



PL.11 15/16
Planning Committee
10 February 2016

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

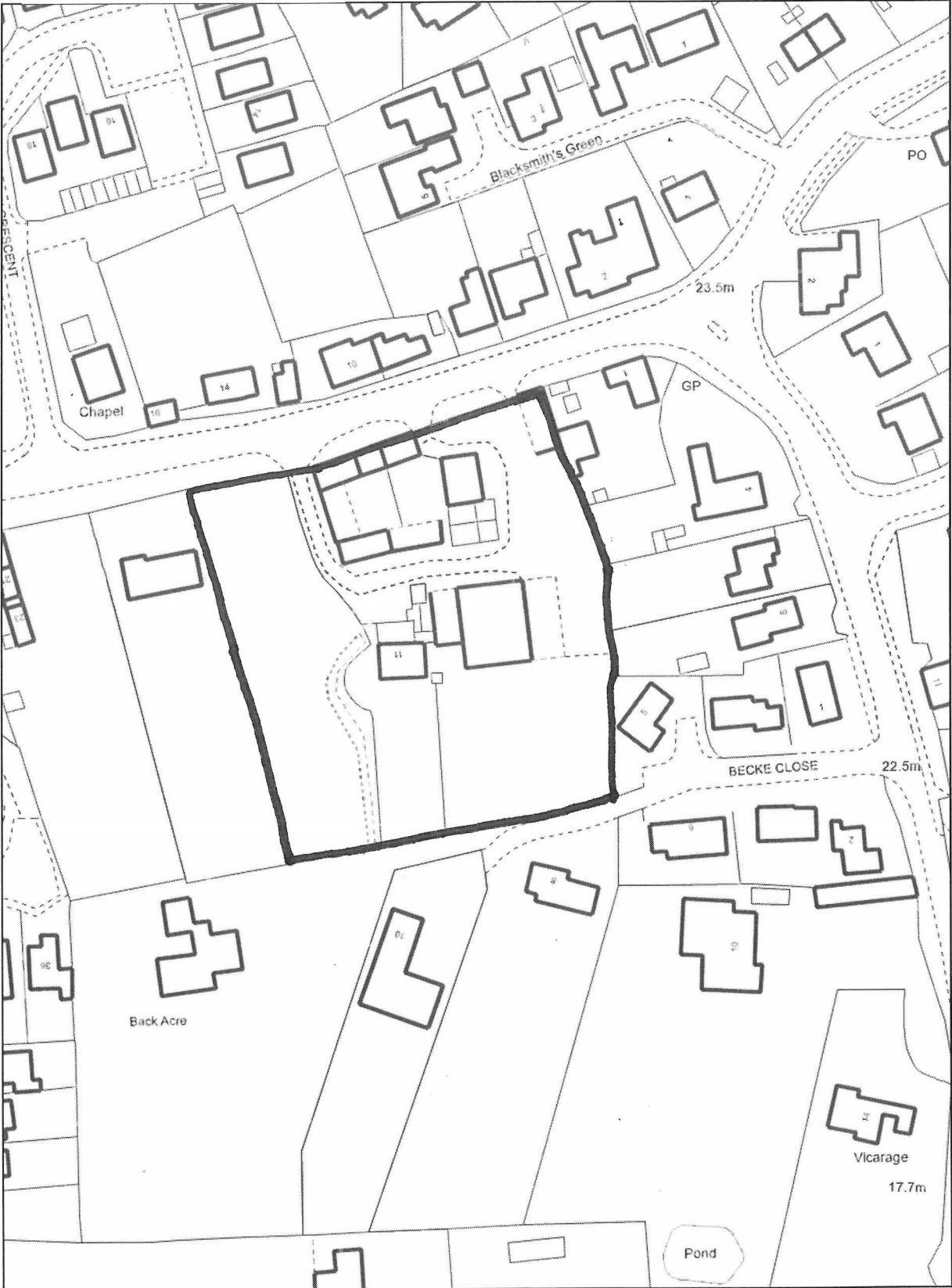
A matter which affects two or more wards, or has significant financial implications

Yes

No



1:1250



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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

This application was deferred at the 13th January 2016 Planning Committee in order for a site visit to take place and to request further details from the applicants.

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 lose 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.



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.

Update:

Since the last planning committee the Nettleham Neighbourhood Plan (NNP) has been put to referendum on the 28th January 2016. The result of the referendum has indicated that the required percentage of votes in favour of supporting the adoption of the Neighbourhood Plan was received. This is a significant mile stone within the Neighbourhood Plan process with only formal adoption by the Local Planning Authority remaining. Although the Local Planning Authority gave significant weight to the policies of the Neighbourhood Plan previously, the local support given through the referendum provides even greater certainty over the use of the policies of the NNP in the determination process of planning applications. Significant weight is therefore given to the NNP when considering the merits of the proposal within the planning balance. The report has been modified to respond to this change although the recommendation remains as presented previously.

This application was also deferred at the last meeting on the 13th January 2016 to allow a site visit by Planning Committee Members to take place. This site visit was undertaken on the 1st February 2016.

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.

In addition to the s106 planning legal agreement proposed the applicant has submitted a unilateral agreement worth £250 000 for the provision of a sports facility on site or another identified facility within the village of Nettleham.

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 it's 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.

Following the receipt of revised plans the Lead Local Flood Authority was withdrawn its objections subject to conditions:

- Prior to the approval of any reserved matters application 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, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated within swales during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change and freeboard for exceptional events, from all hard surfaced areas within the development. Flows attenuated within the swales shall enter the existing local drainage infrastructure (included balancing ponds within Environment Agency flood zones 2 and 3 on site) and watercourse system shall not exceed the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be 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.

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.

Following the submission of further information the Highways Authority has requested that the following conditions be imposed on any approval of planning permission.

- Notwithstanding the details submitted before each dwelling (or other development as specified) 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, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

- Notwithstanding the agreed locations for the access roads at Larch Avenue and The Hawthorns, no development shall commence until the detailed specification of these access roads/ pavements, including construction details, have been submitted to and agreed in writing by the Local Planning Authority. The approved access roads shall be completed before the first dwelling on any phase is first occupied.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

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.

Following additional information being submitted:

The Environment Agency has been working in partnership with West Lindsey District Council and Nettleham Parish Council to ensure a broad strategic approach is applied when considering flood risk to the village and future development. We are delighted that through this positive approach the developer has agreed to designate an area of this development to make space for flood water, in the eastern part of the site. The flood water storage function will be compatible with the proposed use of this area as a sports field.

There is still significant detail to be agreed regarding the design of the area but the proposed location highlighted in plan DR003 dated 7 January 20116 is acceptable. We therefore withdraw our earlier objection to the application, set out in our letter of 15 May 2015.

We leave it to you to decide on the most suitable means, such as a Section 106 or unilateral agreement, to ensure that details of the scheme are submitted to your Authority for approval, and that the approved scheme is subsequently implemented.

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.

Following the additional information submitted the following comments have been received:

We're agreed that although they've done a comprehensive job, we would not consider the sniff test method alone to be sufficient as a definitive assessment.

