*
- *Residential amenity (STRAT1, STRAT6, RES1, CORE10, CRT2 and CRT20)*
- *Wildlife and landscaping (STRAT1, STRAT6, RES1, CORE10, CRT20 and NBE20)*

Assessment:

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

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

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

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

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

The new Further Consultation Draft Central Lincolnshire Local Plan (Oct 2015) has just been published and also contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Nettleham would be considered as a large village. Here policies indicate that development should be supported through appropriate growth. The majority of this growth should be through allocated sites but on an exceptional basis additional growth on non-allocated sites where the site is demonstrated to be sustainable some edge of development might be acceptable although this would be unlikely to be acceptable above 25 dwellings.

Part of the application site includes CLLP allocation CL4662 to the immediate north of The Hawthorns which has an area of 2.71ha with an indicative number of dwellings being noted as 50. This allocation matches that of NNP site C Policy H8 which is one of 4 sites (policy H1) which allocates a total of 180 dwellings within Nettleham. NNP Policy H1 indicates that each the housing sites will be restricted to a yield of 50 homes unless it can be demonstrated that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into the community and also their topography and landscape settings.

It is accepted, therefore, that the application site does include the allocated site but exceeds the designated site in terms of area and proposed housing numbers.

In considering the weight of the Further Draft CLLP, it is important to note that it is still some way from adoption and particular approaches and/or policies could be challenged or found unsound. As such whilst the housing allocations within the Further Draft CLLP (for Nettleham) must still only be afforded very limited weight. As noted above, determination accords with the Inspector assessment at the Saxilby appeal (para. 26 of the decision notice).

The emerging Nettleham Neighbourhood Plan also needs to be given weight in this process as it has now been through public consultation and examination (subject to modifications) and are in accordance with sustainability criteria in the NPPF. The referendum for adoption is scheduled for the 28th January 2016. Significant weight can therefore be given to the document which allocates part of this site for housing but the remaining area remains unallocated countryside.

The NNP policy H-1 seeks to manage housing growth by identifying four potential housing sites (including part of the application site) to accommodate approximately 180 houses. The policy seeks that three of the sites would not normally accommodate more than 50 homes to ensure better integration into the existing community. This policy reflects policies within the Draft Central Lincolnshire Local Plan. This figure is also consistent with advice from local service providers such as doctors, schools and Anglian Water as to the level of development which could be accommodated within their services.

The division of housing growth to four sites is also linked to the wish to integrate any new development better with the existing village. Such a plan reduces the intrusion of development into the open countryside and sites would sit within an alcove or corner of existing development. Similarly, the impact on the local road network would also spread over a number of key highways ensuring that no part of the highway network would be put under significant strain. This includes the historic village centre. Smaller allocated sites would also limit any them and us situations.

The examination of the Neighbourhood Plan recognised the importance of the NNP policies dissipating growth across the village to limit impact on the

existing population, services and character of the area. These points will be considered further below.

NNP Policy D7 seeks to guide development within the open countryside. The examiner recommends that housing within the open countryside should be resisted unless it adjoins the existing continuous built form of Nettleham. Similarly, the modified policy recommends that development along principal roads will only be permitted where it would not extend the linear format of the settlement.

The examiner did note that Beal Homes had submitted an application for a wider site than the smaller allocation within the NNP. This he noted was a matter for the District Council to determine and that its submission and eventual determination show site C is suitable for development.

“Whilst I can see that there is an ongoing debate on the scale and content of future residential development in this part of the village there is no direct evidence before me to the effect that the site as identified in the NNP is incapable of development for residential purposes. The District Council and the Central Lincolnshire planning authorities have chosen to include the site in the emerging local plan and there is active developer interest in the site and its surrounding areas.”

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

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

Members will be aware that the Central Lincolnshire Five Year Land Supply Report has recently published (Oct 2015) which shows Central Lincolnshire can demonstrate a 5 year housing land supply. Inspector Manning within the Saxilby appeal Decision Notice considered that the 5 year land supply document was a material consideration in the appeal, para 31. He, however, afforded only very limited weight to both the Further Draft CCLP and the 5 year land supply documents as the CLLP was at an early stage in the adoption process and had yet to be independently tested (para. 32). This is particularly important as the 5 year supply relies heavily on sites to be allocated within the CLLP. As *“there can be no guarantee that sites proposed for allocation in the recently published CLLPFD will survive the scrutiny of due process and therefore be included in the version ultimately adopted (albeit the Council’s clear intention is to address its land supply difficulty through the emerging development plan)”* para 31. On this basis, it was the Inspector’s decision and officers’ recommendation here that in accordance with the NPPF that the Local Plan does not have sufficient housing land to meet need - its strategic approach does not address need and national policy requires its housing supply policies be considered as out of date. Consequentially, consideration must be given to greenfield sites on the edge of settlements

which can be deemed to be sustainable locations. It should also be noted that a 5 year land supply is a minimum figure.

This approach is verified in the recent appeal for land west of Ryland Road, Dunholme (APP/N2535/A/13/2207053 – see:

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

Inspector Lyons found that *“The unmet need for additional housing becomes a consideration of substantial weight”* and that the *“spatial application of [Local Plan Policy] should be seen as out of date”*. He found that the second bullet point of NPPF paragraph 14 on decision making must apply - planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

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

For decision-taking this means:

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

Planning balance

The proposed development does not comply with the adopted Development Plan, the West Lindsey Local Plan First Review 2006. Its spatial approach to housing and housing supply policies are deemed largely to be out of date. The Central Lincolnshire Local Plan (Further Draft) is at an early stage within the adoption process having only just completed the second consultation phase with the results of this unknown. This plan cannot, therefore, be afforded significant weight. This leaves the Nettleham Neighbourhood Plan which although not adopted is at an advanced stage having been independently examined and put forward for referendum.

The Neighbourhood Plan has now been examined/ amended and will be put forward to referendum. The proposed development accords with a number of the plan’s policies and clearly includes the housing allocation (H8) (within its enlarged site area. The NNP examiner considered the proposed development

but rightly deferred any decision on its acceptability to the Local Planning Authority. What he did indicate, however, was that the acceptability of larger proposal would depend on how the proposal conformed to the general principles of the NNP, i.e. to ensure proposals integrate into the village and the character of the area.

Annex 1 of the NPPF explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taken the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Nationally, here have been a number of appeals recently that have considered the weight of an un-adopted neighbourhood plan balanced against a housing shortfall and the provisions of the NPPF and its proactive stance towards sustainable development. In most circumstances Inspectors and indeed the Secretary of State have given medium weight to the provisions of an un-adopted Neighbourhood Plan but have noted the allocations outlined within such documents. In the absence, however, of an adopted Local Plan the Inspectors have indicated that any allocations for housing within Neighbourhood Plans should be given weight but that they should be considered as baseline assessments of capacity rather than for the adoption of maximum housing numbers in an area. This means that decision makers need to consider whether the approval of a proposed development would substantially undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Neighbourhood Plan. To do so will require an understanding as to what the policies of a plan are seeking to promote/protect.

As noted above, policy H-1 (and H-8) of the Nettleham Neighbourhood Plan shows the location for this development is partially in accordance with the allocation shown for this site. It is, however, the scale of the development that is at variance with NNP along with its physical spread onto adjoining land. It is considered therefore that the application should be considered in light of Annex 1 of the NPPF to see whether it undermines the plan making process of the Neighbourhood Plan but also the provisions of the NPPF due to the lack of an independently tested 5 year housing supply. To do this the reasons behind the policies of the NNP have to be examined to assess whether the

impacts of the proposal would be so significant as to undermine the plan making process.

Sustainability

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

Nettleham is allocated as a Primary Rural Settlements (LP policy STRAT3) The settlement contains a school, church, village hall, shops, pub and employment land. The site is located approximately 300 - 750 metres from the centre of the village which would be a comfortable walking distance. This includes the provision of an additional footpath/ cycleway to Brookfield Avenue to aid access. As a result of this site is also well linked by footpaths to the centre of Nettleham.

Trip Attractor	Route	Approx. Walking Distance (furthest point)
Premier Convenience Store	Larch Avenue – Sudbrooke Lane (W)	300m (800)
Nettleham Pre-School Playgroup / Village Hall	Brookfield Avenue	300m (700)
Lodge Lane Sports facilities	Larch Ave – Sudbrooke Lane (W) – Lodge Lane	500m (1.5km)
The Nettleham Infant School	Brookfield Avenue - Crescent Close – The Crescent – All Saints Lane	750m (1.4km)
Lincolnshire Coop (Post office) Hairdressers, Butchers, Fish and Chip Shop, The Plough Public House)	Brookfield Avenue - Crescent Close – The Crescent – Church Street	750m (1.1km)
Nettleham CofE Junior School	Larch Avenue – Sudbrooke Lane (W & E), Mill Hill	1.1km (1.5km)
Newsagent	Larch Ave – Sudbrooke Lane (W & E), Mill Hill	1.2 km (1.6km)

Whilst the distances quoted appear substantial it is worth noting that the majority of facilities are a comfortable 10 minute walk (800m) which is deemed to fall with a walkable neighbourhood although this is not an upper limit as walking 2km is deemed a realistic alternative to the motor car (Manual

for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. The application, whilst in outline form also includes a children's play area within the site increasing facilities without having to resort to the use of a motor vehicle.

Nettleham is well served by bus routes and the services are considered to provide a sustainable method of connecting to the services and facilities in Lincoln (including the hospital). The bus stop closest to Lodge Lane is within 400m (700m from the furthest part) of the site and the no. 4 service to Lincoln runs every 60 minutes between 08:58 and 13:58 Monday to Friday with similar services in return except the final service which returns at 16:30. There are no services on a Saturday or Sunday. A further service nos. 11/11A run to Welton and Lincoln from the village centre some 750m away during the day until 16:27 to Lincoln and return at 18:33. Again there are no services in the evening or on Sundays. The Highway Authority has indicated a requirement for two north bound stops on Brookfield Ave opposite Ridgeway and adjacent to Midway Close to be upgraded with raised paving bus stop poles with timetable cases/flags (Bissell Desire) and dropped crossings. The improved stops would be provided under a section 106 agreement.

Whilst the more frequent service stops would be further away than the recommended 400m away it is still considered that such services are deemed acceptable and would be useful for residents and school children attending the secondary schools at Lincoln/Welton.

In addition to this, the applicant is willing to implement a travel plan which seeks to promote sustainable transport option through taster bus tickets, £50 off bicycle purchases, public transport information packs for each dwelling and the subsidising of evening/ week end bus services for a three year period. At reserved matters stage it is likely that detailed designs would be required to ensure footpath and cycle routes would permeate the site to aid accessibility.

NHS England advice a financial contribution would be required to contribute to the capital cost of health care infrastructure. This would need to be secured in the S106 Planning Obligation. This would be used to improve the car park to assist patients getting to the surgery if they require a motor vehicle. As the application meets the full neighbourhood plan quota of 200 houses at this site the health authority has been asked if it could accommodate a further 130 houses on top of the committed development and the application development (to take account of the NNP allocations). The response is clear in that they would not seek to resist development but would require further contributions to upgrade the facilities to meet the demand.

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

response is that an additional 130 houses within Nettleham would not be resisted but further contributions would be sought.

STRAT19 of the West Lindsey Local Plan requires that infrastructure is required to serve new development. It states that Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development. Policy S-1 of the NNP states that new development will not be allowed that undermines existing services and facilities.

The developers are offering 25% affordable units, the provision of a recreation area with riverside pathway. Together this totals £513,057 towards health, education and public transport improvements. It is suggested that this is split as follows:

Provision of bus stops	£4000	Full contribution
Contribution to health facilities	£85 000	Full contribution
Contribution to education facilities	£451,057	Full contribution

The provision of affordable housing would also help to provide a balanced community with a variety of housing types and tenures as required by saved Local Plan policy R6 but also Neighbourhood Plan Policies H-2 and H-4/H-5.

The proposal whilst over the scale recommended within the NNP would place significant demands on infrastructure levels as they exist at present, however, it has been shown that with the contributions referred to above, the impact on services would fall within acceptable levels .

As ever this is a finely balanced issue but it is concluded that the application site is within a sustainable location for new residential development and that the applicant proposes appropriate measures to mitigate the impact on health and educational services. Measures are proposed to secure local improvements in the form of open space, bus stops and footpath links.

- *Design and character of the area (STRAT1, STRAT6, RES1, CORE10, CRT20 and NBE20)*

The site is located at the edge of the village and would be located on greenfield land. The exception to this is the former chicken sheds to the east of Larch Avenue. Existing housing land to the south, west and partially to the north backs onto the site and overlooks these fields and the sheds. With the exception of those facing the sheds the change in character for these facing properties would be significant.

The NNP, however, allocates as significant proportion of the development site for housing accepting that a substantial number of existing properties to the south and west would be impacted upon. The justification for the policy on allocating housing sites is in part to consider the overall impact on the

character and appearance of the village, and in particular the entrances to the village. Smaller development would, it indicates, be easier to accommodate without significantly changing the character of the area. The question therefore is to consider whether the extended area of the application proposal would detract from the character of Nettleham.

The West Lindsey Landscape Character Assessment and the adopted Countryside Design Summary indicates that Nettleham falls within the Lincoln Fringe designation. This area is characterised by relatively flat agricultural landscape with large fields and low hawthorn hedges giving it an open character. It notes that many villages have expanded with new open suburban characters which lack a distinctive identity and have little integration with surrounding agricultural fields. It also notes that the entrances to the villages are particularly sensitive and demand special attention. New development it notes should complement the materials and style of the buildings within the historic village core and should be accompanied by stone walls and a distinctive planting scheme. Finally it notes that edge of settlement are often prominent and would benefit from trees and hedgerow planting. New planting should where possible integrate the development with the surrounding field patterns and to soften and partially screen views from the surrounding farmland. Wherever possible, small fields should be created or retained on the frontages of new development to provide a robust, distinctive landscape setting and a contrast to the surrounding arable fields.

The NNP allocated site would be located behind the existing Larch Avenue development and would have limited impact on views at the entrance of the village either from Sudbrooke Lane and Scothern Road. The application site, however, would wrap around the existing residential areas to the east to create a 560m line of development parallel to the existing Larch Avenue housing. The exact detail of this is not clear being an outline application but the general impact of housing on the area can be considered. The erection of 200 houses is therefore a substantial development and would change the nature of the application site.

A landscape and visual impact appraisal (LIVA) has been compiled and indicates that the main impact of the proposal would be upon the existing residential areas within Nettleham some limited changes to the wider character of the village when viewed from Sudbrooke Lane (view point E). Views of the development would be softened from Sudbrooke by distance with the main impact being on the medium to short distance views from Sudbrooke Lane travelling westwards. Here the impact of a new line of housing would, in part be softened by the existing mature hedge screening to the east, the proposed landscaped buffer proposed but also the large agricultural barn at Ashtree Farm. Also immediately to the east of the site is a small horse paddock with hedging whilst significant landscaping and public open space would be formed within the north eastern portion of the site which in time would also grow up to screen the development. The topography of the site would also reduce the appearance of new development by falling away to the north reducing views of the new development in this area.

It is not appropriate to indicate that the development would not alter the character of the entrance to the village at this point. It would, but, subject to detailed design and conditions the development would be seen within the context of the existing built environment and would be softened by the landscaped areas proposed bolstering existing hedging to the field boundaries. Similarly, when compared to the allocated site within the Neighbourhood Plan and existing development subject to appropriate landscaping, the development would not have a significantly greater impact on the entrance to the village. The development would also be seen in the context of the development approved by this committee on Scothern Road to the rear of no.72 (ref: 131975).

The impact of the proposal on the other main entrance roads to Nettleham would be limited by existing development and landscaping and the topography of this area. This includes Scothern Road, Lodge Lane and Nettleham Road.

Where there would be significant visual impact would be from the existing urban areas where views from the rear of existing properties would be totally replaced by housing. Whilst this is regrettable there is no right to a view and the positioning of the future would be agreed at reserved matters stage to ensure residential amenity was maintained.

One area where the character is important is from Brookfield Avenue, Highfields junction. Here the character of the beck would be maintained through the extensive use of open space to create an attractive walk way and amenity area for all. This together with the additional footpath area would maintain the character of this important viewpoint.

It is considered therefore that whilst there will be clear impacts on the character of the area, the impacts of this development over and above the area designated within the NNP would not be of sufficient magnitude to support a recommendation for refusal and the scheme could be assimilated into the countryside through careful design and landscaping.

On balance therefore it is not considered that the impact of a proposal for 200 houses would be so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan or Neighbourhood Plan on character grounds.

