



PL.16 15/16
Planning Committee
6 April 2016

Subject: Review of Hybrid application 133284 comprising of Outline planning application with means of access to be considered for erection of up to 120 dwellings and a new building to replace the former Sudbrooke Holme to provide up to 25 apartments for retirement living. Erection of a new building to provide restaurant-public house. Extension and widening of West Drive and Holme Drive to serve the development, associated hard and soft landscaping and, demolition of existing poultry sheds. Change of use of land to provide a new area of open space including provision of new footpaths and sustainable drainage infrastructure. Change of use of land to provide new community allotment facilities on land adjacent Sudbrooke Park, Off West Drive, Sudbrooke.

Report by:	Chief Operating Officer
Contact Officer:	George Backovic: Principal Development Management Officer
Purpose / Summary:	To assess planning application 133284 and ascertain the views of the Committee in advance of a planning appeal against the non-determination of the application.

RECOMMENDATION: That the Council would have been minded to refuse planning permission on the following grounds:

1. The development would result in the destruction of many individual trees, groups and woodlands protected by Tree Preservation Orders within this Site of Nature Conservation Interest and Historic Park and Garden in addition to many non-protected trees. It would destroy large areas of habitat and damage biodiversity. It will introduce houses into the core of this Historic Park and Garden and would cause substantial harm to the parkland, its setting and the historic features contained within it.

Development at the scale proposed would result in the growth of this rural settlement at unsustainable levels in view of its limited facilities, and the probable use of private vehicles to access employment, retail and other basic facilities. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and it therefore does not meet the NPPF presumption in favour of sustainable development. The Development is also contrary to saved policies STRAT 1, STRAT12, NBE8 and NBE 12 of the West Lindsey Local Plan First Review (2006)

IMPLICATIONS

Legal: N/a

Financial : The applicant could apply for an award of costs against the Council if they consider unreasonable behaviour has occurred.

Staffing : N/a

Equality and Diversity including Human Rights :

N/a

Risk Assessment : The applicant could apply for an award of costs against the Council if they consider unreasonable behaviour has occurred.

Climate Related Risks and Opportunities : N/a

Title and Location of any Background Papers used in the preparation of this report:

National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance (NPPG)

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

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. Introduction

The Planning Inspectorate (PINS) has given notice that they have received an appeal against the failure of the Authority to give notice of its decision for planning application 133284 within the appropriate period, and in the absence of the written agreement of the parties to extend the decision making period.

The purpose of this report is to determine what decision would have been made by the Local Planning Authority if a decision had been made. This will be used in evidence for the appeal.

Site Description

The site is located outside the settlement limit of Sudbrooke within Sudbrooke Park and as originally submitted comprised approximately 22.46 ha of land. It is predominantly woodland, although there are areas of open rough grassland and poultry farms to the east. A number of tracks and paths run through the site including a definitive right of Way (Sudbrooke) No.817. There are a large number of trees protected by preservation orders across the site which also falls within a Site of Nature Conservation Interest (SNCI) and is located within a designated Historic Park and Garden. To the north of the site is further mixed woodland, a paddock for horses and residential properties. East of the site is parkland with areas of established and young trees and a lake. South of site are more residential properties and the A158, beyond which is arable farmland. To the west is the main village of Sudbrooke. The Nettleham Beck, a watercourse, flows in a north south alignment through the middle of the site.

The Old Coach House and “Labda”, a former farm workers bungalow are “islands” enclosed by the application site.

Original Proposal:

An outline planning application with means of access to be considered only, for the erection of up to 140 dwellings and the erection of a new building to provide up to 25 apartments for retirement living and a new building to be used as a restaurant / public house. A change of use of land is also proposed to provide a new area of open space including the provision of new footpaths and a sustainable drainage infrastructure incorporating a new attenuation pond. An outdoor gym is indicated. A new series of footpaths within an area known as the 10 acre covert on the north western section of the site, north of

West Drive is shown. A further change of use of land will provide new community allotment facilities at the southern end of the site.