Specifically, we need more extensive meteorological data covering 3–5 years to get a clearer view of the variability in prevailing conditions and it's also worth noting that average peak summer temperature (around 26OC) will generate twice as much biological activity as would have been the case during this survey.

Assessments also need to include measurement of the odour sources to determine what the prevailing emission rates are and the likely variability as the catchment grows or treated effluent quality standard is increased.

While this is valuable additional analysis, dispersion modelling is a more reliable method of accounting for the variables and would provide more verifiable and dependable information on which to base the final determination.

The conclusion of a moderate to low risk is not particularly surprising at the range anticipated but we wouldn't be comfortable with that on the sniff test analysis alone as it does not adequately cover for uncertainties in weather conditions, sewage characteristics and the future serviceability of the WRC process.

If this is for outline planning permission it may be acceptable on the condition that full permission will require more detailed assessment, based on dispersion modelling and source emission survey.

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), 12, 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 (x3), 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. The developer should not be allowed to develop the site as other developments on Deepdale Lane and a building store has not been completed.

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.

In response the loss of value, loss of view and other development sites owned by the applicant are not material considerations in this application. All other issues will be considered below.

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 run off 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 Saxilby appeal.

Nettleham Neighbourhood Plan (Final Version)

<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/nettleham-neighbourhood-plan/119899.article>

Nettleham Neighbourhood Plan (NNP):

The Nettleham Neighbourhood Plan has been produced following extensive public consultation. The formal examination of the Plan was 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 referendum was undertaken on the 28th January 2016 and supported the adoption of the plan. It is now for West Lindsey District Council to adopt the plan formally. This is programmed to occur in March 2016. The Neighbourhood Plan will 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 a very 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 & Cycle Access distances
 D-4 Water Resources and Flood Risk
 D-5 Residential development in the open countryside
 D-6 Design of new development
 H-1 Managed housing growth
 H-2 Housing mix
 H-3 Housing for older people
 H-4 The provision of affordable housing
 H-7 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 Policy H7 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 the housing allocations within the Further Draft CLLP must still only be afforded very limited weight. As noted above, determination accords with the Inspector's assessment at the Saxilby appeal (para of the decision notice).

The Nettleham Neighbourhood Plan has now passed the referendum stage and significant weight can therefore be given to the document as the likelihood for changes to policies is limited. This gives the policies of the plan greater weight within the planning balance.

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 and the character of the area. 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 be 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 it notes.

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 D5 seeks to guide development within the open countryside. The examiner recommends that housing within the open countryside should be resisted unless it was 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.”

The proposal, therefore, falls contrary to the policies of the NNP as the area and quantum of the development substantially exceeds the allocated area (3.5ha) and the approximate number of dwellings (50) recommended to protect the character and efficient operation of the village as outlined within the NNP policies noted above.

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 the Further Draft CCLP 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 (adopted) 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. The proposal submitted only partially accords with the policies of the NNP and exceeds the area and number of dwellings recommended as suitable for housing development within the village. Although the NNP is not adopted it has now reached a very advanced stage having been supported at referendum. This increases its weight within the planning balance.

The proposed development accords with a number of the NNP's policies and clearly includes the housing allocation (H7) within its wider application 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, there 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.

The NNP, however, has since the last committee meeting been supported at referendum. This increases the weight which can be afforded to its policies within the planning balance.

As noted above, policy H-1 (and H-7) 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 up to date Local Plan. 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 from centre of the site (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	750m (1.4km)

	Crescent - All Saints Lane	
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 within 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 options 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 is 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 recommended 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 Further Draft CLLP policies 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 support having been given to the plan at the referendum on 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 these policies. Whilst the Further Draft CLLP accords with the NNP'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-7. The principle of additional houses in this greenfield 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-7) 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 allocations. 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 area to be created. It is considered that the benefits proposed would outweigh the disadvantages 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. Prior to the approval of any reserved matters application 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, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated within swales during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change and freeboard for exceptional events, from all hard surfaced areas within the development. Flows attenuated within the swales shall enter the existing local drainage infrastructure (included balancing ponds within Environment Agency flood zones 2 and 3 on site) and watercourse system shall not exceed the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be 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.

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, in the interests of biodiversity enhancement and to reduce potential nuisance from the adjoining Water Treatment Works 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:
- the routeing and management of construction traffic;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel cleaning facilities;
 - measures to control the emission of dust and dirt during construction;
 - protection of Public Rights of Way;
 - details of noise reduction measures;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.
- a. **Reason:** In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.
9. Notwithstanding the details submitted before each dwelling (or other development as specified) 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, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

- 10.** Notwithstanding the agreed locations for the access roads at Larch Avenue and The Hawthorns, no development shall commence until the detailed specification of these access roads/ pavements, including construction details, have been submitted to and agreed in writing by the Local Planning Authority. The approved access roads shall be completed before the first dwelling on any phase is first occupied.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

- 11.** Prior to the approval of any reserved matters application details of a flood water storage area (1.41 ha) as shown within the red line edged on drawing no. DR003 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include: details of land re-profiling, proposed ground levels, capacity of the flood area provided, proposed drainage channels with attenuation and the disposal of any excavated material. Details shall also include timescales for construction. Development shall thereafter proceed in strict accordance with the details approved.

Reason: To reduce flood risk experienced within the area in accordance with the provisions of the NPPF.

- 12.** Prior to the approval of any reserved matters application details of land drainage and re-profiling of ground levels adjoining properties on Brookfield Avenue shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include: proposed ground levels, proposed drainage channels with attenuation and the disposal of any excavated material. Details shall also include timescales for construction. Development shall thereafter proceed in strict accordance with the details approved.

Reason: To reduce flood risk experienced within the area in accordance with the provisions of the NPPF.

- 13.** Prior to the approval of any reserved matters application a detailed odour impact assessment of the nearby Anglian Water Nettleham Treatment Works shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be based upon dispersion modelling and include extended meteorological data covering 3 – 5 years, average peak summer temperatures, prevailing emission rates, likely variability of sewerage characteristics and volumes and treated effluent quality.

Reason: To fully assess the impact of the treatment works on the application site and the extent of any residential exclusion zone and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan and the provisions of the NPPF.

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

14. 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.

15. 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

16. The development shall proceed in strict accordance with the following approved plans: Site Local Plan 1:2500@ A3, DR003 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.

Reason: To ensure the development is acceptable and to accordance with Saved Policies: STRAT1, STRAT3, RES1, RES5, CORE10 and NBE20 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework.

17. 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

18. 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

19. 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:

20. 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 & 6. 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.

21. 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.