- *Highway safety and congestion (STRAT1, STRAT6, SUS1, SUS4 CRT9 and RES1)*

The NNP has indicated that the village centre has become particularly congestion particularly within the historic core. As a result of this the NNP seeks to divide the development sites along the four main access roads to spread traffic to limit congestion at important points of the village. These sites are known as Site A - Land behind Deepdale Lane, Site B - Land off Scothern

Road, Site C - Land behind the Hawthorns (part of the application site) and Site D - Linelands All Saints Lane. All sites were noted as being sufficient to accommodate 50 houses (except site D which is designated to accommodate 30 homes for older people). Census data from the 2011 shows that a significant proportion of the inhabitants of West Lindsey work in Lincoln or further south west. The geographical spread of these sites would assist to direct traffic generated through the development of the allocated sites to the closest junctions to the main highway network to the Lincoln area without requiring traffic to go through the village centre i.e. the A46 or A158.

The application seeks to follow this arrangement by developing within the same area as the allocated site C within the Neighbourhood Plan. In developing this site the developer has assessed the likely routes traffic will take to access the main highway network to Lincoln. This has been done through simple assessments of distance but also through an examination of junction congestion, traffic signing strategy and know existing traffic conditions on relevant routes.

In this instance, it has been determined that approximately 47.2% of traffic at morning peaks would utilise Lodge Lane to access the A158 with 41.5% utilising the Washdyke Lane/ A46 junction. Flows from other sites allocated or approved would be less likely to use these roads and would utilise Deepdale Lane to gain access to the south west. This assists in spreading flows across the settlement.

This is important as it is predicted that at the busiest times of the day (particularly when schools are operating) the majority of traffic would avoid the busy and congested Vicarage Lane/ The Green area where a large percentage of facilities are located and roads are narrow.

Traffic travelling to the Washdyke Lane/A46 junction would pass Nettleham Junior School but this has a large layby to the school frontage to aid drop off of children in safety. In addition to this, it is important to note that it is estimated that the development would generate an extra 53 vehicle movements in the Peak Period of 08:00 to 09:00. Whilst this may appear significant it is noted that at the junction of Washdyke Lane and the A46 the percentage increase in traffic using this junction would be 2.8%. The Highway Authority have assessed the safety of the junction and the route the additional traffic would take. Taking account of traffic levels, the physical characteristics of the highway network and known facilities within the area which attract activity the Highway Authority have not been raised any objection to the scheme on safety nor congestion levels. This has been questioned but the Highway Authority remain of the view that the levels of traffic generated would not cause congestion and would not reduce safety.

The Transport Assessment has also indicate that the junction of the A46/ Washdyke Road has sufficient capacity to accommodate traffic using it without causing significant queues or reducing safety in an unacceptable manner. Similarly, the Lodge Lane/A158 junction would operate within capacity and safety levels.

It should be noted that the assessments undertaken have accounted for other committed developments in the area such as land to the rear of 72 Scothern Road (131975), the two proposed developments at Lodge Lane (132063) and 132116) and an informal proposal for 100 houses at Deepdale Lane.

Closer to the site, the road network has been designed and assessed to accommodate additional traffic. All the roads which form the accesses to the site are wide enough for two vehicles to pass with standard pavements either side of the highway. Junctions and bends have the appropriate geometry and are capable of accommodating the additional traffic. It is accepted that vehicles do park on the highway but that this is not sufficient reason to resist the proposal. The Highway Authority have been asked about this issue but do not consider it is a significant issue which would reduce safety or increase congestion to a point which could justify a reason for refusal.

Consideration has also been given to the acceptability of the junctions of Larch Avenue /Subrooke Lane and Subrooke Lane/ Lodge Lane but no objections have been raised on either safety or congestion grounds.

Inspector Manning considered highway safety and congestion and indicated that STRAT1 of the adopted Local Plan, reflects the core principles of the NPPF and supports the important aim of maintaining highway safety. However, the intention of the Framework that applications should only be refused if the residual cumulative impacts of the development on the transport network are 'severe' is plainly a less stringent (but more realistic) aspiration than the more absolute Local Plan intention that new development should not aggravate highway problems para 34. In taking the stated stance of the NPPF it has been shown that traffic levels generated would not have a severe impact on the highway network in terms of congestion nor safety.

- *Flooding (STRAT1, RES1, NBE14 and CRT20)*

As noted above the ground levels of the site fall from 26 – 27m AODN at the southern extreme of the site to approximately 19m AODN at Nettleham Beck to the north east. The Beck receives water from the surrounding agricultural areas before flowing east through the village past the application site. During the 2007 floods the beck broke its banks with the northern edge of the site becoming flooded. As ground levels rise to the south flooding was confined to the lower portions of the application site. This roughly conforms to the 22m AODN contour. As a result of this the extreme northern section of the site falls within flood zones 2 and 3 designated by the Environment Agency. In line with the sequential test of the NPPF no development is proposed within these zones and housing would be limited to higher ground levels.

The areas within zones 2 and 3 would be laid out as amenity areas which at times of extreme flood would be utilised to store water without harm to residential areas. These areas would also be utilised for the storage of water from runoff from the actual development. Investigations have found that infiltration on site is likely to be sporadic due to soil conditions. Equally a high

water table to the northern section of the site is such that infiltration will not be possible in that area.

The applicant is therefore recommending that there are two potential approaches to drainage at the site. Firstly, a system of swales is proposed which would collect and store surface water from the development before releasing it at a restricted rate (6.96l/s) into the Nettleham Beck. These systems would be sufficient to store water equivalent to a 1 in 100 year Design Storm Event plus 30% climate change. The system would be linked together and a series of check dams provided where topography required. Such a scheme also require a further detention basin at the northern extremes of the site. The existing detention pond to the lower northern part of the site, which also serves the existing urban area, would also be expanded.

The second option would be to replace the proposed swales with a piped system. These would then run to the detention pond as already noted. The capacity of the pipes would accord with the swales.

Both systems would be offered to Anglian Water for adoption. If this is not possible then a management company would be formed to maintain the systems.

It is also proposed that ground levels would be altered in a number of areas within the site. This includes land to the western side of the application site, where houses were flooded in 2007 by overland surface flows. A reduction in ground levels here would ensure that the flow route of water would be interrupted diverting it from these existing properties. In addition to this, further ground level reductions to the north part of the site would increase flood plain areas creating a greater safe areas for flood waters to be stored. This would be of benefit to both existing and future residents.

Such works would accord with advice given by Environmental Protection Officers, LCC as Lead Flood Authority and the Environment Agency. It should be noted, however, that the final response from the Agency was awaited and a verbal up date will be provided at the Planning Committee.

Anglian Water have indicated that the foul flows could be accommodated within the treatment works. This takes into account other committed developments within the area.

- *Residential amenity (STRAT1, STRAT6, RES1, CORE10, CRT2 and CRT20)*

The issues of residential amenity is difficult to fully assess due to the outline nature of the proposal. Any reserved matters application would allow a full assessment of the sitting of dwellings relative to each other and existing areas to ensure residential amenity could be protected.

Existing properties would, however, experience increasing noise and nuisance through additional traffic and activity at entrance points. It is

considered that at the two vehicular access points the development would be sufficiently designed to protect resident's amenities in terms of noise, nuisance and privacy. The access to Larch Avenue to the south would also remove a significant proportion of any traffic and nuisance by being close to the junction to the wider highway network. Larch Avenue is also particularly wide at this point before defusing traffic to various roads reducing nuisance. Here traffic would be closer to Lodge Lane and Sudbrooke Lane to limit any impact to a minimum.

The new pedestrian access to Brookfield Avenue would require the demolition of a dwelling. The nuisance from such an activity could be controlled by condition to protect residential amenities. Similarly the resulting access would be pedestrian only and could be suitably landscaped to maintain adjoining residents' amenities. Such matters would form part of any reserved matters application. Conditions could also be imposed to ensure that measures are introduced to stop motorised vehicles being used in this area.

The development is in part within 250m of the Nettleham Sewerage Treatment Works (STW). Concerns have been raised by both Anglian Water and the Parish Council as to the impact such a works would have on development. The applicant has provided an odour assessment which indicates that there should be no significant odour impact upon the proposed residential areas. It is accepted, however, that localised environmental conditions would mean that on occasion that odour from the treatment works would be noticeable within public amenity areas and some residential gardens but these are likely to be infrequent, of short duration and unlikely to be deemed a nuisance.

The odour report has been accepted by Environmental Protection officers as being acceptable and the proximity to the STW would not be considered to cause significant nuisance to future occupiers or indeed the operation of the works on account of complaints. Anglian Water have been asked for a response to the additional odour report submitted and despite assurances no additional consultee responses have been received.

- *Wildlife and landscaping (STRAT1, STRAT6, RES1, CORE10, CRT20 and NBE20)*

The application site is not within an area designated to be of nature conservation value. It is nevertheless a greenfield site which has a number of habitats of value. It is important therefore to protect the existing trees and hedgerows upon the site as these are important habitat for birds and bats and other animals. The applicant seeks to maintain the majority of such features within the design and these can be assessed through any reserved matters application. Other measures such as bat/ nesting boxes are proposed. The interest on the site, however, is focused on the existing field hedgerows, trees and the beck area. These areas have been recognised by the proposal and would on the whole be retained. Conditions could secure this. Additional reptile reports have also been undertaken showing the site is of limited value.

The report, however, includes a number of recommendations which are included within conditions.

Also important is the potential to enhance the biological value of the area by enhancing the area around the beck to create wildlife areas through planting and careful consideration of water features. Additional investigations have taken place and show that nature conservation interests would be supported and that where protected species have been found they can adequately protected with some areas enhanced. This includes substantial areas around the beck but also to the east with woodland planting. The provision of such areas would be secured through the reserved matters applications, conditions and the completion of an s106 agreement.

Such areas would also be supported by additional pathways enhancing the use of the Beck side area which would support NNP policy E-5.

Subject to conditions Lincolnshire Wildlife Trust does not raise objection to the proposals.

- Archaeology

The site has been identified for its importance to archaeology with Roman, Anglo Saxon and Medieval finds across the site. The County Council's archaeologist has visited the site and considered the results of the assessments undertaken including a geophysical investigation. Through initial reports additional investigations have been undertaken on specific areas of the site only due to their showing of increased importance within the geophysical reports. Following this, additional intrusive investigations were carried on the site and have been assessed by LCC's archaeologist after which it was deemed that no further works, assessments or conditions were required.

- *Other matters*

The developer is seeking to establish a large area of open space. This is particularly the case to the north and north eastern portion of the site where a beck side walk is proposed and significant areas of informal open space. A sports ground was shown on the original plans including a pavilion. This, however, was aspirational only and depended on a willing partner to support such a facility. The applicant would not therefore provide such a facility but simply provide the land. In the most limited sense the area would be utilised as an informal amenity area such as for woodland walks. As a result of this, conditions are recommended and s106 agreement would require details of this area to be set out and its maintenance to be agreed. Further details would also be provided at reserved matters stage.

Smaller areas of open space and play equipment are also required to accord with Saved Policy RES5. This requires 10% of the development site to be given over to formal and informal open space for recreation. The outline nature of the scheme is such that the detailed nature of such areas or

equipment cannot be determined at this stage. It clear, however, that the large areas shown on the indicative plan along with smaller areas within the body of development would be sufficient to accommodate provision. As a result it is recommend that conditions are explicit to ensure these matters are agreed at reserved matters stage should outline consent be granted.

The applicant has explicitly responded to the policies of the NNP by seeking to enhance the beck side with landscaping and pathways. Note has been taken over the request for a bridge by the Parish Council but would be difficult to achieve due to the ownership of the opposite bank.

Conclusion

The Planning Balance

Policy Context

It has been indicated that the current strategic housing policies of the adopted Local Plan are largely out of date. Similarly, whilst the recent housing land supply document and the Further Draft CLLP are material considerations in this application, it has been determined that only very limited weight can be afforded to their polices and findings as they have not yet been tested through an independent examination. In such circumstances the planning balance is required by Paragraph 14 of the NPPF which indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

The Nettleham Neighbourhood Plan is, however, at an advanced stage with a referendum scheduled for the 28th January 2016. This allocates part of application site (3.5 ha) for housing, with a recommendation for 50 houses on this site. It is considered therefore that significant weight should be afforded to its polices. In taking this position, the need for a referendum to formally adopt the plan is noted. Whilst the Further Draft CLLP accords with the NPP's policies and allocations it is yet to be tested and as result its allocations cannot be afforded great weight. Case law suggests that were the Local Plan/Neighbourhood Plan has yet to be adopted an assessment would be required as to whether:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Such an approach has therefore be been adopted in this application.

Principle of housing on this site

It is accepted that Nettleham is a sustainable settlement with facilities and connections needed to support normal everyday lives without reliance on a car. The proposal would provide an additional 200 dwellings directly adjoining Nettleham and part of the application site includes the NNP housing allocation H-8. The principle of additional houses in this location is broadly supported. The key issue, however, is whether the additional 150 houses proposed for this site would undermine the Neighbourhood Plan and cause significant and demonstrable harm to the area.

Character

The general location proposed development would be located adjoining the existing settlement. The provision of 200 dwellings in this location cannot be hidden and would create an additional urban area within Nettleham which would be visible to the surrounding area, particularly from existing urban areas and from Sudbrooke Lane. This would change its appearance and impact on the approach to Nettleham from the east.

The proposal includes the NNP allocated site (H-8) which would in itself create an additional housing area within the landscape. Accepting the impact this allocated development would have on the locality the additional development proposed would further expand the village but be seen within the context of existing development (including the large agricultural buildings at Ashtree Farm). This together with the significant landscape areas proposed, the topography of the site and existing urban areas would limit the impact of the additional 150 dwellings to an acceptable level. It is considered therefore that the NNP has provided the guide for the most acceptable location for development in the village and that the additional numbers would not erode the base strategy of the neighbourhood plan.

Highway safety and congestion

An additional 200 dwellings would increase, traffic levels within this part of the village and indeed the wider area. This would, by the very introduction of additional traffic, have the potential to reduce safety levels and increase congestion in the village generally. In addition to this noise and nuisance will also increase. Such an impact would have a significantly greater impact on the area than the 50 proposed under the NNP.

Traffic Assessments, however, have shown that significant peak traffic flows would utilise Lodge Lane and the A57 junction by passing the more congested village centre. Equally, traffic levels accessing the A46 via Washdyke Lane have not generated objection from the Highways Authority. Whilst concerns have been raised about this particular route, it is not considered that the proposal would represent a level of harm that would lead the proposal to be resisted. The immediate access roads to the estate have been assessed and they have the appropriate width and radii for the level of traffic proposed. In conclusion it cannot be considered that the proposal would have a severe

impact upon the highway network which is the appropriate test as required by the NPPF.

Infrastructure & a balanced community

The NNP indicates that the development of 180 dwellings within the village can be accommodated without harm to the capacity of services. The proposal would provide this number, and more, on one site and would place such facilities under greater pressure particularly when considered cumulatively with other development approved and/ or proposed by the NNP. Existing providers of facilities and services such as schools and health facilities are already under pressure and the proposal would further detract from their ability to operate in an efficient and acceptable manner.

Infrastructure providers have not outlined any objection to the proposed development and are aware of the Scothern Road development (68 dwellings) and the other NNP allocation. Education and health providers and Anglian Water have been requested to comment on the addition number of houses proposed given the NNP allocations and have indicated that they would not raise significant objection to future proposals although further contributions to services would be required. On this basis it is not considered that the proposal would undermine the Neighbourhood Plan.

In addition to this, the applicant accepts the need for 25% of dwellings on site to be affordable. This together with a mix of housing types and sizes would be sufficient to create a balanced development to meet the needs of Nettleham and the wider Central Lincolnshire area.

Drainage

The proposal includes significant additional hard surfaced area in a location which is prone to flooding. It would also reduce the area to store floodwater from Nettleham Beck which is known to flood.

The applicant has shown that any housing would be located outside of flood zone areas and has produced a drainage strategy which would not increase water levels into the Beck. In addition to this, conditions and a s106 would require some re-profiling of the site to reduce grounds levels in parts of the site to either reduce the likelihood of flooding or to create greater areas where flood water can be stored safely. Such areas would also be used to create additional amenity/ nature areas and indeed a beck side path.

Residential amenity

The development of a large residential estate would adjoin existing residential areas and introduce additional traffic, noise and nuisance. This would reduce amenity levels to existing residents.

Whilst noting potential impact, the NNP already allocates part of the site for housing which would impact on existing homes in the area and increase traffic

and nuisance to the Hawthorns and Larch Avenue. The outline nature of the site would allow the detail of any future development to be agreed at reserved matters stage protecting the residential amenities of existing occupiers. Similarly the additional access to the eastern part of the site, close to Larch Avenue's junction with Sudbrooke Lane would take a significant proportion of traffic away from the existing estate reducing the impact on residents.

Recreation and wildlife

The proposed development would reduce the enjoyment of the Beck side area for future residents and increase the built environment in this area detracting from its pleasant character.

The proposal would increase the built area of the village, however, part of the site is already designated for housing which would impact on this area, albeit in a more limited manner. Whilst accepting this change the applicant seeks to demolish an existing house to provide an additional access to the beck area from Brookfield Avenue and would establish a beck side walk and provide a large public amenity area for both existing and future residents alike.