Access to the site will be by way of extension of the two existing roads, West Drive and Holme Drive, into the site to form residential access roads which form the main roads through the site. The extended access roads, and internal roads, will be 5.5m in width with a 2m metre footpath either side.

Revised Proposals

The boundaries of the application site were subsequently changed principally by the removal of 10 Acre Covert from the site, and the addition of a triangular shaped piece of land to the south east of the original site. An additional area of land 2.4 hectares in area approximately 270 metres to the east of the main application site is now also included. The revisions are:

- Reduction in the number of dwellings from up to 140 to up to 130;
- Attenuation pond relocated away from the existing woodland and into an open area to the south-east of the application site
- Provision for biodiversity offsetting including wildflower meadows, planting of native woodland and bird and bat boxes throughout the development;
- Replacement tree planting with the intention to off-set loss provided by 2.4 hectares of proposed new woodland planting;

Relevant history: None

Representations:

Chairman/Ward member(s):

Parish Council: **Sudbrooke Parish Council** have held two public meetings and taking into account the comments/views of local residents **object** to the above application on the following grounds:-

1. The proposed development would not protect the existing environment and character of Sudbrooke Park and the surrounding area and there would be inadequate and unsafe access to the road network particularly on to the A 158 Wragby Road from Scothern Lane. This will also be exacerbated following planning approval for Scothern village. (Contrary to Strat 1 of the West Lindsey Local Plan First Review June 2006.)

2. The natural landscape and nature conservation features would be lost and development would not enhance the sites wildlife flow.

The wildlife survey appears to be flawed. It is common knowledge that there are Great Crested Newts in the parkland. These animals, its eggs and their breeding sites are protected by law. (This is Contrary to Core 10).

3. Ancient woodland - Contrary to NBE 12 There are many trees in Sudbrooke Park, protected over the years by Tree Preservation Orders for their value to the amenity. The Tree survey makes no reference to 1988 and 2005 Orders.

A character appraisal has not been carried out on these trees. Please note that the application is contradictory. It states that some small bands of trees will remain which are in fact in residents gardens and not in the proposed development area.

4. Historic parks/gardens - Sudbrooke Park is the location of the former Sudbrooke Holme and gardens identified by West Lindsey as being worthy of protection and would therefore be contrary to NBE 8.

An application was lodged with Lincolnshire County Council in December 2012 for modification to the Definitive Map Order and Statement of Public Rights of Way - claimed footpaths in Sudbrooke Park. Confirmation from Countryside Access at Lincolnshire County Council on 18th August 2015 states that the Case (number 359) is currently ranked 141 out of 160 in the County Councils list of priorities. In the event of planning permission being granted the Parish Council would expect, as previously agreed with the applicant, to the amenity area and woodlands to be transferred to the parish with a commuted sum for future maintenance together with provision for retirement bungalows and local community benefits with land being ring-fenced for future local infrastructure needs, i.e. primary school and health centre All of these to be secured in a Section 106 Agreement.
(Note: Councillor Stuart Curtis has not conveyed any verbal or written opinion as to the merits or otherwise of the scheme)

Comments following amendments

The original objections are unchanged. The amendments are small but to the detriment of Sudbrooke. The developer has withdrawn the public offers made on the basis of a Section 106 agreement namely the transfer of the ownership of the woods / amenity area and 10 acre covert. The pub/ restaurant is still considered not to be viable and no information has been provided in relation to the management of the allotments. The original discussions with the developer had included gifting the woods to the Parish. This has now been withdrawn and a management company will be responsible for the maintenance of the woods. We are concerned that access will be restricted and the plans indicate the only access will be through new footpaths. By retaining ownership of both the woods and 10 acre covert there is still the prospect of future development.