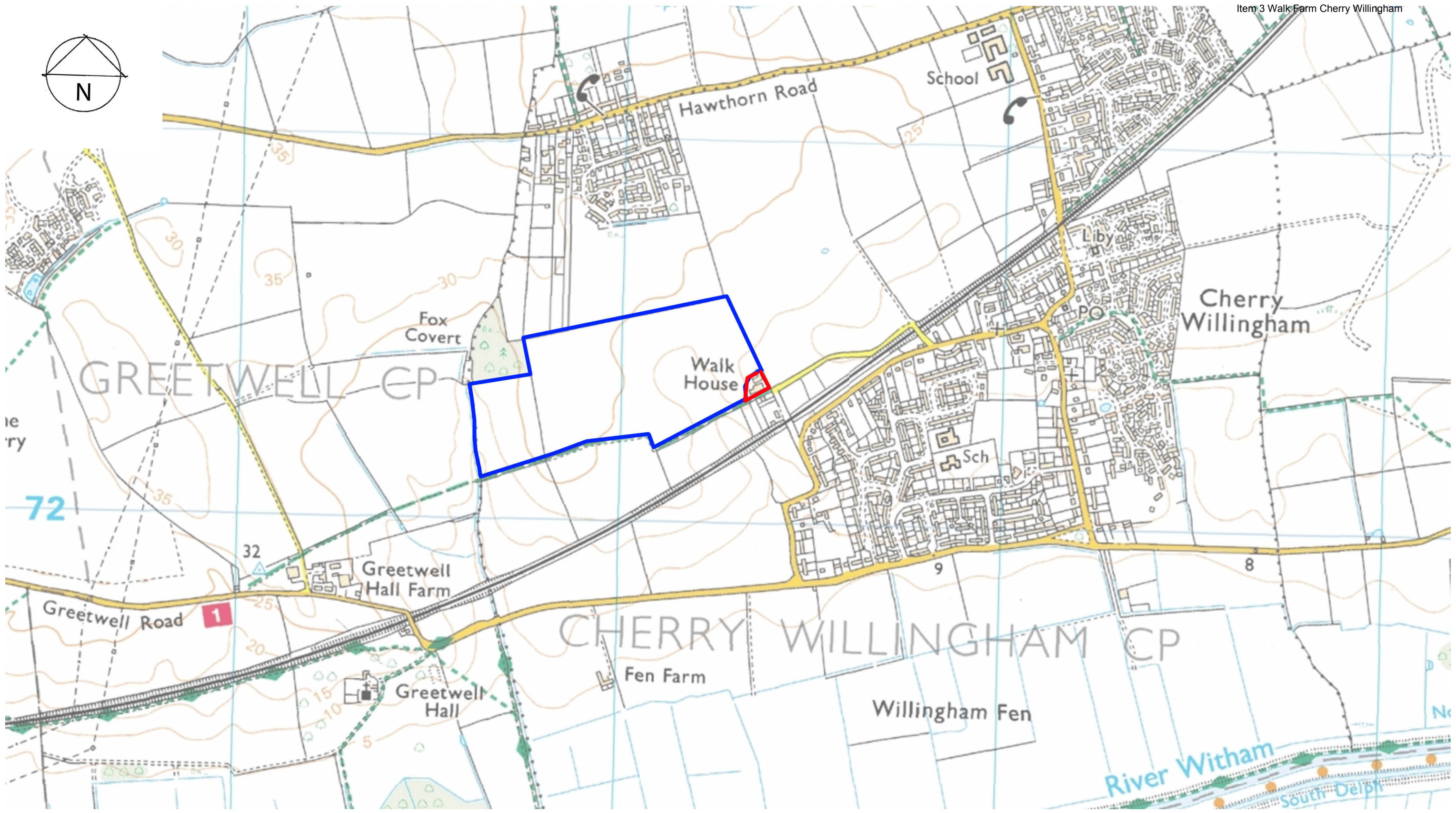
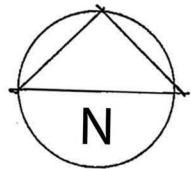
Reason: To promote sustainable transport, in accordance with paragraph 36 of the National Planning Policy Framework.

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



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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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

This application will be considered at planning committee on 13th January 2016. Following this planning committee the application was deferred for a member site visit on the 1st February 2016 and to be discussed at the next planning committee on 10th February 2016.

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 Bowsers 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 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.

Housing Officer: Comment

There will be no affordable housing requirement on this development.

Natural England: No objections

Public Protection: Comments

Contamination

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-](http://central-lincs.objective.co.uk/portal/central_lincs/further_draft/fdlp?tab=files)

[lincs.objective.co.uk/portal/central_lincs/further_draft/fdlp?tab=files](http://central-lincs.objective.co.uk/portal/central_lincs/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.

Highway Safety

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.

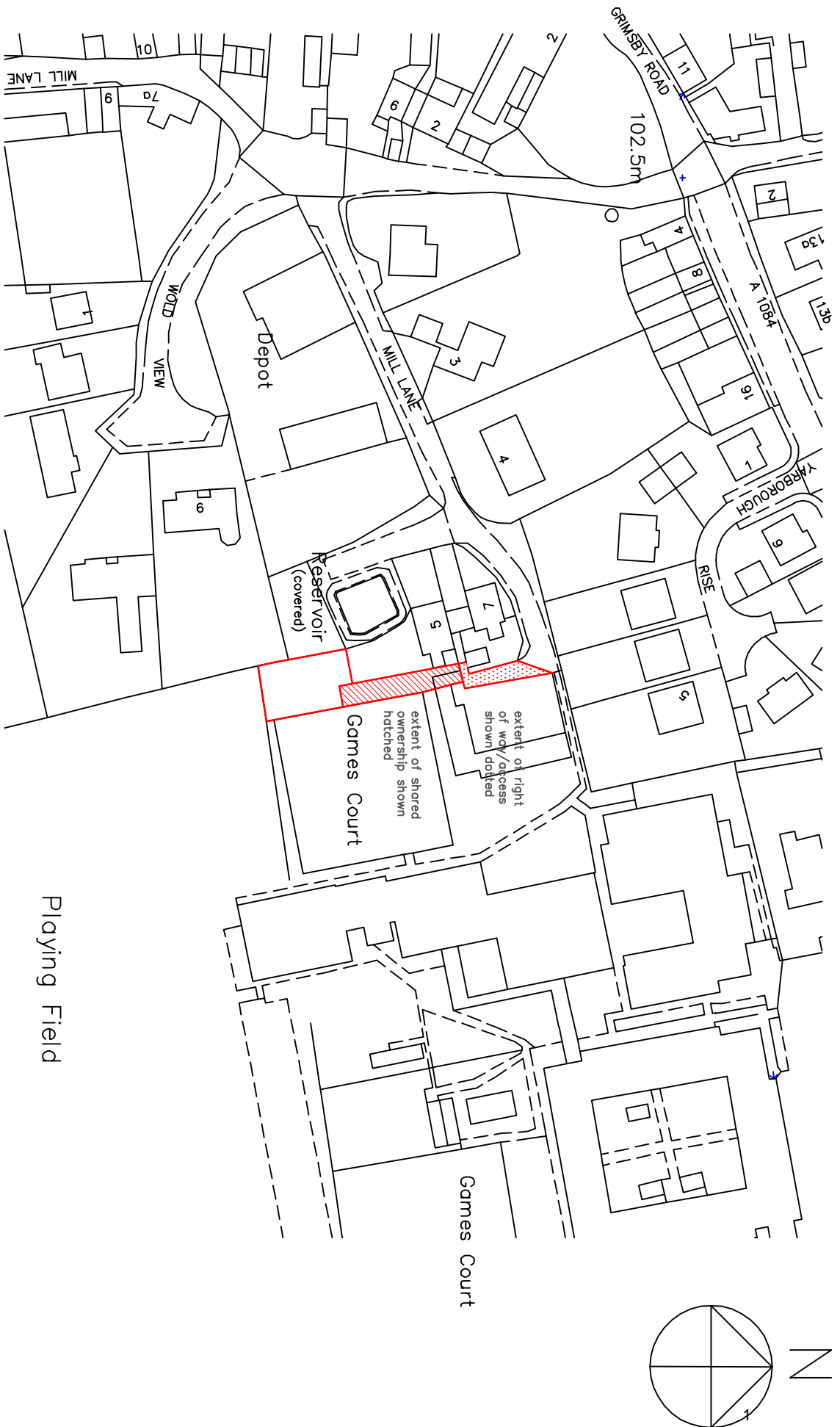
If there is any possibility of the above comments being breached then please contact the Public Rights of Way Officer at Lincolnshire County Council.