In addition to this ecological reports have shown the site to be of limited value whilst the extensive open areas proposed offer significant opportunities to enhance biodiversity. Conditions and the reserved matter application would allow such an areas to be created. It is considered that the benefits proposed would out outweigh the dis-benefits of the scheme.

RECOMMENDATION: GRANT PLANNING PERMISSION, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- **The Developer covenants with West Lindsey District Council to pay West Lindsey District Council ('The Council') the total contribution of £7,400 for all measures identified within the Travel Plan plus a further £5,000 pa for a period of five years for a Travel Plan Co-ordinator.**
- **To deliver 25% of the housing units (up to 50 dwellings to be a mix of shared equity/affordable rent) as Affordable Housing on site.**
- **A financial contribution of £451,057 (four hundred and fifty one thousand and fifty seven pounds) towards the enhancement of education facilities within Nettleham.**
- **A financial contribution of £85,000 (eighty five thousand pounds) towards primary care NHS health facilities within a five mile radius of the application site.**

- **Future management and maintenance of public open spaces, play areas and surface water drainage scheme via an appropriate management and maintenance regime, to be agreed in writing. This includes the management and maintenance of the part of Nettleham Beck running through the north of the site.**
- **Provision of Nettleham Beck footpath and amenity area**
- **The re-profiling of the site to reduce flooding and increase land able to accommodate flood water**
- **The Developer shall pay the Council, on or before the completion of the Agreement, the proper and reasonable legal costs incurred in connection with the preparation and completion of the Agreement**

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

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

1. Details of the **appearance, landscaping, layout, and scale**, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority for each phase of development. Application for approval of the reserved matters for the first phase (which may for the avoidance of doubt comprise infrastructure works) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. No development shall commence on each phase unless approval of the reserved matters for that phase has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details.

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

2. The development hereby permitted shall be begun before the expiration of eighteen months from the date of approval of the last of the reserved matters to be approved for the first phase of development, whichever is the later.

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

3. No development shall commence until a phasing plan has been submitted to, and agreed in writing with the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: To limit the impact on the surrounding area, ensure access for construction traffic is considered and to maintain highway safety and in accordance with STRAT1 of the West Lindsey Local Plan First Review.

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

4. No development shall take place until a high level surface water drainage scheme for the whole site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall include:

- Provide details of how run-off will be safely conveyed and attenuated in storms of up to and including the 1 in 100 critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site. Flow paths are also required to demonstrate that both new and existing properties will not be at risk from overland flows;
- Provide attenuation details and discharge rates;
- Provide details of the timetable, and any phasing of implementation for the drainage scheme; and
- Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangement for the adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

5. No development shall take place until a strategic solution for the disposal of foul drainage for the whole site has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water

environment in accordance with saved policies STRAT1 and NBE14 of West Lindsey Local Plan First Review Policy.

6. Any subsequent reserved matters application shall be supported by a detailed foul water drainage design, which demonstrates that it complies with the approved site wide foul water drainage design. This drainage design and accompanying justification for any part of phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to that part or phase commencing and the development shall be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review saved Policies STRAT1 and NBE14.

7. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out in the Phase 1 Habitat Survey and Ecological Appraisal and Reptile Presence/ Absence Survey but in particular:

- The creation of Nettleham Brook as a diverse nature corridor
- Creation of a woodland area to the north east of the site.
- ecological design of the drainage solutions;
- retention of semi-mature and mature trees on site, along with hedgerows;
- design of landscape to provide foraging opportunity for reptiles, birds and bats;
- ecological design of the planting on Site, use of British native plant species only, specifically emphasis on the creation of valuable habitat;
- an area of scrub / perennial habitat adjacent to the northern boundary which include an artificial hibernacula to encourage reptiles along this boundary area.

Development shall thereafter proceed in accordance with the approved details.

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

8. No development shall take place in a phase, including any works of demolition, until a Construction Method Statement has been

submitted for that phase to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

9. The development hereby approved shall include the erection of up to 200 dwellings only.

Reason: To maintain the character of the area, highway safety, drainage capacity, infrastructure and residential amenity and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

10. The areas shown hatched on indicative plan J1336(08) 03 rev E shall be retained as landscaped open amenity areas/ landscape buffers and drainage/ flood plain areas.

Reason: To provide adequate open amenity space, a landscaped buffer and drainage facilities/ flood plain area to protect the character of the area, maintain residential amenity and reduce the overall risk of flooding and in accordance with saved Policies STRAT1, CRT2, RES1, RES5, CORE10 and NBE20 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

11. The development shall proceed in strict accordance with the following approved plans: Site Local Plan 1:2500@ A3 and documents: Draft Travel Plan (Sept 2015), Transport Assessment, Tree Survey, Odour Impact Assessment, Reptile Report, Phase 1 Habitat Survey and Ecological Appraisal, Landscape and Visual Impact Appraisal, Flood Risk Assessment Revised, Geophysical Survey and Integrated Planning Statement.
12. No trees or hedges on the site shall be felled or removed without the prior written agreement of the Local Planning Authority.

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

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

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

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

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

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

15. None of the dwellings hereby approved shall be first occupied until: the foul water drainage system; the surface water drainage system serving that dwelling including for the highway serving that dwelling

has been completed in accordance with the details required by conditions 4 & 5. The approved system shall be retained thereafter.

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

16. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable transport, in accordance with paragraph 36 of the National Planning Policy Framework.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by : Jonathan Cadd

Date : 30th Dec 2015

Signed: 

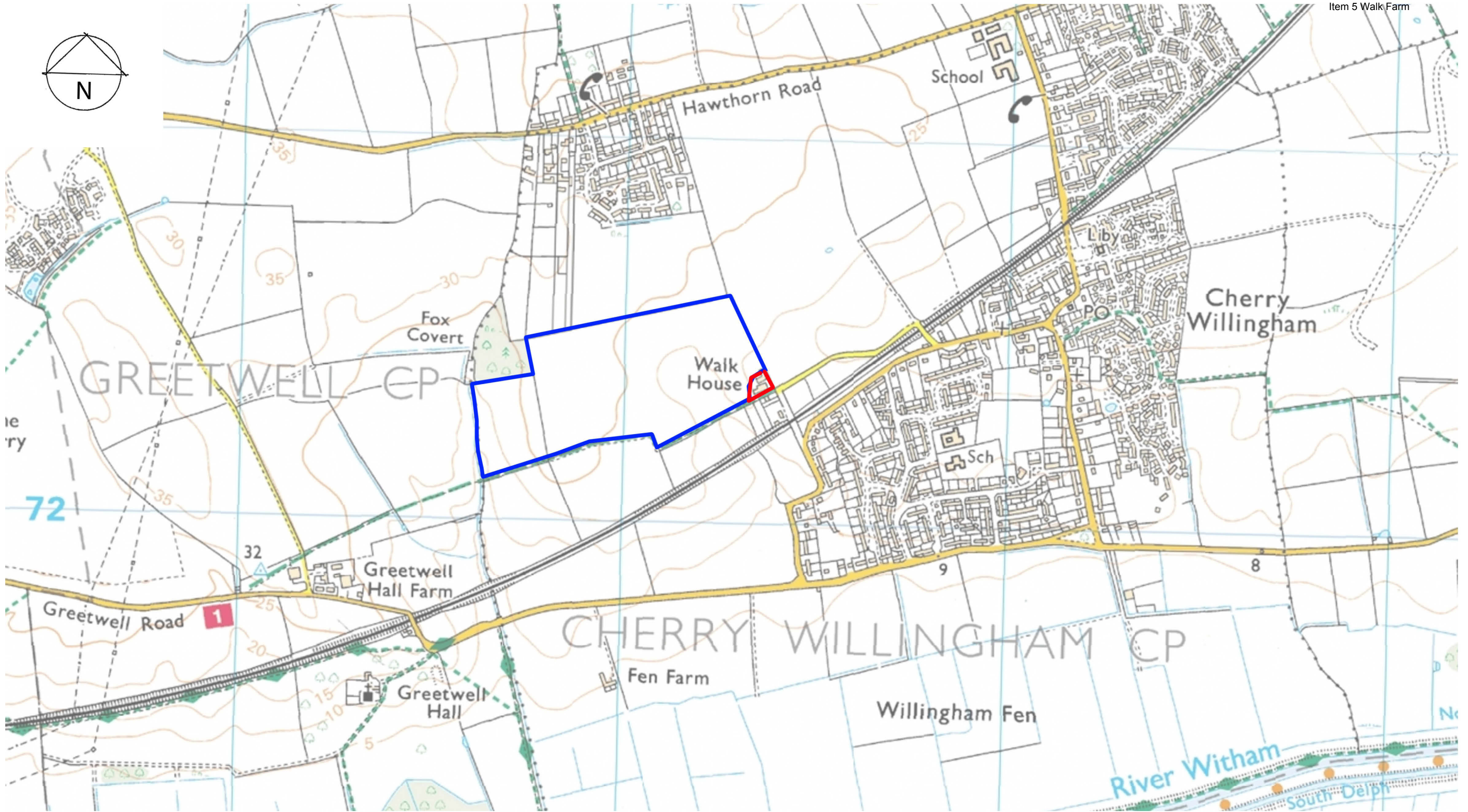
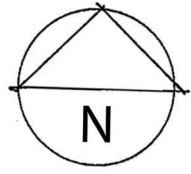
Authorising Officer



Date: 31st December 2015

Decision Level (tick as appropriate)

Committee



LAND OWNED
PROPOSED SITE OUTLINE

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Figured dimensions ONLY to be taken from this drawing
ALL dimensions to be checked on site.
Consultants must be informed immediately of any discrepancies before work proceeds.

Walk House farm
Green Lane, Cherry Willingham
Mr Alwin Cole
Drawing 000/0061
August 2015

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Mother
architects

LOCATION OVERVIEW

Officers Report

Planning Application No: 133559

PROPOSAL: Planning application to demolish existing outbuildings and erection of 5no dwellings

LOCATION: Walk Farm Green Lane Cherry Willingham Lincoln LN3 4AW
WARD: Cherry Willingham
WARD MEMBER(S): Cllr Welburn, Cllr Darcel and Cllr Bridgewood
APPLICANT NAME: Mr A & T Coles

TARGET DECISION DATE: 30/11/2015
DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application is an area of mixed agricultural buildings located in the open countryside close to the north west settlement boundary of Cherry Willingham. The tired agricultural buildings are of different shapes and sizes constructed from a mixture of breeze block, corrugated sheeting, timber and red pantiles. The site is set well back from High Street approximately 500 metres down a single carriageway road (Green Lane). Green Lane does not have a public footpath or any street lighting. The site is accessed through an agricultural style gate and has a mix of ground conditions from hardstanding to compacted earth. The north and east boundaries are open with high hedging along the west boundary. The south boundary is open with high hedging and low hedging adjacent along the north boundary of Walk House. There is a gap between the hedging which screens some of the rear boundary of Walk House. Open agricultural fields sit to the north, east and west with residential dwellings to the south. Public right of way Cher/133/1 sits adjacent to the south between the site and Walk House.

The application seeks permission to demolish existing outbuildings and the erection of 5no dwellings

Relevant history:

132219 – Pre-application to erect 5no. new dwellings - 11/03/15 – Supportive Advice

Land adjacent Long Meadows

132228 - Planning application to erect 1no dwelling – 6/02/15 - Granted time limit and other conditions

Land adjacent Walk House

133091 - Outline planning application for proposed single dwelling - all matters reserved – 26/08/15 - Granted time limit and other conditions

Representations

Chairman: No representations received to date

Councillor Welburn: Objection and Comments

I request that the application is brought to the planning committee for a decision for the following reasons:

STRAT 1 - Development Requiring Planning Permission

All development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character.

STRAT 2 – Residential Allocations – Lincoln Policy Area

STRAT 3 – Settlement Hierarchy

STRAT 12 – Development in the Open Countryside

NBE 20 - Development on the Edge of Settlements

Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.

ECON 3 - Protection of Agricultural land

I do like the design and feel this development is what we require in the centre of the village on Bowers Farm rather down a country lane.

Parish/Town Council/Meeting: Objections and Comments

- The site is in open countryside away from services therefore is unsustainable.
- The highway arrangement with two footpaths gives a suburban form which is at great conflict with the rural character.
- If approved we request that sympathetically designed passing places are installed
- If approved the north and west boundaries need softening

Local residents: Representation received from Walk House, Green Lane and 2 Waterford Lane, Cherry Willingham. Plus a petition containing 86 signatures from residents of Cherry Willingham, Welton, Dunholme, Saxilby, Walesby, Barnetby, Lincoln, Wragby and Barton upon Humber.

- Approving 5 houses will destroy the nature of the lane for dog walking, horse riding, walking and bicycling due to traffic generation.
- Green Lane and its access is not suitable for more than a few cars.
- Loss of privacy on Walk House through direct overlooking.
- Further addition of septic tanks will affect the environment.

LCC Highways: No objection subject to conditions

HI03 - Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

HP00 - No development shall take place before a scheme has been agreed in writing by the Local Planning Authority for the construction of 3 number passing places along Green Lane along with the arrangements for the disposal of surface water run off from the highway. The agreed works shall be fully implemented before any of the dwellings are occupied.

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

HP17 - Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 020/0061 dated August 2015 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

HI00 - No works shall commence on site until a Section 278 Agreement, Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide passing places along Green Lane along with all other ancillary works

LCC Rights of Way: Comments

Bridleway (Cherry Willingham) No.133 skirts the site although this would not appear to affect the proposed development.

- There will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
- Clarification is sought as to the ownership of the boundary hedge between the site and the adjoin field containing the public bridleway. If this were the applicants and was not conveyed to individual plots then the ongoing responsibility would remain.
- The construction should not pose any dangers or inconvenience to the public using the right of way.
- If any existing gate or stile is to be modified or if a new gate or style is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

Housing Officer: Comment

There will be no affordable housing requirement on this development.

Natural England: No objections**Public Protection:** CommentsContamination

Given previous use of the site and its close proximity to the railway a suitable contamination condition is recommended to assess any impacts prior to commencement. This must include an asbestos survey prior to demolition on the existing buildings.

Surface Water Disposal

Surface water assurances should be sought as part of the planning process that will harmonise with existing nearby schemes.

Noise

Given the close proximity to the railway the construction should include suitable measures to protect end users from excessive noise and vibration.

Archaeology: No objections

Lincolnshire Fire and Rescue: Object

There is an inadequate water supply for firefighting purposes. To remove this objection at least one clearly indicated fire hydrant should be installed at or near the site entrance.

Environment Agency: No representations received to date

Lincolnshire Wildlife Trust: No representations received to date

RSPB: No representations received to date

Ramblers Association: No representations received to date

Network Rail: No representations received to date

Lincolnshire Bat Group: No representations received to date

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 (saved policies)

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 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the Open Countryside

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

RES 1 Housing Layout

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

CORE 10 Open Space and Landscaping within Developments

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

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

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

NBE 14 Waste Water Disposal

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

NBE 20 Development on the Edge of Settlements

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

Further Draft Central Lincolnshire Local Plan 2011-2036 (October 2015)

The second phase of public consultation for the draft local plan started on 15th October 2015 for a 6 week period to close on 25th November 2015 therefore the draft local plan can only be given limited weight at this stage, in accordance with paragraph 216 of the NPPF. Weight can be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In terms of the proposed development, the following policies are considered relevant:

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP11: Meeting Housing Needs

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: Design and Amenity

LP55: Development in Rural Areas and the Countryside

[http://central-lincs.objective.co.uk/portal/central lincolnshire/further draft/fdlp?tab=files](http://central-lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files)

National Guidance

National Planning Policy Framework 2012 (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance 2014 (NPPG)

<http://planningguidance.communities.gov.uk/>

Other

West Lindsey Landscape Character Assessment 1999 (WLLCA)

<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/104847.article>

Wildlife and Countryside Act 1981 (as amended)

<http://www.legislation.gov.uk/ukpga/1981/69>

Countryside and Rights of Way Act 2000 (as amended)

<http://www.legislation.gov.uk/ukpga/2000/37/contents>

Main issues:

- Principle of the Development
- Visual Impact
- Residential Amenity
- Highways
- Archaeology
- Ecology
- Public Rights of Way
- Contamination
- Foul and Surface Water Drainage
- Off Street Parking
- Garden Space

Assessment:

Principle of the Development

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

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

Annex 2 of the NPPF provides a definition of previously developed land. It states that previously developed land is excluded from land *'that is or has been occupied by agricultural or forestry buildings'*. Therefore the site is green field land and lies outside but close to the settlement of Cherry Willingham. Therefore policies STRAT 3, STRAT 9 and STRAT12 are relevant to be considered.

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*.

The housing supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for assessing housing supply.

The latest five year supply assessment for Central Lincolnshire was published in October 2015. The latest housing requirements published by DCLG for Central Lincolnshire is 1,540 dwellings per year or 7,700 over the five year period (2016 to 2021).

However, account must be taken of the completions between 1 April 2012 and 31 March 2015 which represents an undersupply of 2,061 dwellings. The NPPG states that 'Local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible'. Therefore the 2,061 dwellings should be added to the basic five year requirement of 7,700, rather than distributing the undersupply over the remaining plan period. The current year 2015/2016 is estimated to deliver 1,616 dwellings which represents an oversupply of 76 dwellings. Therefore after considering these figures the five year supply for Central Lincolnshire for the period of 2016-2021 is 9,685 dwellings ($7,700 + 2,061 - 76$).

To meet the requirements of the NPPF an additional 5% buffer must be added to the requirement. The total requirement increases to 8,185 dwellings ($9,685 + 485$) or 1,637 per year. However, whilst national guidance is unclear on the matter, some might argue that the area has, thus, persistently undersupplied and therefore are required to include an additional 20% buffer (rather than 5%). On this worst case scenario, this means that between 2016 and 2021 the five year requirement should increase by an additional 1,540 dwellings. Therefore the five year land supply requirement for 2016 to 2021 is 11,225 dwellings ($9,685 + 1,540$).

Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLFDLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,059 dwellings which equates to a deliverable supply of 5.37 years.

This is a material change from the previous (September 2014) assessment which could only identify a 3.5 year supply of deliverable housing land. The NPPF states that housing supply policies should not be considered up-to-date where a five year supply cannot be demonstrated. Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan is still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date therefore saved policies STRAT 3 and STRAT 9 cannot be applied to this application. This current position is corroborated in paragraph 31 of a recent planning appeal (APP/N2535/A/13/2207053) for housing at land west of Ryland Road,

Dunholme. The application should still be considered against the NPPF presumption in favour of sustainable development.

Nonetheless, when applying the presumption balance test, the ability of the Authority to demonstrate a five year supply means that the ability of the applicant to contribute towards the five year supply may still carry weight, this is less significant than previously found. The development will contribute five dwellings which will be afforded the appropriate weight in the decision making process.

In this context, there should be a presumption in favour of sustainable housing development, even if it located on green field land. This is provided that the development is sustainable, viable, delivered early (a condition can secure an earlier than normal commencement) and is acceptable when considered against other material planning considerations.

The NPPF presumption test is, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

STRAT 3 of the West Lindsey Local Plan Review 2006 identifies Cherry Willingham as a Primary Rural Settlement and policy LP2 identifies Cherry Willingham as a Large Village. The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Draft Central Lincolnshire Local Plan is not afforded weight itself, policy LP2 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT 1, RES 1, NBE 14 and CORE 10 of the Local Plan Review:-

Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)

The site sits outside the settlement of Cherry Willingham but adjacent a run of two dwellings both with an extant planning permission for a single dwelling in their garden spaces (see planning history section). The site sits approximately 130 metres from the north west settlement boundary.

Accessible and well related to existing facilities and services (social and environmental sustainability)

The village of Cherry Willingham includes an acceptable level of facilities and services. Therefore the settlement reduces the dependency on a vehicle to travel.

Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability)

Cherry Willingham has a main public transport bus route providing regular services to Lincoln. The nearest railway is in Lincoln approximately 4.7 miles away.

Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)

The level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities

Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)

The site is agricultural land with no special designation or an important open space.

Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)

The site sits within flood zone 1 therefore the proposal will not increase the risk of flooding particularly if suitable methods of surface water disposal are utilised.

The site is considered as sustainable due to its close proximity to the settlement boundary of Cherry Willingham which is supported by two very current extant planning approvals (132228 and 133091) and has a low risk of flooding. Therefore the principle of the development can be supported providing all other material considerations are satisfied.

Visual Impact

The site according to the West Lindsey Landscape Character Assessment 1999 (WLLCA) is within the Lincoln Fringe. The WLLCA carries on to state that the Lincoln Fringe has a flat agricultural landscape with a number of expanded settlements and approaches to settlements are dominated by the built form. It is not considered to be a highly sensitive landscape.

The current site is occupied by a wide mix of agricultural and horsicultural style buildings which are generally in a poor condition detracting from the appearance of the open countryside to the north, east and west. It is currently openly in view to the north and west which includes public bridleway Cher/133/1 and modern housing in the distance to the north west.

The proposal will introduce 5 dwellings each with 4 bedrooms and at least 2 off street parking spaces (excluding the garage). It has been designed around a farmstead concept with a barn formation including irregular openings and a layout to introduce a courtyard or crew yard feel. It will incorporate traditional materials with a mixture of brick and timber cladding with slate roofs. The site will be landscaped by garden walls, fencing and strategic planting to create private gardens but will be surrounded by 1 metre boarded fencing with hedging to the front to soften the appearance.

It is considered that given the current condition of the site the proposed design and layout will not have a detrimental visual impact on the character and appearance of the site, the open countryside or the Lincoln Fringe. This is subject to meeting the requirements of landscaping and material conditions.

Residential Amenity

There are two aspects to assess when considering residential amenity. The impact of the proposed dwellings on each other and the impact on any nearby existing residential dwellings.

The proposed dwellings will not have an overbearing impact, cause any loss of light or cause any significant overlooking on each other due to the orientation of the dwellings and the position of the openings in relation to the individual dwellings elevations and private garden spaces.

The principal elevation of plot 5 is approximately 21.6 metres from the north side elevation and front garden of Walk House. The north elevation of Walk House is a side elevation with no openings and the front garden is screened by very high hedging along the north boundary. It is therefore considered that plot 5 will not have an overbearing impact, cause any loss of light or cause any significant overlooking on Walk House due to the separation distance, the lack of openings on the north elevation and the high boundary screening to Walk House.

The south side elevation of Plot 1 is approximately 12.8 metres from the rear garden space of Walk House and includes two secondary windows at ground (lounge) and first (bedroom 2 and 3) floor level. The south side elevation of plot 1 will face the rear garden of Walk House and its north boundary. The north boundary is predominantly screened by good sized hedging but there is a reasonably sized gap which opens the rear garden of Walk House to overlooking from the public bridleway. It is therefore considered that plot 1 will not have an overbearing impact, cause any loss of light or cause any significant overlooking on Walk House due to the separation distance, the overlooking which already exists from the public bridleway and the secondary nature of the windows to the south elevation of plot 1.

The site sits approximately 90 metres from a railway line which according to the Public Protection Officer could impact on the future residents through noise and vibration unless suitable protective measures are incorporated. It is considered that the site is a good distance from the railway line and any impact will be minimal. The two recently approved applications (132228 and 133091) are a lot closer to the railway and only included an advisory note which is considered to be appropriate for this development.

To restrict the impact of the construction phase the development will be conditioned to only take place from:

- Monday-Friday: 8am-6pm (excluding bank holidays)
- Saturday: 9am-1pm

No construction work will take place on a Sunday.

Highways

The vehicular access linking Green Lane with High Street (30mph speed limit) has good observation views. Green Lane itself is a single carriageway with no pedestrian footpath or places for meeting vehicles to safely pass each another. The development proposes to install a pedestrian footpath from the site for a short stretch to the north of Green Lane and then a longer stretch to the south of Green Lane. Additionally the proposal will install 3 passing places to the north of Green Lane to more efficiently and safely deal with the extra traffic generated by the dwellings. Therefore the proposal will not have a significant adverse impact on highway safety. This is supported by the highway department at Lincolnshire County Council providing requested conditions are attached to the permission.

Archaeology

The Historic Environment Officer (Lincolnshire County Council) has no objections to the proposal.

Ecology

Due to the location and nature of the buildings there is potential that the barns are used by a protected species such as bats, wild birds or owls. Paragraph 118 of the NPPF clearly states that:

Opportunities to incorporate biodiversity in and around developments should be encouraged

The application has included a preliminary ecological appraisal (PEA) carried out on the 22nd June 2015 and a bat survey (BS) carried out on 7th July 2015 to assess the use of the site by protected species. The PEA (pg6) indicates that no protected species were seen utilising the site at the time however evidence was found of use by a barn owl and swallows. The PEA has included a number of recommendations to be followed as part of the development:

- Need an initial bat survey to establish if bats are roosting in the stable block or not.
- No site clearance works can take place during the nesting season (March to September) as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended);
- All rubbish piles, especially the builders piles and the stable block to be cleared under the supervision of a trained ecologist due to the possibility of wildlife utilising these areas;
- Nest boxes to be put up to replace lost nesting space. Either an artificial Swallow nest or a nesting platform;
- Insect friendly planting;
- Maintain the farmer's hedge on the Eastern boundary.

The BS was carried out in accordance with the first recommendation above. The BS (pg5) found that there was not a bat roost on site and the site is only

used for bat foraging. The following recommendations have been suggested by the BS:

- Bats are transient species so if a bat is found roosting on the site when the buildings are being demolished, then call KJ Ecology Ltd on 07807 655237 straight away to deal with the bat(s);
- Follow the Bat Conservation Trust – Encouraging Bats : A guide for bat-friendly gardening and living so as to replace the lost foraging habitat once the proposed development has been completed;
- Maintain the farmer's hedge on the Eastern boundary.

It is therefore considered that the proposal will not have an adverse impact on protected species subject to the inclusion of conditions and advisory notes. In fact the proposal has the potential to enhance biodiversity by the inclusion of owl boxes, swallow nest boxes and bat boxes.

Public Right of Way

The proposal will not adversely impact on the use of the footpath or the safety of the user. This has been supported by the Public Rights of Way Officer (Lincolnshire County Council) subject to his comments being adhered to. These comments will be attached as an advisory note to the permission.

Contamination

The Public Protection Officer has recommended that a suitable contamination condition is required given the previous use of the site and its close proximity to the railway. This must include an asbestos survey prior to demolition of the existing buildings. This is considered as appropriate and suitable conditions will be attached.

Foul and Surface Water Drainage

Foul sewage will be dealt with through septic tanks and surface water will be disposed of too soakaways. A condition will be attached to assess the appropriateness of these methods including specifications and positions of the septic tanks/soakaways plus soakaway percolation tests.

Garden Space

The development includes a suitable amount of garden space for each dwelling.

Off Street Parking

The proposal includes at least two off street parking spaces and a garage which is sufficient for 4 bed dwellings.

Other Considerations

Affordable Housing

The Housing Officer has commented that there will be no affordable housing requirement on this development.

Lincolnshire Fire and Rescue

There is an inadequate water supply for firefighting purposes. To remove this objection at least one clearly indicated fire hydrant should be installed at or near the site entrance. The introduction of a hydrant is dealt with under separate legislation and cannot be imposed through planning

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Railway

To date no comments have been received from Network Rail however it is necessary to attach a condition to ensure the railway line and crossing are not affected by the development.

Conclusion and Reasons for Decision

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the Open Countryside, RES 1 Housing Layout, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, CORE 10 Open Space and Landscaping within Developments, NBE 14 Waste Water Disposal and NBE 20 Development on the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. The proposal will contribute five dwellings towards the current housing supply in a location considered as sustainable due to its position close to Cherry Willingham which has numerous services and facilities and in line with recent planning approvals for single dwellings on site close by. The proposal will not have an adverse visual impact on the site or the open countryside, nor the living conditions of future and neighbouring occupiers. It will not have an adverse impact on highway safety or increase the risk of flooding. The proposal will not have a detrimental impact on the public right of way and will enhance the biodiversity of the site.

Human Rights Implications:

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

Legal Implications:

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

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 take place until a sample panel of brickwork and bond, sample of the timber cladding and sample of a roof tile used in the development has been made available on site and agreed in writing by the Local Planning Authority. The sample panel of brickwork and bond panel shall be constructed with lime mortar mixed with a washed sharp sand brushed back at first set.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding open countryside to accord with the National Planning Policy Framework and saved Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details of all other external materials listed below have been submitted and agreed in writing by the Local Planning Authority.

- rainwater goods and downpipes including the colour
- all windows, domestic doors and garage doors including section drawings, depth of reveal and colour finish
- rooflight details including section drawings and colour finish

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding open countryside to accord with the National Planning Policy Framework and saved Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

4. No development shall take place until details of a scheme for the disposal of foul/surface water (including soakaway/percolation tests) from the site and a plan identifying their position has been submitted to and approved in writing by the local planning authority

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the

water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

5. No development shall take place until a landscaping scheme has been submitted including details of the height and materials used for the boundary treatments and the surface material of the parking spaces and estate road have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until an asbestos survey (including required remedial works) has been submitted to and approved by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Environmental Health Manager to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. No development shall take place before a scheme has been agreed in writing by the Local Planning Authority for the construction of 3 number passing places and the pedestrian footpath along Green Lane along with the arrangements for the disposal of surface water run off.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall commence on site until a Section 278 Agreement, Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide passing places along Green Lane along with all other ancillary works.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. No development shall take place until details including positions of three bat boxes, three swallow nest boxes and a single barn owl box has been submitted to and approved by the Local Planning Authority. All shall be retained thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and saved 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:

10. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 010/0061, 011/0061, 012/0061, 013/0061, 014/0061, 015/0061, 016/0061, 017/0061, 018/0061, 020/0061 dated August 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

11. The development shall only be carried out in accordance with the details approved in condition 2, 3, 4, 5, 6, 7, 8 and 9 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. Before the dwellings are occupied the foul and surface water methods shall be completed in accordance with the details approved in condition 4 of this permission.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

13. Before the dwellings are occupied the access and turning space shall be completed in accordance with the approved plan drawing number 020/0061 dated August 2015 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

14. Before the dwellings are occupied the three passing places and pedestrian footpath shall be completed in accordance with the details approved in condition 7 of this permission.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

15. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

16. No development or demolition shall take place during the bird breeding season (1st March to 31st August) in any year until, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledge. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

Reason: In the interest of nature to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

17. No site clearance including the removal of existing materials and future building material piles shall take place without the supervision of a suitably qualified ecologist. Completion of the supervision shall be confirmed in writing to the Local Planning Authority by the qualified ecologist and works shall immediately cease if protected species are found and will not commence until methods of mitigation has been approved by the Local Planning Authority

Reason: In the interest of nature and possible habiting wildlife to accord with the National Planning Policy Framework and saved 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. During and after construction no part of the development shall cause the level crossing site lines road traffic signs and markings or the crossing itself to be obstructed. This includes the parking of caravans, machines and equipment together with the erection of signs, fences and the planting of trees and hedges. All roads paths or ways providing access to any part of the railway undertakers land shall be kept open at all times.

Reason: To enable the proper and safe operation of the railway network in accordance with the National Planning Policy Framework.

19. All planting and introduction of trees shall be carried out in the first planting and seeding season following the implementation of the use, whichever is the sooner; and any hedging 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 should be retained thereafter.

Reason: To ensure that additional screening is provided within the site to accord with the National Planning Policy Framework and saved Policy STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations to the barn including the insertion of a structure or building within the curtilage of the barn and new windows or rooflights other than as authorised by this permission.