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





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Playing Field

Client:		Mr O Lawrence	
Project title:		5 Mill Lane, Caistor	
Drawing title:		Location Plan	
Drawn by:	Checked by:	Date:	Drawing number:
KK	HM	June/2015	154.01B
Scale:	Revision:	Status:	
1:1250@A4	B	Planning	

revisions: A (15.6.15) extent of shared ownership amended.
 B (1.7.15) extent of right of way/access shown dotted.

Officers Report

Planning Application No: 133237

PROPOSAL: Planning application to erect 1no. dwelling with detached garage

LOCATION: Rear of 5 Mill Lane Caistor Market Rasen LN7 6UA

WARD: Caistor and Yarborough

WARD MEMBER(S):

APPLICANT NAME: Mr R Chan

TARGET DECISION DATE: 26/08/2015

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a plot of garden land to the rear of 5 Mill Lane, Caistor which is a two storey detached dwelling. The site is set back from Mill Lane which slopes relatively steeply upwards from west to east. 5 Mill Lane is positioned at the top of the slope where Mill Lane terminates. The garden is long and reasonably narrow. The north boundary of the site is currently open and faces 5 Mill Lane. To the east is high hedging and high wire fencing with a section of just high wire fencing. The south boundary is screened by high trees and hedging. High hedging and a large single tree screen the west boundary. Neighbouring dwellings sit to the north and west with an underwater reservoir to the north west. To the east is Caistor Yarborough Academy School with part of its playing field to the south. Between the site and the school buildings to the east are tennis courts. The site is within an Area of Great Landscape Value and is designated as an outdoor sports facility. The site sits approximately 103 metres from the Caistor Conservation Area to the west and approximately 115 metres from the nearest Listed Building to the north west (Tower at Mill Lane – Grade 2 Listed). The application has served the necessary Certificate B to the appropriate owners.

The application seeks permission to erect 1no. dwelling with detached garage.

This application will be determined by the planning committee as the owner of 5 Mill Lane is related to the Local Ward Member.

Relevant history:

121124 - Planning Application to erect a dwelling and demolish garage – 31/03/08 – Refused – Appeal Dismissed 02/10/08

Appeal Decision - APPN2535/A/08/2086166 (Extracts Below)

Paragraph 4

'This would not, in my view, provide adequate useable private amenity space for a three bedroom family home'.

Paragraph 5

'It is likely, therefore that some vehicles calling at the property would either reverse into or out of the drive or would be parked in the adjoining works yard, resulting in inconvenience for and possible conflict with neighbouring residents and commercial users and potential hazard for children using the school entrance off Mill Lane. For this reason I am satisfied that the development would be excessively cramped'.

Paragraph 7

'Therefore with the provision of suitable boundary treatment I am not persuaded that the appeal proposal would make No.9 Wold View significantly less pleasant to live in'.

Paragraph 8

'Notwithstanding the provision of a 1.8 metre boundary fence, since all access both vehicular and pedestrian to the new dwelling would be past the front door and parking area to No.5 and alongside its private garden it is likely that the development proposed would result in material damage to the residential environment of No.5 Mill Lane'.

Representations

Chairman/Ward member(s): No representations received to date

Caistor Town Council: Comments

Overlooks the Conservation Area and Listed Buildings. Access is over mains water pipes.

Local residents: Representations received from 9 Wold View, Caistor

- Highway Safety - Mill Lane is the main pedestrian route to Caistor Yarborough and has no passing points or footpath so extra traffic would be a problem.
- Where would all the vehicles park and turn during construction.
- Suitability of access for emergency vehicles.
- The dwelling will tower over and be out of character with the surrounding dwellings.
- The dwelling will affect privacy on 9 Wold View.
- It is a concern that children will be playing close to the retaining wall and the new property.
- The impact of the retaining wall and construction of the dwelling on the existing trees and hedging.
- The plans show an area which is owned by Gemini Tackle.
- An ecology survey should be carried out on the site.

LCC Highways: No objections subject to a condition

- Domestic Access & Turning Space

Local Lead Flood Authority: Comments

Very low risk of flooding from surface water
Very low risk of flooding from Rivers and Seas
The site has been found to be within a groundwater source protection zone (total catchment zone 3) therefore the LPA must satisfy themselves that there are no issues

Public Protection Officer: Comments

Noise

A noise report should be prepared with a view to assessing and mitigating nuisance potential from the games court and school.

Contamination

The site is immediately next to a covered reservoir and within 50 metres of unknown filled ground and former use for general quarrying. Therefore a suitable contamination condition ought to be applied.

Surface Water

There is significant impermeable surfacing with no substantiation that the site as a whole can be infiltrated in a 1:100 year event plus 30% climate change.

Mains Sewage

It is unclear how the applicant intends to connect to the mains sewer other than through private drain as the nearest foul only sewer would appear to be on Mill Lane and not directly accessible. Connection to a private drain would not necessarily make the applicant or the property connected to mains sewer and ought to be avoided wherever possible.

Archaeology: No objections

Sport England: No objections

Anglian Water: No representations received to date

Caistor Yarborough Academy: No representations received to date

IDOX checked: 10th November 2015 (RC checked 18/11/15)

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 5 Windfall and Infill Housing Development in Market Rasen and Caistor

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

STRAT 9 Phasing of Housing Development and Release of Land

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

RES 1 Housing Layout and Design

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

RES 3 Backland and Tandem Development

<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>

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

<http://central->

lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdip?tab=files

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 limit 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

LP25: Design and Amenity

National Guidance

National Planning Policy Framework (NPPF) 2012

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

National Planning Practice Guidance (NPPG) 2014

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

Other

West Lindsey Landscape Character Assessment 1999

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

Main issues:

- Principle of the Development
- Landscape and Visual Impact
- Residential Amenity
- Highways
- Archaeology
- Landscaping
- Foul and Surface Water Drainage
- Garden Space
- Car Parking

Assessment:

Principle of 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.

The site is green field land and lies within the settlement of Caistor and therefore policies STRAT 3, STRAT 5 and STRAT 9 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 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, STRAT 5 and STRAT 9 cannot be applied with full weight 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 a single dwelling 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 Caistor as a Town and policy LP2 identifies Caistor as a Market Town. The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Further 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 well within the settlement boundary of Caistor around other residential, commercial and educational buildings.

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

The Town of Caistor includes many services and facilities such as schools, healthcare, a post office, a diverse range of shops, church, village hall, public houses, recreational activities and employment opportunities. Therefore Caistor has a range of facilities and services which 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)

Caistor has a main public transport bus route which provides regular services around Caistor and to nearby Towns including Market Rasen and Grimsby. The nearest railway is in Market Rasen 8-9 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 land is private domestic garden land which is designated as space used as an outdoor sports facility. The site as observed at the site visit is definitely garden land and there is no evidence of use for sporting activity. Sport England have not objected to the proposal.

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.

Therefore it is considered that as the housing supply policies are still considered to be out of date, the site is in a sustainable settlement and the site has a low risk of flooding the principle of the development can be supported providing all other material considerations are satisfied.

Landscape and Visual Impact

The site according to the West Lindsey Landscape Character Assessment 1999 (WLLCA) is within the Heathland Belt. The WLLCA carries on to state that the Heathlands are found on a tract of land between the two market towns of Market Rasen and Caistor. The site is within the well within the settlement boundary of Caistor and in the existing built environment. Therefore proposal will not have an adverse impact on the Heathland Belt.

The proposal will introduce a detached dormer bungalow onto garden land which sits to the rear of 5 Mill Lane and away from the street scene. The proposal will sit in an area which includes a mix of housing designs and sizes off of Mill lane, Wold View and Grimsby Road. Additionally the mixed feel to the surrounding area is added to by a two storey school building and a single storey commercial building. It is not considered that the proposal will have a significant adverse visual impact on the site, the Area of Great Landscape Value, the surrounding area or the street scene due to the design, the existing adjacent built form and the boundary screening on the site and within the vicinity.

Residential Amenity

The proposed dwelling is a detached dormer bungalow. An objection has been received from the occupants of 9 Wold View to the west.

The proposed dormer bungalow will sit close to two other residential dwellings and/or their garden spaces. The dwelling to the north (5 Mill Lane) will be approximately 23.2 metres away from the proposed dormer bungalow with its altered rear garden space approximately 10.4 metres away. The proposed dormer bungalow will only have one window at first floor level facing 5 Mill Lane and its rear garden space. This window will serve a bedroom and will be approximately 13.6 metres from the rear garden space of 5 Mill Lane.

The second dwelling (9 Wold View) to the south west which sits below the level of the site will be approximately 30 metres away from the proposal with its garden space approximately 3 metres away. The west elevation of the proposed dormer bungalow will include two high level rooflights and two long narrow stairwell windows which project above the level of the first floor. The stairwell windows do not serve primary living accommodation and the rooflights (scaled from plan 154.04A) are approximately between 1.85 metres and 2.15 metres above first floor level. Therefore the bottom of the rooflights is over 6 foot above first floor level meaning they are there purely for the purpose of light.

Therefore the proposal will not have an overbearing impact, cause any loss of light or have a significant adverse impact on overlooking of the neighbouring dwellings due to the boundary treatments and the separation distance. This assessment regarding 9 Wold View is supported by paragraph 7 of the inspectors appeal decision.

The driveway sits close to the east boundary of 5 Mill Lane and travels near to its east elevation. Paragraph 8 of the appeal decision to 121124 stated that the new driveway resulted in material damage to the east elevation and rear garden space of 5 Mill Lane. The proposal will include the installation of a 1.5 metre brick wall to divide the proposed dormer bungalow and 5 Mill Lane. It would be more appropriate if this brick wall was increased in height to increase the privacy of 5 Mill Lane, reduce noise and remove any headlight glare concerns from vehicles entering and exiting the site in darkness. Any cars using the driveway will travel at a very low speed due to its length and the tight turn off and onto Mill Lane.

The inspectors original assessment at appeal is acknowledged, however the east elevation of 5 Mill Lane is already open to noise and headlight glare by the use of the commercial buildings to the east. After research of the internet these buildings are still used by Gemini Tackle including an area of car parking close to 5 Mill Lane. It is considered that the use of the driveway to a three bedroom dormer bungalow would not be so intense enough to have a significant adverse impact on the living conditions of the occupiers of 5 Mill Lane through noise or headlight glare. The occupiers of 5 Mill Lane have not objected to the proposal.

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 proposal will create a new shared driveway leading to a parking space for 5 Mill Lane and parking spaces and a single detached garage for the proposed dormer bungalow. This will include room for turning to allow vehicles to enter and exit the site in a forward gear. Mill Lane is a no through road with a 30mph speed limit and the proposed access to the site sits at the end of Mill Lane.

Paragraph 5 of the appeal decision in relation to 121124 raised concerns over vehicles reversing onto Mill Lane, the use of the commercial car park by visitors and the safety implications of the children walking to school. It is considered that the site has turning space to stop the need for reversing off the site and there is adequate room for visitor parking for 5 Mill Lane (1 space in front of rear gates) and for the proposed dormer bungalow (at least 1 space).

In relation to the safety of school children walking to Caistor Yarborough it has to be acknowledged that Mill Lane only has a pedestrian footpath for half of its length and stops just to the west of 5 and 7 Mill Lane. Therefore Mill Lane was not an intended shortcut to Caistor Yarborough and the safety of the school children is already compromised by the use of the commercial buildings. It is considered that the extra traffic generated by the proposal and its speed using Mill Lane would have any further impact on highway or pedestrian safety. This assessment is supported by the Highways Department at Lincolnshire County Council.

The Highways Department have recommended a condition to ensure the access and turning space is completed prior to occupation. This condition is considered acceptable and will be added to the permission.

Archaeology

No objections have been received from the Historic Environment Officer at Lincolnshire County Council.

Landscaping

The proposal includes landscaping of the site to provide better definition of the boundaries. This includes the installation of a brick wall to define either side of the driveway and to the east boundary. It would be preferred if the wall to the west of the driveway is 1.8 metres high to reduce overlooking and the wall along the east boundary near the east elevation of the dwelling is softened through using hedging instead of the wall. To ensure the site is appropriately landscaped a landscaping scheme will be condition to the permission prior to commencement. This will be required to include material details and/or species type.

Foul and Surface Water Drainage

Foul sewage will be discharged to the mains sewer and surface water will be dealt with through the installation of a new soakaway. A condition will be attached to the permission to ensure the proposed methods and connections are suitable including the position of the soakaway.

Garden Space

Paragraph 4 of the appeal decision in relation to 121124 stated that the previous development did not provide enough amenity space for a three bedroom dormer bungalow. This proposal has increased the size of the rear garden which is considered as a suitable amount of garden space in relation to the size of the dormer bungalow. Furthermore there is an adequate amount of garden space left for 5 Mill Lane.