REASON: To safeguard the character and appearance of the building(s) and its surroundings to accord with the National Planning Policy Framework and saved Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

Informative

Highways

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

Railway Nuisance

The developer should be aware that any development for residential use adjacent to the operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide

adequate soundproofing for each dwelling. Please note that in the worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Right of Way

- There will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
- Clarification is sought as to the ownership of the boundary hedge between the site and the adjoining field containing the public bridleway. If this were the applicants and was not conveyed to individual plots then the ongoing responsibility would remain.
- The construction should not pose any dangers or inconvenience to the public using the right of way.
- If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

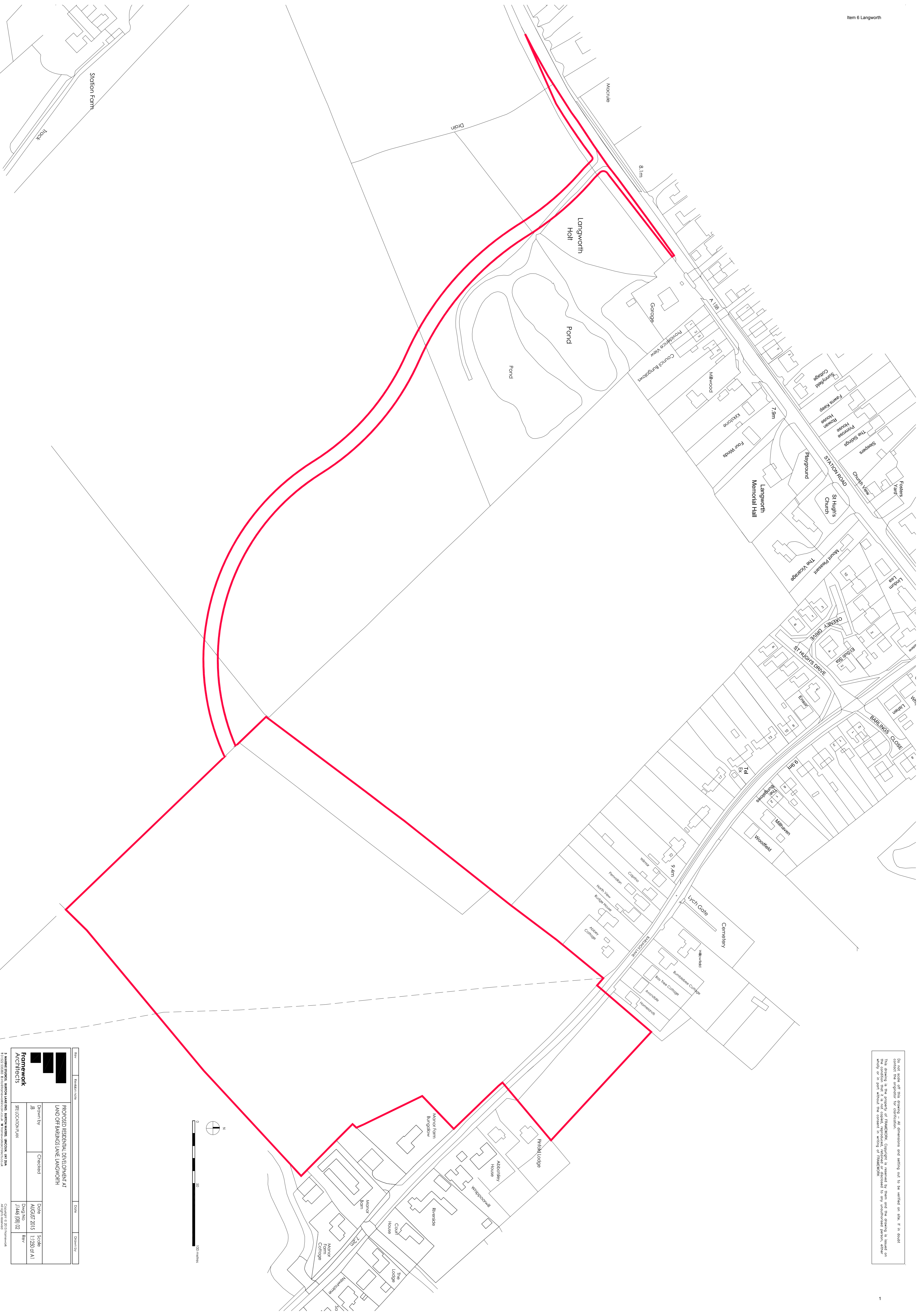
If there is any possibility of the above comments being breached then please contact the Public Rights of Way Officer at Lincolnshire County Council.

Ecology

Follow the Bat Conservation Trust – Encouraging Bats: A guide for bat-friendly gardening and living so as to replace the lost foraging habitat once the proposed development has been completed;

31st December 2015





Do not scale off this drawing. All dimensions and settings out to be verified on site. If in doubt contact the architect for clarification.
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Rev	Revised code	Scale	Drawn by
PROPOSED RESIDENTIAL DEVELOPMENT AT LAND OFF BARLINGS LANE, LANGWORTH			
Drawn by	Checked	Date	Scale
JB		AUGUST 2015	1:1250 (0.1A)
Site Location Plan		DWG No	Rev
		J144 (08) 02	

FRAMEWORK ARCHITECTS
 3 MAIN STREET, BIRMINGHAM, WEST MIDLANDS, B1 1NA
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Officers Report

Planning Application No: 133433

PROPOSAL: Planning application for erection of 125 dwellings, day nursery (Class D1), Shop (Class A1) and associated access roads and open space

LOCATION: Land north and west of Barlings Lane Langworth Lincoln LN3 5DF

WARD: Cherry Willingham

Ward Councillors: Councillor Anne Welburn, Councillor Alex Bridgwood and Councillor Chris Darcel

TARGET DECISION DATE: 03/12/2015 (Extension of time: 29/01/16)

DEVELOPMENT TYPE: Large Major - Dwellings

RECOMMENDED DECISION: Refuse

Introduction:

The application is referred to the Planning Committee as the proposal is likely to be of interest to Members.

Description:

The site is located off Barlings Lane, Langworth and incorporates approximately 9 hectares of land. The main part of the site is located off the western side of Barlings Lane, however the proposal does incorporate land located off the eastern side of Barlings Lane. In addition the proposal incorporates a separate vehicle access which extends through the neighbouring field (known as Strawberry Fields) and to the west of the Langworth Holt to provide access onto Station Road. The land associated with the planning application (including the vehicle access road onto Station Road) is located outside of the defined village boundary (see Inset Map 40 – Langworth of the West Lindsey Local Plan First Review – June 2006) and is therefore regarded as being within the open countryside. For the purpose of the settlement hierarchy, Langworth is defined as a Primary Rural Settlement under Policy STRAT3 (Settlement Hierarchy).

The site is used for agricultural (arable purposes) and a Public Right of Way (PROW) extends diagonally through the application site from the corner of Abbey Cottage, Barlings Lane to the south of the site. There are mixed hawthorn hedgerows located around the perimeter of the site, including the site frontages on Barlings Lane and there are some existing trees located on the part of the site which is located off the eastern side of Barlings Lane. Barlings Lane is a relatively narrow Lane, which incorporates grassed verges to the site frontages. A planted woodland area is located within the northern part of the site. The proposed access road, extends through fields which are also in agricultural (arable) use and runs to the west of the existing fishing ponds. The part of the access located closest to Station Road is located adjacent to an area which incorporates existing trees. The proposal also retains a field access, which is located between Plots 123 and 124.

There are dwellings located further south of Barlings Lane, however these dwellings are not located within the defined settlement boundary and represent an organic form of linear/ribbon development along Barlings Lane.

The land is categorised as partially Grade 2 (Very Good) and partially Grade 3 (Good to Moderate) agricultural land.

Proposal

The planning application is submitted as a full application, which following the receipt of a revised scheme now incorporates 125 dwellings, with a crèche, shop and area of open space. The proposal incorporates a new vehicular access off Barlings Lane and a new access road (utilising the existing access point which currently provides vehicle access to the fishing ponds) that extends through neighbouring fields to provide access directly onto Station Road. Plot 4 now incorporates a single storey building intended to provide a crèche and small shop within the development. An area of open space is provided to front onto Barlings Lane and smaller areas of incidental open space and landscaped swales have been designed into the scheme. The proposed shop and day nursery is provided as a detached single storey building (Plot 4) and a covered and outside play area are provided to serve the day nursery. 10 parking spaces are provided to serve the nursery and shop. This building is located to the west of the area of open space and would also be accessed via either of the 2 accesses serving the development.

The Integrated Planning Statement submitted as part of the planning application identifies that the scheme as submitted (particularly in respect of the alignment of the proposed access road off Station Road) reflects the conclusions obtained from the Applicants' Consultation events with the community and relevant stakeholders.

The Agent (Globe Consultants) identifies in their letter dated 4th November 2015 that there an opportunity and aspiration for the affordable housing units, open space and local facilities to be owned and managed by the community via a Community Land Trust (CLT). It is proposed that any new CLT would be objectively supported and mentored by Lincolnshire Community Land Trust as an integral part of the development proposals.

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

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

Relevant history:

There is no relevant planning history relating to the application site.

Representations:

Chairman/Ward member(s):

Councillor Anne Welburn and Councillor Alex Bridgwood (District Councillors Cherry Willingham Ward): Concerned that the application is for 126 extra dwellings in a village of less than 200 houses, with planning permission already accepted for 36 dwellings. Concerned this will double the size of a small village which would only be expected to accommodate 2 or 3 dwellings. Considers brownfield sites should be considered prior to agricultural land and alternative sites are available. Highlights relevant Policies as STRAT1, STRAT2, STRAT3, STRAT6, NBE14, NBE18 and NBE20.

Councillor Chris Darcel (District Councillor Cherry Willingham Ward):

Concerned that together with houses already planned for the village that the number of dwellings will be doubled. Concerned that there are no existing facilities to support the development.

Parish/Town Council/Meeting: Letter 1: Requests extension of time for residents to comment on the proposal. Letter 2: Strongly objects. Raises the following points: 1. High level of objections from residents to the Parish Council contradicts the statements in the Application that the people of Langworth are supportive and questions this 'demonstrable' evidence. Confirms public meeting very well attended and there was overwhelming objection to the proposal (2 residents did confirm support). 2. Concerned site encroaches into countryside and is outside the settlement boundary. By virtue of location, size and density wouldn't integrate with landscape but would create a harmful urbanising effect/adverse visual impact on landscape. 3. Misuse of good quality agricultural land. 4. Weak infrastructure – educational, health and social/community facilities inadequate to serve the development and fails to satisfy sustainable development objectives set out in the NPPF, current and emerging Local Plans. 5. Negative impacts will significantly and demonstrably outweigh benefits (including provision of new housing to meet the under-supply). Considers Langworth is already more than contributing to fair share of housing (extant planning approvals for up to 56 unbuilt dwellings). Will treble required growth levels of housing up to 2036. 6. Proposal is considered to be contrary to STRAT1, STRAT3, STRAT6, STRAT9, STRAT12, STRAT13, STRAT19, NBE14, NBE18, NBE 20 OF 2006 WLDC Local Plan) and LP1, LP2, LP3, LP4, LP12, LP13, LP14, LP15, LP20, LP23, LP25 and LP55 of the emerging Further Draft Local Plan 2015. 7. Considers number/size proposal is not proportionate to the size of the village. It is out of scale and deviates from the Local Plan and together with extant permissions will double the size of the village. Highlights there have been dormant/uncompleted properties within the village. 8. Concerned that the development does not reflect the settlement pattern of the village 9. Concerned about highway safety issues associated with the use of Barlings Lane and the wider highway network (which are exacerbated by the existing railway crossing) and that the public transport links to Wragby, Lincoln and beyond are weak. Integrated transport links also poor. Concerned traffic journeys to and from the village will be doubled to access essential services and few employment opportunities in/around Langworth. Proposal will result in over-reliance of private car. 10. Proposal will encroach into open countryside and other preferable sites existing (i.e. brownfield sites/sites centrally located in village). 11. Infrastructure is poor. 12. Fails to improve

economic, social or environmental conditions contrary to NPPF. 13. Concerned about flood risk and that the application site and neighbouring properties have previously flooding. Land drainage is poor. 14. Proposal fails to achieve 'local distinctiveness'. 15. Scale – Proposal seeks 126 dwellings in a village of 185 dwellings. The new Emerging Local Plan seeks a 10% growth up to 2036, however village will already experience 30% growth based on the 2 brownfield sites that have extant permissions for residential developments (The George Hotel – 36 dwellings – 130774 and Fosters Yard – 20 dwellings – 126878 and 120468). 16. Notes that whilst Langworth is defined as a 'Primary Rural Settlement' under STRAT3, times have changed and Langworth no longer has key services, the only available services are village hall, playground, Place of Worship and a few small businesses (wood yard, fishing, caravan sites and garages). There are no educational, medical or essential convenience stores. Further, the proposal would fail to meet the provisions of STRAT6 – which only allows for limited infill within the settlement boundary. Concerned the proposal makes a mockery of good planning practice. Notes the emerging Policy in the Further Draft Local Plan allows for 'small scale development of a limited nature- normally limited to 3 dwellings' in Langworth. Concerned that the village will be over-burdened with housing and visually/socially unable to 'satisfactorily integrate' as the housing is separate to existing built form. 16. Development will strain existing services and facilities. 17. Considers that sequentially there are other sites available before land in the open countryside is developed and will result in loss of good agricultural land. 18. Notes the development does not require a countryside location. 19. Concerned about biodiversity and geodiversity objectives. 20. Notes the open land around the village maintains the physical identity of the village, it provides open breaks and prevents physical coalescence of settlements. 21. Concerned about existing highway safety issues (highlights railway crossing, junction of A158 and Barlings Lane, Barlings Lane, proposed new access, difficulties egressing junctions due to existing congestion, narrow nature of Barlings Lane, conflict with agricultural vehicles, use of Barlings Lane as a 'rat run' and that vehicles use verges to pass. 22. Concerned the proposal brings no additional services to the village. 23. Waste water disposal concerns, including repeated flooding issues and flooding of Barlings Lane. 24. Light pollution given the countryside/dark rural location (causing glare/light spillage) which will create a nuisance to neighbours and harm the natural beauty of the environment/night sky. 25. Impact on the edge of the settlement, which is also used for recreational purposes (cyclists and use of PROW). Includes a number of photographs. Letter 2: Parish Council stands by comments on original proposal, but has following comments on proposed amendments: Although a shop and nursery welcomed queries: how these will be funded; will the services incur costs to Parishioners; how would they be run; would a nursery be viable as there has been a recent closure in a local village; village shop approved under 130773 and would any financial benefits be taken up by the proposed new access road? Agrees that facilities are much needed in village, but size and location of such development remains a concern.

LCC Education: Confirms a full education contribution is sought. In addition the village does not have a Primary School within 2 miles and all pupils would need vehicular transport provided from home to school. Confirms that a total developer contribution of £689,706 is required based on 25 primary places and 24 secondary

places. The contribution would be used for infrastructure at the nearest schools (Scothern Primary School and Cherry Willingham Secondary School).

NHS England: Requests a financial contribution of £53,550 based on £425 per dwelling and confirms that the surgery most likely to be affected by the development is the Nettleham Medical Practice.

Anglian Water: Confirms that the foul drainage is within the catchment of Reephams and that the Waste Recycling Site will have capacity for these flows. Confirms that the development will lead to unacceptable flooding downstream and that drainage strategy will need to be agreed by condition. Confirms the advice of the Lead Local Flood Authority should advise on the suitability of the surface water drainage provisions. Recommends condition relating to the agreement of a foul water strategy.

LCC Highways: It is universally acknowledged that the development proposed in this application would generate significant amounts of additional traffic movements on the local highway network and accordingly, the application is supported by a Transport Assessment, in line with advice provided at paragraph 32 of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 32 of the NPPF goes on to say that decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and

- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Having regard for that guidance and the opportunities for sustainable transport modes that could be delivered by the proposed development, and also the introduction of a new junction along the A158 which would give an improved access point to the proposed development thereby minimising the intensification of the junction of Barlings Lane with the A158, the Highway Authority has concluded that on balance, the residual cumulative impacts of the development are not so severe that there is sufficient justification to request that the application be refused consent but requests that any consent given by the Local Planning Authority should include the recommended 'highway' conditions;

Planning Policy: Langworth is identified as a Small Growth Village in the Further Draft Local Plan, published 15 October 2015 and currently subject to public consultation. This classification is based on the spatial strategy that has considered the suitability and sustainability of settlements within Central Lincolnshire and the suitability of each settlement for accommodating further growth. Small villages can accommodate "small scale development of a limited nature" (policy LP2). This application significantly exceeds the level of growth deemed appropriate and sustainable for this location. For Small Growth Villages the Draft Plan does not

identify specific residential allocations and identifies that in most locations the growth target will be 10% growth, based on the size of a settlement at the start of the plan period (2012). Where some limited services or facilities exist and where there are no major constraints within a settlement the draft local plan proposes an uplift growth levels to 15%, however this is not the case for Langworth and the base level of 10% growth is proposed. The intention is to ensure that rural communities continue to receive a level of growth that is appropriate to their size and location; providing an ability to ensure provision can be made primarily for local-need housing whilst protecting these settlements from inappropriately large levels of growth (such as the level proposed by this application). An uplift in these figures can be provided where local communities produce neighbourhood plans that allocate additional sites for development, however there is not currently a neighbourhood plan for Langworth and therefore the local plan will set the growth targets for the village. This site is not currently allocated in the existing West Lindsey Local Plan (2006) but is included in the latest SHELAA (2015). However, for the purposes of proposed residential allocations this site has not been included as a proposed allocation due to the very limited services and facilities present in the village and limited opportunities to meaningfully extend, or add to, service provision. Sufficient land has been identified in alternative more sustainable locations in Central Lincolnshire to meet the housing need identified in the draft plan. In addition, the current five year supply position identifies that the council can meet its five year requirement of housing land supply, and with the planned adoption of the Central Lincolnshire Local Plan next year this position is expected continue and strengthen further. The draft plan identifies that the suitable level of growth for Langworth during the plan period is 19 new homes (10% of the 194 homes in 2012). This proposal for 126 dwellings would represent over 60% growth of the village. This is an inappropriate level of growth given the limited facilities in the village and is contrary to the growth objectives of the draft local plan.

Environment Agency: Surface Water Drainage: Confirms no longer provides bespoke advice on the design of surface water management networks for new developments. Role now transferred to lead local flood authorities. Foul Drainage: Site is adjacent to Reepham Water Recycling Centre (WRC) and that the development will be connected to the existing mains. Confirms WRC had capacity to accommodate the proposed number of houses. Recommended consultation takes place with Anglian Water. Confirms new developments must be served by separate foul and surface water drainage systems.