Car Parking

As previously mentioned the proposal includes plenty of off street parking to serve the dormer bungalow.

Other considerations:

Impact on the Conservation Area

The site sits approximately 103 metres from the Caistor conservation area to the west. The proposal will not have a harmful impact on the character and appearance of the conservation area due to the separation distance, the built form which separates them and the design, position and scale of the proposal.

Impact on the nearby Listed Buildings

The nearest Listed Building (Tower at Mill Lane – Grade 2 Listed) sits approximately 115 metres to the north west. The proposal will not have a harmful impact on the setting of the nearby Listed Buildings due to the separation distance, the built form which separates them and the design, position and scale of the proposal.

Flood Risk

The proposal sits within flood zone 1 therefore meets the sequential test and will not increase the risk of flooding.

Outdoor Sports Facility

The site is designated as an outdoor sports facility however Sport England have not objected to the proposal and on inspection the site is purely domestic garden land.

Contamination

In relation to the comments of the Public Protection Officer a condition will be attached to the permission ensuring that the development is stopped if any contamination is found and not commenced until the contamination is dealt with.

Permitted Development Rights

It is considered necessary and reasonable to remove permitted development rights for extensions and outbuilding to retain the amenity of the neighbours and the amenity space enjoyed by the future occupants.

Balancing evaluation and conclusion:

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, RES 1 Housing Layout and Design, RES 3 Backland and Tandem Development, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value and NBE 14 Waste Water Disposal of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014. On balance it is considered that the benefit of the development will outweigh any harm. The proposal will positively contribute a dwelling towards the supply of housing in Central Lincolnshire and is in a location considered as sustainable due to the large range of services and facilities available in Caistor. It will not harm the character and appearance of the street-scene and the Area of Great Landscape Value or have a detrimental impact on highway safety. The proposal will not have a significant adverse impact on the living conditions of neighbouring occupiers or increase the risk of flooding. It is therefore considered that the proposal is acceptable subject to the agreement of certain conditions.

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 brick and roof tile details have been submitted and agreed in writing by the Local Planning Authority.

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 area of Great Landscape Value to accord with the National Planning Policy Framework and saved Policies STRAT 1, RES 3 and NBE 10 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details of the acoustic wall around 5 Mill Lane have been submitted and agreed in writing by the Local Planning Authority. The details to include materials, position and height of the wall.

Reason: To ensure the use of appropriate materials in the interests of visual and residential amenity to accord with the National Planning Policy Framework and saved Policies STRAT 1 and NBE 10 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 sewage and surface water from the site (including the results of soakaway/percolation tests and connection points) have 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 the pollution of the water environment and to accord with the National Planning Policy Framework and saved policy STRAT 1, RES 3 and NBE 14 of the West Lindsey Local Plan 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 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, RES 3 and CORE 10 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until a comprehensive construction method statement (including times of operation, traffic movement, material storage, material removal and noise and dust suppression) has been submitted to and agreed in writing by the local authority.

Reason: To protect the amenity of the surrounding to accord with the National Planning Policy Framework and saved Policy STRAT 1 and RES 3 of the West Lindsey Local Plan First Review 2006.

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 154.02B Rev B, 154.03C Rev C, 154.04A Rev A and 154.05 B dated June 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.

8. The development shall only be carried out in accordance with the details approved in condition 2, 3, 4, 5 and 6 of this permission and shall be so retained.

Reason: In the interests of the visual and residential amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1, RES 3, CORE 10, NBE 10 and NBE 14 of the West Lindsey Local Plan First Review 2006.

9. The two first floor bathroom window to the rear south elevation shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 3 of the West Lindsey Local Plan First Review 2006.

10. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 154.02B Rev B dated June 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

to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 3 of the West Lindsey Local Plan First Review 2006.

11. The proposed driveway and turning space shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and saved policy STRAT 1, RES 3 and CORE 10 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:

12. 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 dwelling including the insertion of a structure or building within the curtilage of the dwelling other than as authorised by this permission.

Reason: To ensure the dwelling retains enough outside amenity space for the enjoyment of the occupiers to accord with the National Planning Policy Framework and saved Policies STRAT 1, RES 3 and CORE 10 of the West Lindsey Local Plan First Review 2006.

Notes to the Applicant

Landscaping Scheme

It is advisable that the Landscaping Scheme considers the existing trees on site and introduces softer landscaping in the form of hedgerow planting particularly to the section of the east boundary adjacent the east elevation and rear garden space.

A1

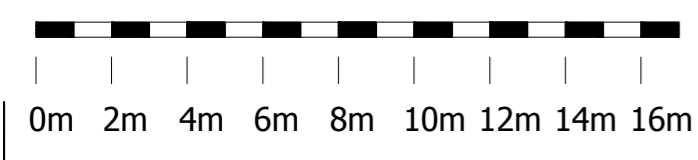


Site Location Plan (1:1250)

06



Sketch Scheme (1:200)



Accommodation Schedule

1	3 Bed Bungalow	5	3 Bed Bungalow
2	3 Bed Bungalow	6	3 Bed Bungalow
3	3 Bed Bungalow	7	3 Bed Bungalow
4	3 Bed Bungalow		

Key

- Indicative Landscaping (see Landscaping drawings for full details)
- Street Trees within Swale areas
- Site Boundary
- 1800mm Close Boarded Screen Fence

Rev: Comments: By: Date:

Client:
Gelder Living

Project Title:
Proposed Housing Development, Knait Park

Drawing Title:
Initial Sketch Scheme Proposals

PLANNING

Tilbridge Lane
Sturton by Stow
Lincoln
LN1 2DS
T: 01427 788827
E: design@gelder.co.uk
W: www.gelder.co.uk



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Scale: Date: Drawn: Checked:

As Stated April 15 JR

Project No. Drawing No. Revision:

DD434 A1/001 0

Officers Report

Planning Application No: 133845

PROPOSAL: Planning application for the construction of 7No. Dwellings-
resubmission of previous application 133141

LOCATION: Land off Heynings Close Knaith Park Gainsborough

WARD: Lea

WARD MEMBER(S): Cllr Milne

APPLICANT NAME: Gelder Ltd

TARGET DECISION DATE: 16/02/2016

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Refuse permission

Description:

The site is land off Heynings Close which is located in an Area of Great Landscape Value in the village of Knaith Park. Access would be from Heynings Close with turning situated within the site. The site measures approximately 0.8ha.

To the north of the site are two storey properties and to the north east. To the east of the site are bungalows with no properties sharing the southern and western boundary.

This application seeks permission for the erection of 7 detached dwellings being a re-submission of application 133141.

Relevant history:

133141 – Planning application for the construction of 7 dwellings. Permission refused 14/09/15

Representations:

Chairman/Ward member(s): No response received

Parish/Town Council/Meeting: No further comments to add other than those already stated on the previous application – the biggest concerns relating to this planning are drainage and sewerage. The general consensus in the village and by the Parish Council seems to be that this will improve the area to what the neighbouring residents back onto now, but drainage was such a big problem in the original development (and still is to a certain extent) that we feel this may be repeated.

Landscaping is a concern, there is no mention of how this will be maintained.

Local residents: 1 letter of support has been received from 2 Heynings Close. In principle we support this as the site is currently an eyesore. We have 2 main concerns however:

1. The landscaped area is finished & maintained to an acceptable standard & any fencing enhances the surroundings & is also maintained.
2. The boundary perimeter between ourselves & proposed bungalow No 7 is in the form of a 6' (minimum height) close boarded fencing running the length of our ancient & protected Hawthorn hedging. This is in the interest of conservation & our privacy & that of the owners of said new bungalow.

Public Consultation submitted within the Design and Access Statement: 22 residents were in support and 2 were impartial. Comments made during this consultation were –

- Support providing the application is for 7 dwellings, drainage is adequately provided for and road is adopted
- Would improve what looks like a derelict area
- Good layout
- Providing the housing is not provided for housing association tenants nor council housing tenants
- Proper provision for traffic control and school accommodation
- Concerns over sewerage, drainage, maintenance and landscaped areas
- Request a close boarded fence in the interests of privacy

LCC Highways: No objections subject to conditions relating to the completion of streets, management and maintenance of estate streets, and adoptable streets.

Upper Witham Internal Drainage Board: No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The application for has a number of boxes ticked for the method of surface water disposal including SUDS, but there are no details in the submitted documents, further investigations will be required to establish a satisfactory drainage solution. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Environment Agency: No response received

Archaeology: Following the submission of the heritage statement no further archaeological input is required into this development.

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012

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

National Planning Practice Guidance (2014) as amended

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

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 and closed on 25th November 2015 therefore the draft local plan can only be given limit 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).

<http://central->

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

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>

STRAT8: Small Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat8>

RES1: Housing Layout and Design

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

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**
- **Area of Great Landscape Value**
- **Design and Residential Amenity**
- **Drainage**
- **Highways**
- **Affordable Housing**

Assessment:

Principle

The Central Lincolnshire Further Draft Local Plan (CLFDLP), to be published for consultation on 15 October 2015, identifies a housing requirement for 36,960 dwellings between 2012 and 2036 (or 1,540 dwellings per year over the 24 year plan period). This is based on evidence in the Strategic Housing Market Assessment (SHMA) July 2015.

The latest five year supply assessment for Central Lincolnshire published in October 2015 is contained at appendix D within the document. 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).

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, and 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.

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

The NPPF defines the three roles of sustainability as economic, environmental and social and development proposal must be assessed against these criteria to ascertain whether it is sustainable or not. These roles are also amongst the criteria cited within policies STRAT1, STRAT3 and STRAT8 of the Local Plan First Review and are consistent with the principles of the NPPF itself.

The site is located within Knaith Park which has limited facilities. There is a bus service which runs every hour to Lincoln and Scunthorpe however this on its own cannot make the village of Knaith Park sustainable. The next village of Lea also has limited facilities so this development would not even support the surrounding local village and residents are wholly reliant on a vehicle to access the main shopping facilities of Gainsborough Town, Lincoln or Scunthorpe. These lack of facilities and links have led to the current Local Plan designation under STRAT3 as a small rural settlement.

The village of Knaith Park is allocated in the Further Draft Central Lincolnshire Local Plan 2012-2036 as a small village. It is listed in policy LP4: Growth in Villages with a 15% level of growth which would allow for the amount of houses proposed however this has limited weight at this time and furthermore the proposals within small villages would be limited to 3 dwellings. This in itself shows that the latest independent assessment of sustainability shows the settlement has limited

credentials for living without recourse to the motor vehicles for the most basic day to day life facilities.

Area of Great Landscape Value

The proposal lies within an Area of Great Landscape Value and as such policy NBE10 is applicable.

Policy NBE10 states that high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary.

In cases where development is to be permitted proposals should meet the following criteria:

- i. It should respect and enhance local distinctiveness;
- ii. The scale, design and materials used should reflect local styles and respect the local environment;
- iii. Important landscape features should be maintained or enhanced as part of the scheme;
- iv. Development should not have a detrimental effect on skylines or important views.

Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value.

It is felt that the proposal accords with the above policy. The site is located off Heynings Close and whilst in an Area of Great Landscape Value, the houses would be seen in context with the other houses in its vicinity and not affected the wider views which can be seen across to the west and the south of the site.

Design and Residential Amenity

In terms of design and residential amenity it is felt that this is acceptable. The 7 dwellings are bungalows set in ample sized plots allowing for good circulation space. The design of the bungalows would be in-keeping with the predominant style of housing on Heynings Close which are bungalows.

The properties most affected are No.2 Heynings Close and Nos.10-20 Station Road as they bound the site. It is not felt that the siting of the proposed bungalows would be detrimental to their amenity. Bungalow A (plot 7) is situated approximately 9m away from No.2 Heynings Close, for which the elevation is a side elevation and with screening to the boundaries would not cause any harmful overlooking. No.2 affords a large garden for which can still be enjoyed given the siting of Bungalow A in plot 7.

Nos.10-14 Station Road have the access running behind their rear gardens. This access is approximately 20m+ away which is felt to be acceptable and would not cause undue noise and disturbance from traffic. Nos 16-20 would have plots 1 and 2 to the rear of them however as the dwellings are more than 40m away this is more than adequate separation and given that the properties are bungalows there is not felt to be any harmful overlooking.

1 letter of support has been received from a neighbouring property who state that the land is an eyesore and 22 residents have registered support through the public consultation submitted with the design and access statement; 2 residents were impartial. They feel that it is a good layout and would improve what looks like a derelict area.

Drainage

The site is located within flood zone 1 and whilst at minimal risk of river flooding, the site is known to have had issues with regards to surface water. It is advised that no development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The application has a number of boxes ticked for the method of surface water disposal including SUDS, but there are no details in the submitted documents, further investigations will be required to establish a satisfactory drainage solution. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. This information could be dealt with by condition.

Highways

Highways have no objections to the proposal subject to conditions relating to the completion of streets, management and maintenance of estate streets, and adoptable streets.

Affordable Housing

Policy RES6 states that where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing on sites meeting the following criteria:

- i. In settlements of over 3000 population, on sites accommodating 15 or more dwellings, or on sites greater than 0.5 hectare, the provision of affordable housing will be negotiated to ensure an appropriate number of affordable dwellings are supplied;
- ii. In settlements with a population of fewer than 3000 and on sites accommodating 2 or more dwellings, provision of affordable housing will be negotiated to ensure a reasonable number of affordable dwellings are supplied.

An off-site contribution of £84,759.50 and would be secured by a section 106.

Other matters

The proposed development at Knaith Park is close to the scheduled monument of Heynings Priory SM22603. There are also records of Roman industrial working sites in the vicinity. There is also cropmark remains of a potential undated causeway and an undated enclosure close by.

The agent was made aware of the archaeology concerns and has provided a heritage statement.