Archaeology: Notes the Integrated Planning Statement contains no information relating to the Historic Environment. Notes there is insufficient information regarding the proposals impact on the setting, on the archaeological potential of the site or the proposed impact of the development. Confirms a Heritage Statement should be submitted. Confirms that in the absence of this information on the significance and proposed impact on heritage assets that the proposal is considered to be contrary to the NPPF. Advised that further information submitted is insufficient and that the proposal fails to accord with the provisions of the NPPF accordingly.

Natural England: Confirms that the site is in close proximity to the Bardney Limewoods Site of Special Scientific Interest. Confirms that the proposal will not damage or destroy the interest features for which the site has been notified, providing that the development takes place in full accordance with the details of the

application. Any potential impacts on local sites, local landscape character and local/national biodiversity priority habitats and species should be assessed by the Local Planning Authority.

Lincolnshire Police: Confirms no objections to the proposal but highlights a number of issues. 1. Raises concerns about the use of rear car parking courts, particularly in terms of lack of natural surveillance and an over-concentration of on-street parking. 2. Provides guidance for the use of: fencing gates; soft landscaping; shed/cycle storage; lighting; External doors and associated security measures; windows; alarms and the requirement to clearly define public/private space on frontages.

LCC Footpaths Officer: Confirms that the Definitive Footpath (Barlings) No. 106 bisects the site but will be amply catered for within the development. Confirms 1. The footpath will need to be constructed to an adoptable standard where it fronts the houses and where the footpath extends between the residential access road and Barlings Lane a stone finish would be suffice. 2. Confirms that there will be no encroachment, either permanent or temporary onto the right of way as a result of the proposal. 3. Construction should not pose any danger or inconvenience users of the public right of way. 4. Permission would be required for any modification or installation of a new gate or stile.

Environment Comments: 1. Notes that a landscaping scheme has not been provided. Requests a scheme of landscaping planting, support, aftercare, future management and maintenance of the Public Open Space (POS). 2. Notes some levelling has taken place around Plot 121 and considers that hedgerow planting should be incorporated to the fronts of Plot 121-126. 3. Trees on indicate plan may be indicative but various trees shown close to hard-surfacing. Recommends tree planting is located away from hard-surfaced areas and provides recommendations for tree planting in narrow spaces between driveways. Notes the POS area at westerly entrance is open to adjacent farmland and that preferable for hedgerow boundary to be incorporated. Queries boundaries to the proposed new access and adjacent farmland. Notes the public right of way may not reflect the definitive line and advises that any deviation may result in the need for a footpath diversion application. Confirms tree protection details should be confirmed to protect existing trees adjacent to the site, along with no-dig/bespoke methods to prevent damage caused by driveways in Root Protection Areas of existing trees. Trees close to parking spaces adjacent to RPA's may be adversely affected but does not object to their loss. Notes some removal of trees required in association with the proposed new access. Concludes that tree protection details can be dealt with by a planning condition, 2 trees located off north-eastern side of Barlings Lane meet the criteria for a Tree Preservation Order, landscaping scheme required (including barrier between the fishing ponds) and gaps in hedgerow should be infilled.

Environmental Protection: Surface Water – raised potential for surface water in a 1:1000 year event that ought and might have guided the layout. Potential for contamination in relation to land use and nearby infilled land/quarrying and cemetery/graveyard.

Lincolnshire Fire and Rescue: Objects to the proposal on the basis of inadequate water supply for firefighting purposes. Recommends inclusion of 2 fire hydrants.

Housing and Communities Project Officer (Affordable Housing Viability):
Awaiting Comments.

Local residents:

Occupiers, Manor Farm Bungalow, Barlings Lane, Langworth: Totally opposed to the proposal, which uses good agricultural land. Concerned about: lack of amenities (doctors, schools, shops) to serve a development of this scale; road network is inadequate; A158 unable to cope with everyday traffic; Junction with Barlings Lane is dangerous; overlooking issues to own property and suggests if permission is granted that 3 nearest houses are changed to bungalows or that first floor windows are obscurely glazed.

Occupier, Homelands, Barlings Lane, Langworth: Comments as lifetime resident of Langworth. Highlights that property overlooks the proposed development. Dismayed at the loss of good quality and productive farmland; regularly walks the public footpath and property overlooks the land and notes the rich variety of wildlife (including wildlife corridor for red deer). Notes housing stock has increased steadily, but development lies outside natural boundary of village and is too large for the size of the village. No indication of services to benefit the village; any further development of the village needs to be planned and co-ordinated and more consideration given to wider environment; surprised that the proposal seeks to double the village which has no shops/GP Practice/schools; village lacks public transport provision; bus routes do not go close to nearest GP/nearby schools referred to; lack of cycle track to Lincoln and most journey require use of private car. Concerned about blind exit onto A158 and use of lane by agricultural vehicles/touring caravans and welcomes any proposal for relief road that would not destroy more farmland. Concerned about flood risk being exacerbated, particularly as ditches on Barlings Lane often at capacity.

Occupier, Avondale, Barlings Lane, Langworth: Resident of Langworth for 30 years. Concerned about lack of clear strategy and coherent planning in respect of essential infrastructure and that the development will fail to deliver a proportionate and appropriate development or quality environment required under national policy. Highlights Langworth is a small village with no pre-school, school, GP Practice, shop or permanent Post Office. Proposal fails to acknowledge impact on existing infrastructure, access to healthcare, schools or shops. Notes reference in the Transport Assessment to nearby health facilities which could be accessed by foot in Hinckley. Highlights nearest 'Hinckley' is in Leicestershire, which diminishes confidence in accuracy of this report. Considers a large unprecedented housing development will not enable the organic growth of the settlement. Considers the proposal is not in keeping with the primary shape/form of the village and will not enhance it. Proposal is not consistent with Policy for Small Villages which only allows for infill development. Proposal is grossly disproportionate to the size of the village; properties remain on the market for considerable periods of time; village lacks integrated transport links; notes bus services not frequent enough and private car is only practical solution; A158 does not have a cycle path; majority of shopping trips would require use of private car and considers that the proposal is contrary to the NPPF which requires patterns of growth to be managed to make fullest use of public transport; notes access to/from village is affected as it's a holiday route and Barlings

Lane used as a relief route when crossing closed; Lane is narrow; no continuation of footway beyond cemetery; agricultural vehicles have to mount verge to cross; improvements to existing road/crossroads overdue; access will fragment agricultural land; queries if access road would precede dwellings; concerned about construction traffic along Barlings Lane. Concerned about loss of agricultural land; loss of hedgerows (particularly along Barlings Lane); concerned ecology report doesn't acknowledge use of land by red deer or the hedgerows/verges outside of the field edge; concerned that run-off from the fields has not been acknowledged and that Barlings Lane is prone to flooding (area subject to flooding exceeds that identified on the environment website) the development will exacerbate flooding. Concludes that would be good to see Langworth develop with proportionate sustainable development within the established village boundary. Current proposal is disproportionate and doesn't meet sustainability criteria, nursery and shop does not address wider sustainability issues; queries parking provision for shop, viability of shop, local need for affordable housing. Emphasises lack of services/facilities within village.

Occupier, Rose Cottage, Barlings Lane, Langworth: Concerned that Barlings Lane is over-burdened with traffic, including caravan site, chalet park, residents parking, through traffic and diverted traffic. Concerned about highway safety particularly the junction of Barlings Lane with the A158 which will be exacerbated as a result of the proposal. The development will not be sustainable due to the lack of services or bus services. Notes WLDC recently refused planning application for change of use of a caravan site on Barlings Lane to allow permanent occupation. Considers the village would benefit from small scale infill but not an estate development.

Occupier, Vanellus, Barlings Lane, Langworth: Notes the plans now include an access to Strawberry Fields. Although object to use of prime agricultural land being used initially main concern is increased traffic past own house at Barlings Lane and junction of Barlings Lane with A158 particularly during construction phase as detrimental to health through the dust, noise and vibration damage to cottage and increased access difficulty. If proposal goes ahead seeks reassurance that Strawberry Fields access is built first. Letter 2: Objects to amount of housing which appears to be land grabbing. Received correspondence directly from the Agent. Remains concerned about the impact of development on the junction of Barlings Lane; noise and disturbance associated with increased traffic movements; notion of 'village green' likely to become a dogs toilet as per other open green spaces; nursery and shop will result in additional vehicle movements over and above the proposed development; sees no benefit for a large estate in the village including pressure on local services/infrastructure; considers there are suitable brownfield sites to accommodate additional residential development; concerned that the proposal will not help to support the continued use of the Memorial Hall. Objects accordingly.

Occupiers, Rudge House, Barlings Lane, Langworth: Completely against the proposal. 1. Local Context and Detrimental effect on environment: proposal doesn't reflect local context and street pattern; scale and proportions of buildings would be out of character and loss of agricultural land. 2. Local Amenities – concerned about large area of open countryside being destroyed; the proposal would envelope and degrade only remaining public footpath which provides access to countryside which

is well used by residents/ramblers and will create accessibility issues for people wishing to enjoy/access open countryside; the proposed open space would not mitigate against loss of open countryside; the proposal will not benefit residents. 3 Opportunistic Commercial Opportunity – Understand landowner sought to close footpath a number of years ago, which was later retracted. Proposal presents opportunity for land-owner/companies to profit at the detriment of local residents; other small areas of land have been earmarked to meet the need for housing in the village. 4 Local Support and Sustainability - Concerned that residents are not in support of the proposal and queries need for an independent survey. Disagrees that the proposal will create a more sustainable settlement as the village is showing no signs of lacking sustainability. 5 Biodiversity and Wildlife Sustainability – Concerned about impact on wildlife that use the site including: barn owls, grey partridge, green and greater spotted wood pecker, kingfisher, heron, moorhen, mistle and song thrush, tawny owls and cuckoos in own garden. Notes existing of fledgling owls in area which would stop as a result of the development; biodiversity and wildlife sustainability would reduce or cease.

Occupier, Bay Tree Cottage, Barlings Lane, Langworth: Didn't expect the proposal would be taken seriously particularly as the Parish Council are in support of 2 proposals which will deliver 56 properties within the village boundaries, which exceeds the number thought suitable by existing/emerging policy documents. Concerned new estate will double size of village; far more suitable locations exist within the village which have the potential to improve the village. Concerned about access track. Understood that Policy seeks to protect such land for future potential for food production; and that such sites only considered when there is an absence of brownfield sites and sites within existing village boundaries. Concerned about loss of good agricultural land when other sites available; site is also outside village boundary. Considers that there are other available sites which will infill to make a more cohesive village. Notes difficulties selling properties within the village; pocket development more likely to be attractive to potential purchases moving to the village. Concerned that houses will not sell (similar to examples in Ireland); has confidence in the planning system; drainage and flooding not accounted for which will be exacerbated as result of the proposal; highway safety issues and lack of capacity and existing problems on the lane. Concerned about capacity of local services (GP, schools and no gas provision within the village), transport expensive and there are few amenities. Considers that there is unanimous support for some development, but not this site. Queries misunderstanding that services would be provided as part of the development, development would be off the Main Road and general misunderstandings about the proposal. Letter 2: Concerned about the need for the nursery and its viability (recent closure of day nursery in Scothern); understands nursery in Scothern closed due to lack of funding/insufficient customers; concerned that there is a lack of demand for nursery from existing population; notes a shop will be provided as part of the George Hotel development and that this application should not prejudice the viability of a previously successful planning application; concerned about tone/content of recent correspondence from Agent (includes a number of points).

Occupant, Abbey Cottage, Barlings Lane, Langworth: Strongly Objects. Queries statement that 80% are in favour of the proposal as stated in the application and understand that residents are supportive of re-development of brownfield sites not

agricultural land/this application. Langworth is a small village inhibited by growth due to issues associated with A158, sustainability, infrastructure, flooding etc. Notes approximately 185 properties and along with the developments at The George and Fosters Yard, the proposal will more than double the size of the village. Proposal does not support the linear character of the settlement. Concerned that the site uses agricultural land and that the wildlife impacts have not been fully assessed. Concerned about flooding, surface water issues and queries accuracy of flood report. Concerned the proposal would be an 'environmental disaster'. Concerned about nature of Barlings Lane and that large agricultural vehicles regularly use the lane, along with caravans being towed, HGV's along with other forms of vehicles. Traffic diverted down Barlings Lane if the Lane closes and the highway network cannot cope with the traffic associated with the proposal. Concerned that frequency of accidents at junction with A158 is not accurately recorded due to frequency of incidents; carbon emissions are supposed to be reduced not enhanced; the survey commenced at 9:30 am and did not take account of school and work traffic or the weekends when traffic is at a standstill from people travelling to coast and the closure of the crossing. Concerned that access to key services (doctors, schools, shops) is limited to car and bus routes only provide access to Lincoln, not services in nearby villages. Concerned about light pollution on low lit lane; village green only exists due to a right of way restriction; no gas provision in the village and broadband is slow; tourism will be affected as the countryside walk will be removed; access will cut through countryside. Queries that the proposal is contrary to all relevant policies in the NPPF and the existing and emerging WL Local Plans.

Newholme, Barlings Lane, Langworth: Objects and endorses comments made by Parish Council. Concerned about: size and location on greenfield land outside of settlement boundary would be detrimental to village; development is not sustainable or proportionate; infrastructure cannot support the proposal; highway safety issues (Barlings Lane); site is located too far from bus stop; notes Developers comments relating to viability/cost of access road; flooding issues and sewage flooding ignored; questions viability and sewage works result in closure of Barlings Lane. Concerned about accuracy of reports; loss of countryside footpath and that the proposal is too large, in wrong place and infrastructure costs are too high. Letter 2: Objects. Addition of shop is unnecessary as shop already approved at The George site and the proposal will jeopardise this consent; queries need for crèche and that crèche has recently close in Scothern; crèche will generate more traffic along Barlings Lane; believes that existing residents are not in support of the development and will not benefit; considers that the proposal is too big and in the wrong place.

Occupier, Court House, Barlings Lane, Langworth: Objects. Concerned that the proposal involves loss of agricultural land; no facilities within the village to support the development; highway safety issues (including junction onto Barlings Lane); other more suitable sites exist.

Occupier, Manor Farm Cottage, Barlings Lane, Langworth: Objects. Concerned about impacts on highway safety (particularly Barlings Lane junction); that the access road will release further land for development in future; village will be doubled in size which is unsustainable; over-reliance on private car to access basic services; queries infrastructure provision; existing sites available within the village to accommodate development; concerned about loss of privacy and de-valuation of

property. Letter 2: Strongly objects. Proposal will destroy countryside views enjoyed from own property; loss of privacy; noise and traffic disruption associated with construction phase and once dwellings occupied; de-valuation of own property.

Occupants, Northview, Barlings Lane, Langworth: Strongly objects. Concerned Barlings Lane unable to cope with extra traffic and that this will be used in preference to new access; loss of wildlife; does not welcome the new estate.

Occupants, Rudge House, Barlings Lane, Langworth: Concerned that the development is of disproportionate size to the village; community spirit and neighbourly feeling will be affected; density too high and considers smaller sites introduced gradually may serve village better.

Occupants, San Juan, Barlings Lane, Langworth: Barlings Lane inundated with traffic and junction dangerous onto A153. Considers 126 dwellings to be too high; no facilities in village to support the proposal; traffic problems will be exacerbated. Letter 2: Objects. Traffic associated with 126 properties will be too high and will exacerbate existing issues; no infrastructure to serve the development; not opposed to small infill development but not in agreement with current proposal. Letter 3: Objects. 126 dwellings not feasible; concerned that existing traffic problems will be exacerbated and notes application for permanent occupation of log cabins turned down and questions need for the proposal.

Occupants, Building Plot between Manor Barn and Manor Farm Bungalow, Barlings Lane, Langworth: Concerned proposal will overlook own property causing loss of privacy; site is outside village curtilage; loss of farmland and wildlife; new road is excessive and demonstrates unsuitability of the site; access destructive to countryside; village will be doubled in size with no facilities available to support the proposal; highway safety impacts, businesses haven't failed due to lack of custom as lots of passing traffic; size of proposal out of keeping; would support alternative proposals relating to infill development.

Occupier, Court House, Barlings Lane, Langworth: Notes amendments and that proposed access will be via Strawberry Fields and not Barlings Lane. As such considers this will not exacerbate existing traffic problems but seeks re-assurances that this would not be amended. Concerned about loss of valuable agricultural land; other land is available; land on north-eastern side of Barlings Lane suffers severe flooding each year; queries proposals for drainage and that Pinfold Lodge has acquired part of the application site.

Occupier, Willowfield, Barlings Lane, Langworth: Own grass adjacent to proposed development on north-eastern side of Barlings Lane. Highlights that the land floods; land has solely been used for arable purposes; concerned about ability to access own driveways; buffer zone of 4 metres required from land used for grazing horses; questions need for day nursery; whilst a shop is needed it should be located away from Barlings Lane access to avoid congestion on the land; concerned that there are no local amenities to support the proposal; public transport is limited, particularly at weekends, no mains gas provision along Barlings Lane; queries availability of mains sewerage system to support the development; alternative sites

are available; highway safety issues will be exacerbated; difficulties understanding the benefits of the proposal to existing residents.

Occupier, Primrose House, Station Road, Langworth (2 letters): Supports. Concerned that Langworth is a dying village and needs to build new houses to attract new residents and improve infrastructure. Suggestions made during the consultation stages with the community that negotiations should take place in respect of the amenities that could be provided for the village (i.e. small shop/health centre). Concerned that the absence of amenities explains why people are opposed to the development. Fully supports. Notes the loss of amenities and that the village needs growth to survive. Following floods in 2007 understands that works carried out to alleviate these problems. Concludes that the development will bring in young families which is needed. 3rd Letter: Confirms full support. Resident of village for 30 years. Considers the village needs to grow. Fully supports the proposal and pleased amenities are now being provided; the inclusion of a Community Housing Trust and affordable housing is welcomed and should encourage young people to the village; proposed access via Strawberry Fields is supported. Disappointed Parish Council cannot see the long term benefits of the proposal.

Occupant, Macruie, Station Road, Langworth: Moved to village to escape hustle and bustle and enjoy living in a village, with slower pace of life. Concerned about: devaluation of property; lack of infrastructure (sewerage system unable to cope) impact on traffic on already congested A158 which is main route to Skegness; impact of access road on wildlife/trees; tranquillity of fishing lake will be harmed; concerned about impact on own property including noise, glare from car headlights and impact on privacy; village has few amenities (pub, 'visiting post office' and park); bus service is one per hour and already over-subscribed; GP surgeries at capacity; no schools, pre-schools, play groups; availability of infill plots within the village and concerned about increase in crime.

Occupiers, Rowsley, Station Road, Langworth: Object. 1. Congestion – concerned about extra congestion along A158; only remaining service is the p/t post office in the Memorial Hall; high level of passing traffic along A158 (including east coast traffic); difficulties accessing main road due to high volumes of traffic; railway crossing creates further delays and regular closures results in closure of road completely resulting in traffic using Barlings Lane and Scothern Lane; understands there are at least 2 other sites with planning permission that haven't started; considers there will be temptation for residents of new dwellings to use the 2 alternative routes out of the village which are too narrow and unsuitable for heavy/commuter traffic. Considers the footpaths are not sufficient and that Station Road is not accessible to pedestrians and paths too narrow, uneven and unsafe; queries if there are proposals to link the new access onto A158. Queries how sewerage waste will be dealt with as system is unable to cope. Considers the development of this size to be unsustainable, as the village has no shops, full time post office, school, medical facilities, within village or within walking distance. Nearby services are at capacity and residents will have to rely on use of car for every journey. Concerned about loss of agricultural land – which should be retained for future generations. The proposal doesn't offer any enhancement to existing Langworth residents. Considers the village should be allowed to grow slowly in line

with the existing services, improved sewerage system and highways/transport facilities.

Occupier, Springfield, 2 Station Road, Langworth: Concerned that the proposed housing development will stagnate existing village as proposal incorporates no amenities; the proposal is unsustainable due to lack of facilities; empty houses in village; alternative brownfield sites available; sewerage system at capacity and previously breached; existing congestion will be worsened; junction with Barlings Road dangerous. Would welcome sustainable growth of the village to encourage business and steady growth, but objects to unsustainable development.

Occupant, Pheasant Cottage, Main Road, Langworth: Langworth is identified in the Central Lincolnshire Plan as a small village suitable for small scale development only. The proposal will double the size of the village; development out of character with the village; considers the proposal now represents a mini Carlton Centre development in a small village; concerned that the proposal will set a harmful precedent for further development; notes planning permission has been granted for approximately 30 dwellings on land next to the George PH and that it is important to establish if these dwellings sell as could remain vacant; design of dwelling is not in keeping with the village; few facilities within village; doubts proposal for shop will proceed; concerned that existing traffic will be exacerbated causing highway safety issues; impact on wildlife during construction and following completion and concerned about lack of drainage/boggy characteristics of site, which will be worsened as a result of the development.

Occupier, 7 St Hugh's Drive, Langworth: Astonished at the proposal for 126 dwellings. Contradicts smaller developments within village which limited to smaller brownfield sites. Concerned about: renowned difficulties of Barlings Lane A158 junction and associated limited visibility/extended time required to exit the junction; traffic impacts are exacerbated seasonally as main route to Skegness/Mablethorpe; considers proposed access is close to a 'black spot' where traffic accidents have occurred; requests consideration be given to widening of Barlings Lane if proposal is granted planning permission; concerned about inadequate drainage provision; considers the ethos of the village will be affected and close to an area of natural beauty, which is understood to be subject of protection; concerned about the lack of services and loss of services and that proposals for residential development in village of Bassingham, which does have services has been refused and same verdict should be applied here.

Occupier, 6 St Hugh's Drive 'Shalom', Langworth: Objects. 1. Langworth has no amenities – it's a small village with no shop, surgery, school, nursery, youth centre, Police Station and only has a pub and mobile post office. Concerned that the proposal does not incorporate amenities and not able to sustain needs of 126 families – growth of 70% in village. Concerned about length of time houses are on market. 2. Traffic – Concerned about: dangerous junction and poor visibility which will be exacerbated as a result of the proposal. 3. Barlings Lane is narrow and agricultural – concerned that it is a small country lane and traffic shares one lane; difficulties for existing amount of traffic; road surface is poor quality and neglected; lane well used by walkers and cyclists and provides access to countryside and associated footpaths; concerned character would be eroded as a result of proposal;

Lane is only able to accommodate farming traffic and existing residents; road closures force traffic from Wragby Road onto Barlings Lane exacerbates damage to highway and notes there are no pavements, just soft verges and passing places. Concerned that the wider highway network can't cope due to seasonal agricultural traffic. Proposal will exacerbate highways issues. Concerned that construction traffic will access site via Barlings Lane for approximately 2 years. Concerned that the access via Strawberry Fields will open up large areas of land for future housing development. Langworth and surrounding Doctors surgeries and schools cannot sustain large scale housing development. Concerned about volume of holiday traffic along Wragby Road in summer months. 4. Sewerage – concerned that the sewerage system cannot cope and has previously blocked. 5. Living in the Country – Concerned that the character of the village will be adversely harmed and moved to the village for the rural character. Doesn't wish to live in a housing estate. Concerned about loss of views over the field by the construction of the proposal access and devaluation of property. Notes wildlife within the area including deer, badgers, geese and birds of prey and that Langworth should retain rural character. Concerned about impact of development on wildlife. Larger villages are experiencing growth, where there is infrastructure to support. Considers that the scheme sets a precedent for further housing and that proposal results in loss of agricultural land. Considers the proposal to be motivated by profit and that the proposal is irresponsible.

Occupant, 4 Oxeney Drive, Langworth: Concerned there is a factual inaccuracy within the Transport Assessment which refers to site in Hinckley, Leicestershire. Letter 2: Supports proposal. Only concern is new access road needs to be built in Phase 1. Potential capacity issues of sewerage system.

Occupants, 8 Oxeney Drive, Langworth: Objects. 1. Langworth has no amenities – it's a small village with no shop, surgery, school, nursery, youth centre, Police Station and only has a pub and mobile post office. Concerned that the proposal does not incorporate amenities and not able to sustain needs of 126 families – growth of 70% in village. Concerned about length of time houses are on market. 2. Traffic – Concerned about: dangerous junction and poor visibility which will be exacerbated as a result of the proposal. 3. Barlings Lane is narrow and agricultural – concerned that it is a small country lane and traffic shares one lane; difficulties for existing amount of traffic; road surface is poor quality and neglected; lane well used by walkers and cyclists and provides access to countryside and associated footpaths; concerned character would be eroded as a result of proposal; Lane is only able to accommodate farming traffic and existing residents; road closures force traffic from Wragby Road onto Barlings Lane exacerbates damage to highway and notes there are no pavements, just soft verges and passing places. Concerned that the wider highway network can't cope due to seasonal agricultural traffic. Proposal will exacerbate highways issues. Concerned that construction traffic will access site via Barlings Lane for approximately 2 years. Concerned that the access via Strawberry Fields will open up large areas of land for future housing development. Langworth and surrounding doctors surgeries and schools cannot sustain large scale housing development. Concerned about volume of holiday traffic along Wragby Road in summer months. 4. Sewerage – concerned that the sewerage system cannot cope and has previously blocked. 5. Living in the Country – Concerned that the character of the village will be adversely harmed and moved to the village for the rural character. Doesn't wish to live in a housing estate. Concerned about loss of views

over the field by the construction of the proposal access and devaluation of property. Notes wildlife within the area including deer, badgers, geese and birds of prey and that Langworth should retain rural character. Concerned about impact of development on wildlife. Larger villages are experiencing growth, where there is infrastructure to support. Considers that the scheme sets a precedent for further housing and that proposal results in loss of agricultural land. Considers the proposal to be motivated by profit and that the proposal is irresponsible.

Occupier, Chiltern, Scothern Lane, Langworth: If application successful, requests consideration as to how the foul sewers might be connected into existing system. Concerned that there has been flooding associated with the sewer system in the past. Notes Anglian Water have made improvements but does not wish to see the works negated by the connection of so many properties. Notes comments have been provided by Anglian Water regarding the sewerage system and that they have suggested a mitigating system involving a storage system and connecting to existing system. Wishes to request an alternative system that would involve a direct connection to Reepham water treatment works, which will involve a soft dig. Considers cost effectiveness could be tested and would be less disruptive than digging Barlings Lane up and understands this land is within the ownership of the Applicant.

Parish Councillor, Brook House, Scothern Lane, Langworth: Comments represent own views as opposed to those of the Parish Council. Notes the 17 page document was received by WLDC on the 18th October 2015 but that this was not received by Parish Councillors until 29th October 2015 and therefore fails to see how the comments can be treated as the Parish Council comments. It has not been approved by the Parish Council. Letter 2: Comments expressed as a personal view. Supports the proposal. Notes decline in the village and that if going to regain any facilities, a bigger population is required. New housing is therefore needed and welcomes possibility of shop/crèche. Welcomes new access as will give existing residents an opportunity to avoid Langworth crossroads. Queries comments made by the Parish Council. Would like to see access road from Barlings Lane moved south of Rose Cottage and full roundabout where new road joins A158.

Occupier, The Forge, Riby Cross Roads, Riby: Supports. Writing as past Vicar of the Parish and previously resided in village for nearly 25 years. Has previously considered how the village may encourage some development and notes that number of electors within the Parish never exceeded 400. Notes the village is characterised by 'ribbon development' with the crossroads at its axis. Notes there has been some infill development but has largely experienced no housing development. Result of static population is that the village has experienced decline, looks 'sad' and lost many amenities (2 Methodist Chapels, local school, post office, stores, 2 pubs have experienced changeovers and periods of non-operation). Notes Memorial Hall has developed its facility to compensate for the loss and that there is a fine community spirit. Notes that the village has historically thrived and considers the current scheme to be most imaginative scheme, particularly with regard to location and the single ownership. Considers the village needs a population boost. Understands Government is requiring Local Authorities to encourage house building programmes ("build more homes to save or villages"). Highlights following benefits of the village: Good bus service; medical services in 2 nearby villages; availability to

nearby primary/secondary schools; access to open countryside; 2 Church of England Churches and small independent fellowship within the Parish; proximity to Lincoln and good road networks. Considers the proposal to be an opportunity.

Members are advised that a number of letters were received by the District Council prior to the receipt of the planning application. Whilst the precise content of the planning application was unknown at this early pre-application stage, a summary of the main issues raised are included as follows:

- Concerns about lack of infrastructure/services/public transport to support the proposal and associated over-reliance on private car.
- Housing disproportionate size to the village.
- Planning Policy restricts new development to infill.
- Congestion will be exacerbated/concerns about the crossing.
- Concerned about highway safety (including Barlings Lane and Barlings Lane junction).
- Loss of good quality agricultural land.
- Proposal fails to achieve sustainable development objectives and will develop land within the open countryside.
- Other more suitable sites exist (including sites with planning permission).
- Poor drainage and sewerage provisions within the village.
- Area used for recreational purposes.
- Traffic and noise pollution.
- Flooding concerns.
- Impacts on wildlife.

IDOX Checked: 6/12/15

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/>

West Lindsey Local Plan First Review 2006

STRAT1: Development Requiring Planning Permission

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

STRAT3: Settlement Hierarchy

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

STRAT6: Windfall and Infill Housing Developments in Primary Rural Settlements

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

STRAT12 – Development in the Open Countryside

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

STRAT19 – Infrastructure Requirements

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

SUS1 – Development Proposals and Transport Choice

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

RES1 – Housing Layout and Design

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

RES2 – Range of Housing Provision in all Housing Schemes

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

RES5 – Provision of Play Space/Recreational Facilities in New Residential Developments

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

RES6 – Affordable Housing

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

CORE10 – Open Space and Landscaping within Developments

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

NBE13 – Nature Conservation in Wildlife Corridors

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe13>

NBE14 – Wastewater Disposal

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

RTC3 – Retailing and Village Use Areas in Primary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm#rtc3>

NBE20 – Development on the Edge of Settlements

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

Central Lincolnshire Further Draft Local Plan:

LP1: A Presumption in Favour of Sustainable Development)

LP2: The Spatial Strategy and Settlement Hierarchy

LP55: Development in Rural Areas and the Countryside

Main issues

- **Principle of the development and Sustainability Issues (STRAT1: Development Requiring Planning Permission, STRAT3: Settlement Hierarchy, STRAT6: Windfall and Infill Housing Developments in Primary Rural Settlements, STRAT12: Development in the Open Countryside, NBE20 – Development on the Edge of Settlements and RTC3 – Retailing and Village Use in Primary Rural Settlements).**
- **Traffic Impacts & Highway Safety (STRAT1: Development Requiring Planning Permission and SUS1 – Development Proposals and Transport Choice).**
- **Flood Risk and Sustainable Drainage Provisions (NBE14: Wastewater Disposal).**
- **Design Considerations (RES1 – Housing Layout and Design, RES2 – Range of Housing Provision in all Housing Schemes and STRAT6 – Windfall and Infill Housing Development in Primary Rural Settlements)**
- **Impacts on Residential Amenity (STRAT1 – Development Requiring Planning Permission, STRAT6 – Windfall and Infill Housing Development in Primary Rural Settlements and RES1 – Housing Layout and Design).**

- **Trees and Landscaping (STRAT1: Development Requiring Planning Permission, CORE10 – Open Space and Landscaping within New Developments and RES1: Housing Layout and Design)**
- **Ecology (NBE13– Nature Conservation in Wildlife Corridors)**
- **Archaeology Issues**
- **Affordable Housing Provision (RES6 - Affordable Housing)**
- **Health, Education and Open Space Developer Contributions (RES5 – Provision of Play Space/Recreational Facilities in New Residential Developments and STRAT19 – Infrastructure Requirements)**

Assessment:

- **Principle of the development and Sustainability Issues (STRAT1: Development Requiring Planning Permission, STRAT3: Settlement Hierarchy, STRAT6: Windfall and Infill Housing Developments in Primary Rural Settlements, STRAT12: Development in the Open Countryside, NBE20 – Development on the Edge of Settlements and RTC3 – Retailing and Village Use in Primary Rural Settlements).**

The site is located to the south of the defined settlement boundary of Langworth, within the open countryside. Langworth village is defined as a Primary Rural Settlement in the Locational Strategy associated with Policy STRAT3. STRAT 6 relates to Windfall and Infill Housing Developments in Primary Rural Settlements and identifies that 'limited small scale and infill housing development or conversions may be permitted within the confines of the settlement boundary subject to a number of specific provisions. The Policy identifies that 'limited small scale development is envisaged to be in the range of 5 to 10 dwellings. The proposal nonetheless seeks to develop a significant sized development, incorporating 125 dwellings and associated community facilities (shop and day nursery).

In considering the sustainability merits of the village of Langworth, there are few existing community facilities. These currently include a Memorial Hall (with 'visiting post office') and a play area. The Application identifies that Langworth benefits from good public transport links to the major settlements, with bus stops located along Station Road. The Lincoln to Louth bus service (number 10) operates 6 services per day and the Lincoln to Horncastle Service operates a relatively regular bus service (number 6). The nearest Bus Stops are located approximately 600m from the entrance to the site.

It is considered that the proposal to develop the site to provide 125 dwellings will represent a form and scale of development which is considered to be inappropriate for this location. In order to access basic services it is considered that the occupants of the proposal new dwellings will be over-reliant or even solely reliant on the use of a private car. This is considered to result in unsustainable travel patterns being created. The revised proposals incorporate additional community facilities to support existing and proposed residents (including a shop and day nursery) and whilst the provision of these services will help to widen the availability of services within the

village in accordance with Policy RTC3, the provision of these services is not considered sufficient to justify this inappropriate level of housing growth adjacent to the village of Langworth.