The site is a difficult site as there is so much archaeology in the surrounding area, however as the Heritage Impact Assessment rightly points out evaluation was done on the site immediately adjacent to this and no evidence of surviving archaeology was recorded. On balance as this is a fairly small development and it is not requested to have any further archaeological input into this development.

Recommendation : Refuse for the following reason

Whilst the proposal is considered acceptable with regards to the layout and design and the impact upon the neighbouring properties amenity, the proposal as a whole is unacceptable. The village does not provide any level of services and amenities for residents to be anything other than reliant on a private car. Therefore, the application site is not considered to be a sustainable location for this type of development. The proposal is therefore contrary to saved policies STRAT1, STRAT3, STRAT8 and STRAT9 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework which supports sustainable development.



Officer's Report

Planning Application No: 133848

PROPOSAL: Planning application to erect two storey extension to rear of property

LOCATION: 43 Gainsborough Road Lea Gainsborough DN21 5JN

WARD: Lea

WARD MEMBER(S): Cllr Mrs J Milne

APPLICANT NAME: Mr Shane Bailey

TARGET DECISION DATE: 16/02/2016

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Charles Winnett

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

This application must be determined by the planning committee as the partner of the applicant is a West Lindsey District Council employee.

The application site is a two storey dwelling set within a triangular shaped plot, the dwelling is set back from the highway and is located within the settlement of Lea. The dwelling has a large front driveway to the northeast and southeast and a large triangular shaped rear garden to the southwest. An existing rear first floor extension and conservatory are located on the buildings southwest elevation. The sites north-western and north-eastern boundaries are high wooden fencing, whilst the south-western and south-eastern boundaries are high hedging. The sites adjoining land uses is residential on all sides save for the north-east, which leads onto Gainsborough road and then an open field. The application site also falls within an Area of Great Landscape Value.

The application seeks permission to erect a two storey rear extension.

Relevant history:

Pre Application Enquiry - 133809 – Proposal considered acceptable in principle

Representations:

Chairman/Ward member(s):	No representations received to date
Parish/Town Council/Meeting:	No comments
Local residents:	<p>41 Gainsborough Road – Objects to the proposal on for the following reasons:</p> <ul style="list-style-type: none"> • Overlooking of property • Impact on levels of light • Scale of proposal • Impact on surrounding dwellings • Positioning of proposed windows

	<ul style="list-style-type: none"> • Value of their property • Incorrect site boundary shown on plans
Archaeology:	No objections
IDOX:	Checked on the 27/01/2016

Relevant Planning Policies:	
National guidance	National Planning Policy Framework (2012) https://www.gov.uk/government/publications/national-planning-policy-framework--2 National Planning Practice Guidance http://planningguidance.communities.gov.uk/
Local Guidance	West Lindsey Local Plan First Review 2006 (Saved Policies)
	STRAT 1 Development requiring Planning Permission http://www.west-lindsey.gov.uk/localplan/written/cpt3a.htm
	RES 11 Extensions to Dwellings Located within Settlements http://www.west-lindsey.gov.uk/localplan/written/cpt6.htm
	NBE 10 – Protection of Landscape Character in development Proposals http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm

POLICY RES 11 – Extensions to dwellings located within settlements
i. Does the proposal introduce a terracing effect in the street-scene?
As the proposal is a rear extension, it will not create a terracing effect in the street- scene.
ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?
<p>Scale and Size - The proposed extension is to the rear of the property and will not have a detrimental impact on the street-scene as it will only be partially visible form the highway. Rear extensions in the sites surrounding area are not uncommon, however they are mainly ground floor only and not of the same scale as the proposal. In most cases they have hipped roofs, therefore of this the proposed extension would contrast with the design of the adjacent dwellings. Whilst the design of the proposal would contrast with surrounding dwellings, its positioning to the rear of the property means that any visual impact will not be significantly harmful.</p> <p>Subordinate to existing property – due to the differing needs of applicants and the individual nature of each site, Policy RES 11 does not impose any specific volume increase rules to extensions , because of this and the fact that the roof height of the existing property will not be increased, the proposal is considered to be subordinate to the existing property.</p> <p>The possibility of changing the proposal to a hipped roof was discussed with the applicant</p>

to help reduce its impact on the surrounding area particularly the neighbouring dwelling to the south east, however the agent stated in the email dated on the 27/01/2016 that the applicant did not wish to change to the plans, and preferred to have the application assessed as it was submitted.

Materials -The materials to be used for the extension will match those of the existing dwelling and are considered to be acceptable.

iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?

Overlooking of Property and Positioning of windows – The proposed windows on the southeast elevation of the extension would be obscure glazed, as stated in the submitted plans and so would not provide any overlooking onto neighbouring properties. Further to this, whilst an existing window will be increased in size it too shall be obscure glazed which will likely improve the privacy of the occupants of number 41, which is the neighbouring dwelling.

Impact on Light/Overbearing- Due to the position of the proposed extension, and the sun's trajectory from east to west, the only area that might be impacted by a change in the level of light would be to the rear of number 45, and this impact would be minimal. The other neighbouring dwelling to the southeast is approximately 12 metres from the proposal and will not be overshadowed by the proposal or experience any significant loss of light.

iv. Does the proposal prejudice the retention of any significant trees or other important features?

There are no protected trees or important features that the proposal will affect.

v. Does the proposal enable adequate off-street parking space to remain for at least one vehicle to park?

The proposal is a rear extension and will not affect the driveway space to the front of the property.

vi. Does the proposal enable an adequate amount of private garden space to remain?

A suitable amount of garden space will still remain on the application site.

vii. Does the proposal have a significant impact on the supply, availability and subsequent affordability of smaller properties as part of the overall mix of properties within the locality?

This part of the policy is not compliant with the NPPF and has not formed part of the assessment.

Other considerations:

Area of Great Landscape Value

The design, position and size of the proposal will not have an adverse impact on the appearance and setting of the Area of Great Landscape Value.

Conclusion and reasons for decision:

The decision has been considered against the policies STRAT1 Development Requiring Planning Permission, RES11 Extensions to Dwellings Located Within Settlements and NBE10 Protection of Landscape Character in development Proposals of the adopted West Lindsey Local Plan Review 2006 in the first instance and guidance contained within the National Planning Policy framework 2012 and the National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal will not harm

the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers. The proposal will not have an adverse impact on the appearance and setting of the Area of Great Landscape Value.

RECOMMENDED DECISION: Grant permission subject to conditions

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

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

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

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

NONE

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

2. 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: VE/LE/MF/01 and VE/LE/MF/03, dated 28/10/2015 and VE/LE/MF/04 dated 18/12/2015. 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.

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and saved policies STRAT 1, RES 11 and NBE10 of the West Lindsey Local Plan First Review 2006.

4. The two first floor ensuite windows to the south east side elevation shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 11 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:

NONE

Signed: Charles Winnett

Date: 27/01/2016

Signature: *Charles Winnett*

Authorising Officer:

A handwritten signature in black ink, appearing to read 'I. Elia', written over a faint, illegible stamp or background.

Date: 27/01/16