Overall the proposal is considered to represent unsustainable development, contrary to the aims and objectives of the locational strategy associated with Saved Policies STRAT3 and STRAT6. The Settlement Hierarchy, is based on a number of sustainability factors and seeks to ensure that development can be appropriately located based on: the size of the settlements; their facilities and services; public transport provision and accessibility to major towns in the District and to Lincoln (paragraphs A42 – A44 – page 32 of the West Lindsey Local Plan First Review). This hierarchy for growth accords with the 3 dimensions of sustainable development contained within the NPPF, particularly with regard to ensuring accessible local services to reflect the needs of the community and the need to conserve our natural environment, set out in paragraph 7 of the NPPF and the need to ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable’ (Core Principles - Paragraph 17, Bullet Point 11 NPPF). Paragraph 55 of the NPPF further emphasises that housing should be located where it will enhance or maintain the vitality of rural communities.

The Central Lincolnshire Further Draft Local Plan (CLFDLP) has been published and the 6 week consultation stage commenced on the 15th October 2015 (until 25th November 2015). Policies contained in the Emerging Local Plan are starting to gather weight and the following Policies have particular relevance to this application.

Policy LP2 of the CLFDLP establishes a Spatial Strategy and associated Settlement Hierarchy to identify the levels of growth for each settlement. Policy LP2 (Sub-section 6) identifies Langworth as a ‘Small Village’ and identifies that these Settlements will accommodate small scale development of a limited nature. The Policy identifies that proposals will be considered on their own merits, but would normally be limited to 3 dwellings.

Appendix B of the CLFDLP identifies the specific levels of growth for small and medium villages during the plan period (up to 2036) and based on 10% growth of the existing 194 dwellings, Langworth can be expected to deliver a remaining growth target of 19 dwellings up to 2036. However the District Council has recently supported the re-development of sites within/adjacent to the village. These include:

130773 – Outline planning application, including means of access for up to 36 dwellings, ancillary convenience store A1, public open space, ecological reserve and landscaping – GC 24th April 2015

126878 – Planning application to erect 20 dwellings or less – means of access to be considered – to replace extant planning permission 120468 – GC 18TH May 2011

These 2 permissions alone exceed the expected growth of 19 dwellings within the village over the plan period (up to 2036) by 37 dwellings. The proposed development

therefore proposes a level of growth that far exceeds the expected growth set out under the CLFDLP.

The proposal is considered to represent unsustainable development by virtue of its physical detachment from the main part of the settlement and that the proposal represents inappropriate and unjustified development in the countryside. However the proposal is also contrary to and undermines the settlement hierarchies contained in the existing Local Plan and the emerging CLFDLP, which seek to locate appropriate levels of growth in/adjacent to individual settlements based on the roles of each settlement

As the proposal is considered to represent inappropriate and unjustified development in the countryside and contravenes the settlement hierarchy in the emerging Local Plan, the proposal is considered to be contrary to Policies LP1 (A Presumption in Favour of Sustainable Development), LP2 (The Spatial Strategy and Settlement Hierarchy) and LP55 (Development in Rural Areas and the Countryside) of the CLFDLP.

The Integrated Planning Statement submitted as part of the planning application identifies that the District Council cannot demonstrate a 5 year land supply for housing (section 1). However the latest five year supply assessment for Central Lincolnshire was published in October 2015. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLFDLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,059 dwellings which equates to a deliverable supply of 5.37 years.

This is a material change from the previous (April 2015) assessment which could only identify a 3.5 year supply of deliverable housing land. The NPPF states that housing supply policies should not be considered up-to-date where a five year supply cannot be demonstrated. Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan is still out of date – it does not have sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, its housing supply policies are still considered to be out of date, and the application should still be considered against the NPPF presumption in favour of sustainable development.

When applying the presumption balance test, the ability of the Authority to demonstrate a five year supply means that the ability of the applicant to contribute towards the five year supply may still carry weight, this is less significant than previously found.

However notwithstanding the ability of the District Council to demonstrate a deliverable 5 year land supply, the proposal is considered to result in significant demonstrable harm (as outlined above), which significantly outweighs the benefits of the proposal.

- **Traffic Impacts & Highway Safety (STRAT1: Development Requiring Planning Permission and SUS1 – Development Proposals and Transport Choice).**

The proposal seeks to incorporate vehicle accesses onto Barlings Lane and Station Road. The Station Road access will result in the need for an extended access road being created through adjoining fields (known as Strawberry Fields). A Transport Assessment (TA) and Travel Plan accompany the planning application. Section 7 of the TA concludes that lower proportions of sustainable travel is reflected in the increased proportion of travel by single occupancy car drivers, which is not unexpected given the rural location of Langworth. It notes that pedestrian footpaths commence approximately 75 metres north-west of the site on Barlings Lane and footpaths are provided on both sides of Station Road (at the junction of Barlings Road/Station Road). Bus stops are located approximately 600m from the site. In terms of Highway Safety the TA concludes that appropriate visibility splays will be achieved; footways would be extended into the site via the access junctions and a new pedestrian refuge island will be provided. The Highways Authority has concluded that whilst the proposal will generate significant highway movements, the opportunities for sustainable transport modes, along with the provision of a new junction and access onto to A158 to limit the impact on the Barlings Lane junction, the proposal is not considered to result in such severe impacts to justify a recommendation for refusal. As a result the proposal is considered to be acceptable in highway safety terms, in accordance with Policy STRAT1: Development Requiring Planning Permission and the NPPF.

- **Flood Risk and Sustainable Drainage Provisions (NBE14: Wastewater Disposal)**

The site is located within Flood Zone 1 (Low probability of flooding). A Flood Risk Assessment (FRA) has been submitted as part of the planning application. The FRA identifies that an event in 2007 which affected 16 properties within Langworth, did not affect the application site. It concludes that there is not considered to be a significant risk posed from groundwater sources and that tests have concluded that infiltration rates are viable for soakaway provisions. The FRA concludes that subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Furthermore the proposal will not increase flood risk to the wider catchment area as a result of the suitable management of surface water runoff discharging from the site. Precise details are included as part of the FRA. The Environment Agency have been consulted as part of the application and have raised informative comments only in respect of Surface Water Drainage and Foul Drainage. The EA advise that the comments of the Local Lead Flood Authority (LLFA) should be sought.

The Local Lead Flood Authority has confirmed that it has been demonstrated that the site is able to fully infiltrate surface water. It does nonetheless highlight that care should be taken in the detailed design of properties off the eastern side of Barlings Lane to ensure that no flooding occurs to the end property and that this risk is not pushed to neighbouring land/property.

Overall the proposed development is not considered to result in adverse flood risks either to the development itself or neighbouring land. As such the proposal is

considered to accord with Policy STRAT14 and the NPPF with regard to flooding and drainage provisions.

- **Design Considerations (RES1 – Housing Layout and Design, RES2 – Range of Housing Provision in all Housing Schemes, STRAT1, STRAT6 – Windfall and Infill Housing Development in Primary Rural Settlements).**

As highlighted above the proposal is considered to have a poor visual relationship with the character and linear form of the existing settlement. Langworth is largely characterised by the linear form of development along both Station Road and Barlings Lane, however the proposal incorporates an ‘estate’ form of development, which is considered to be visually at odds with the existing settlement. This is exacerbated by the large scale of development, which would virtually double the size of the existing modest settlement. Development fronting onto Barlings Lane is generally considered to be consistent with the existing form of linear development, which fronts onto the highway. However the proposal incorporates the large scale development of the field, with a relatively intensive form of development, along with the proposed access (onto Station Road) which will extend through a large part of the open countryside. Both the site proposed to be developed for residential development and the access onto Station Road, are considered to poorly relate to the existing settlement by virtue of their physical detachment to the main part of the settlement. The fields located to the east of the proposed access road (which provides access onto Station Road) will remain undeveloped. Whilst all planning applications are considered on their individual merits, it is considered that there could be future pressure for the further development of the land located between the existing settlement and the proposed new development.

Notwithstanding that the principle of developing this site is considered to be unacceptable, consideration has also been given to the detailed design of the scheme itself. Overall the proposal incorporates relatively generous areas of open space and preserves a footpath route through the development. There are numerous shared car parking courts, which help to provide strong street frontages, however the car parking courts incorporate limited natural surveillance, which is undesirable. The detailed design of the properties are largely traditional 2 storey and 1 and a half storey properties, which are considered to be acceptable, given the varied architectural character within the village.

The part of the site located off the north-eastern side of Barlings Lane proposes to infill a large section of land between ‘Homelands’ to the north and ‘Pinfold Lodge’ to the south (see plots 121 – 126). The properties located to the north-west of Plot 126 are bungalows (including ‘Homelands’) and those located to the south-east (including ‘Pinfold Lodge’) are 1 and a half storey in scale, with the first floor accommodation occupying part of the roof-space. Plots 122 and 121 have been designed as 1 and a half storey properties to fit in with the existing adjacent 1 and a half storey properties in street-scene terms. Plots 126 to 123 have been designed as 2 storey properties, however there is an existing paddock which provides a good degree of separation and given the mixed design of properties on Barlings Lane.

Similarly the site frontage onto Barlings Lane incorporates a relatively large area of open space and 2 storey residential properties. Whilst the proposal introduces 2 storey properties adjacent to existing single storey dwellings (Manor Farm

Bungalow) it is considered that the visual relationship between the existing and proposed residential properties is acceptable, given that there is an element of separation between the existing and proposed dwellings. However it is emphasised that whilst the proposed visual relationship/separation of these existing and proposed properties is considered to be acceptable when considered in isolation, this not outweigh the overall poor visual relationship of the development with the settlement as a whole.

Overall the proposed location, form and character of the development is considered to be out of keeping with the existing village and the proposal is considered to be contrary to Policies RES1, STRAT1 and STRAT6 and the provisions of the NPPF.

- **Impacts on Residential Amenity (STRAT1 – Development Requiring Planning Permission, STRAT6 – Windfall and Infill Housing Development in Primary Rural Settlements and RES1 – Housing Layout and Design).**

The part of the site located off the north-eastern side of Barlings Lane proposes to infill a large section of land between ‘Homelands’ to the north and ‘Pinfold Lodge’ to the south (see plots 121 – 126). Overall it is considered that there is sufficient separation distances achieved between the existing and proposed properties to ensure that no adverse loss of residential amenity occurs by virtue of overlooking, massing or overlooking impacts to the occupants of these properties.

The main part of the development is located off the south-western side of Barlings Lane. There is adequate separation distance between Plot 1 and the properties located to the north-west of the application site (gardens associated with Abbey Cottage and Rudge House) to ensure no adverse overlooking or massing impacts occur. Manor Farm Bungalow is single storey and is orientated to front onto Barlings Lane, however the proposed properties located to the west (plots 107, 106 & 105) are designed as 1 and a half storey properties and an adequate distance is achieved between the existing and proposed dwellings. Similarly Manor Barn has single storey elements of the building located close to its western boundary, however Plots 94 and 95 are designed as 1 and a half storey properties and a relatively generous garden depth is provided to serve these properties. As such it is considered that no adverse impacts will occur to the occupants of these properties as a result of the proposal.

The proposal will involve an intensification of the access off Station Road, however the properties located off Station Road are predominantly set back from Station Road. It is therefore considered that no significant adverse noise and disturbance issues will occur as a result of the increase vehicle activity at the junction of the proposed development with Station Road.

Overall the proposal is not considered to result in any adverse impacts to the occupants of neighbouring residential properties by virtue of overlooking, overshadowing, massing or noise and disturbance impacts, in accordance with the relevant parts of Policies STRAT1, STRAT6 and RES1 and the NPPF.

- **Trees and Landscaping (STRAT1: Development Requiring Planning Permission, CORE10 – Open Space and Landscaping within New Developments and RES1: Housing Layout and Design)**

The Phase 1 Habitat survey submitted as part of the application assessed existing landscape features (including the hedgerows) and concluded that whilst the hedgerows do not meet the criteria as being 'important' under the Hedgerow Regulations, that these are important to retain to provide boundary screening.

The Tree Survey Report identifies that there are very few trees in boundary positions. These are limited to a mature Ash tree near to the north eastern boundary and further along this boundary a group of semi-mature Birch and Oak trees. It is identified that these trees provide the only significant canopy along the field boundaries. In addition there is a small semi-mature Birch on the south-eastern boundary of limited landscape value and shelter belts of juvenile trees along the northern field boundary. Again these are not considered of high landscape value at the present time. The Phase 1 Habitat Survey submitted as part of the application identified that tree and hedgerow protection measures should be incorporated and that additional planting should incorporate native species. The WLDC Environment Comments conclude a series of recommendations, relating to 'no-dig' construction methods for driveways within the Root Protection Areas of existing trees, the 2 large mature Ash Trees (to the NE of Barlings Lane) probably meet the criteria for a Tree Preservation Order (TPO), a landscaping scheme should be submitted, gaps in the hedgerows should be infilled and that it would be advisable to incorporate a line of trees to separate the access road and fishing ponds.

Overall subject to the inclusion of relevant conditions it is concluded that the proposal could have satisfactory landscaping/tree protection measures in accordance with Policies STRAT1, CORE10 and RES1 and the NPPF.

- **Ecology (Policy NBE13 – Nature Conservation in Wildlife Corridors)**

A Phase 1 Habitat Survey accompanied the planning application. This Survey concluded that there was no indication of protected species within the application site (see paragraph 3.2 of the habitat survey). Overall as the site has been used as a cultivated field for crop production it is considered to have low ecological value.

The Survey concludes that there are numerous bird species (including barn owls) within the area, however it concludes that the potential for nesting is relatively low. Similarly a number of bat species are present in the area, however there are no features that would support a roost within the site area. Finally it is concluded that the proposals will not adversely affect reptiles, amphibians (i.e. great crested newts) or mammals (including badgers/deer). The report does nonetheless provide recommendations for incorporating existing landscape features (i.e. hedgerows) into the development and for new native tree and hedgerow planting. It concludes that a number of positive features have been incorporated including, parkland areas, linear tree planted routes and reinforcement of retained marginal hedgerows with new planting. Natural England have confirmed no objections to the proposal.

Overall the proposal is not considered to result in any adverse impacts to protected species and the proposal has the potential to provide biodiversity enhancements. The proposal is therefore considered to accord with Policy NBE13 and the emphasis on biodiversity contained within the NPPF in this regard.

- **Archaeology Issues**

Lincolnshire County Council Archaeology Section has confirmed that insufficient information has been provided in respect of the proposals impact on the setting and archaeological potential of the site.

Further information has been provided as part of the application in relation to archaeology issues. The Historic Environment Officer has confirmed that the submitted information is insufficient to allow the impacts of the proposal to be assessed. Specifically a Geophysical Survey and Evaluation. In the absence of this information the proposal is considered to be contrary to the provisions of the NPPF.

Affordable Housing Provision (RES6: Affordable Housing)

Policy RES6 identifies that an affordable housing provision of 25% will be sought. Viability Assessments have been provided as part of the application, which identify that a 10% affordable housing provision is being offered as part of the proposal. This falls significantly short of the District Council's usual requirements. It is intended that comments from the Housing and Communities Project Officer will be provided as an update during the Committee Meeting, following assessment of the submitted viability report.

- **Health, Education and Open Space Developer Contributions (RES5 – Provision of Play Space/Recreational Facilities in New Residential Developments and STRAT19 – Infrastructure Requirements)**

The proposal incorporates on-site provision of Public Open Space. Financial contributions are also requested from both the Health and Education Authority (as outlined above) in line with Policies RES5, STRAT19 and the NPPF.

Other matters:

The Public Rights of Way Officer (LCC) confirms that the public footpath (No.106) will be amply catered for as part of the development.

Recommendation: Refuse Planning Permission

Reason 1:

The proposal is considered to represent unjustified and inappropriate residential development of land located within the open countryside, which has poor relationship with the existing settlement pattern. As such the proposal is considered to be detrimental to the intrinsic character and beauty of the countryside and the associated setting of the existing settlement. Furthermore the proposed large scale development is considered to result in unsustainable travel patterns being created, by virtue of the limited services within the adjoining village of Langworth to support the future occupants of the proposed dwellings. As such the proposal is considered to be contrary to Policies STRAT1: Development Requiring Planning Permission, STRAT3: Settlement Hierarchy; STRAT6: Windfall and Infill Housing Developments in Primary Rural Settlements, STRAT12 – Development in the Open Countryside and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review (June 2006) and the emphasis of sustainable development contained in the National Planning Policy Framework.

Reason 2:

Insufficient information has been submitted as part of the application to allow the impact of the development to be assessed on any archaeological remains (including the submission of a geophysical report and archaeological evaluation). In the absence of this information the proposal fails to demonstrate that there is no loss of or harm to heritage assets, contrary to the requirements of the NPPF (Section 12).

Human Rights Implications:

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

Legal Implications:

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