The Parish Council were willing to work with the owners of the land and the developer and sought repeatedly to engage with them about their plans. However the plans for the site were presented ready formed and no changes of significance were made to satisfy our concerns.

Residents

Letters of general and conditional support received from:

Bridge Farm, 14 Broad Dale Close, 5 Manor Drive 91 Holme Drive

In summary this will provide much needed housing for future generations and the site has been earmarked for development. Consideration should be given to a new direct access to the A158. A roundabout should be installed.

Objections received from:

28 and 33 Beresford Drive

3, 5, 7 and 16 Broad Dale Close:

2, 4, 5, 6, 7, 17, 19 and 23 Courtfield Close

9, 20, 21, 23, 27, 31 and 43 St. Edwards Drive:

5 Ellison Close:

9 and 15 Fox Covert

11, 16 and 22 Greenway:

6, 10A, 13, 16, 23, 33, 47, 73, 76, 79, 83 and 89 Holme Drive

The Spinney, Labda, and The old Coach House on Main Drive:

21 Main Street:

3, 4, 12, 15 and 26 Manor Drive

12 and 24 Maple Drive:

20 Northfield Avenue

5 and 16 The Paddock

Park House

12, 14, 15, 20 and 25 Park Close

7 Pelham Close:

12, 46, 48 and 62 Scothern Lane

2, 4 and 6 Shepherds Way

1, 10, 18 and 35 Sibthorpe Drive

8 and 29 Sibthorpe Road

1, 2, 3, 4, 5, 11, 12, 14, 16, 21, 22, 23, 27 and 30 West Drive

“Erica House”, “Headway”, “Richmond”, “Swallows Way” and “Willowside” on West Drive

1, 3, 10, 15, 16, 26 and 36 Windsor Close:

1, 26, 29, 67 and 79 Wragby Road

In summary:

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- The Traffic Assessment is flawed dated incorrectly, unrealistic suggestions of morning traffic and does not take into account traffic that already avoids the junction with the A158 by going via a single track to Nettleham via Scothern. The A158 is a designated red route and the increase in traffic will increase the risk to lives. With development heavy plant vehicles will also be crossing and this will be a highway safety issue;
- The alternative routes are through Nettleham (down a narrow single track road with limited passing places and other narrow roads in the village) and through Scothern - another small village with roads not designed to take such volumes of traffic. It should be noted that these are all areas where homes front directly onto the roads and already have issues with safety for pedestrians which will become worse with increased traffic
- According to even the 2001 census, the number of households in Sudbrooke with 2 or more cars was 61.8%, whilst the national average for England and Wales was 29.4% and for the rest of West Lindsey 37.0%, and people with no cars in Sudbrooke was only 3.3%. This

- situation is unlikely to have changed in the interim. Residents are more likely to make use of a car rather than the bus.
- Sudbrookes' distinctive feature is the wonderful woodland with all the opportunities for relaxation and walking and peace and tranquility that will be lost to current and future generations
 - The loss of two thirds of trees is an unacceptable loss of protected trees and natural woodland.
 - The extent and variety of natural habitats has given Sudbrooke a high level of biodiversity and it is listed as a Site of Nature Conservation Interest (NBE 12). This development would have a considerable negative impact on this irreplaceable resource.
 - We live at the start of West Drive which is a single width, unadopted track, classified as a footpath that adjoins Scothern Lane. The track /footpath is in poor condition, full of potholes, has two speed bumps, is single width and signed as a footpath, but this still does not deter drivers from using it. The Integrated Planning Statement submitted highlights West Drive as one of two main vehicular access points. We object as this will increase the flow of unauthorised vehicles along this track/footpath. It will exacerbate existing highway safety and visibility issues and cause an increased hazard to the residents and pedestrians that use it.
 - Increase noise and disturbance including anti-social behaviour
 - Public House cannot succeed as existing ones are failing and shutting down
 - Increased dogs means increased excretia
 - The Outdoor gym is a waste of space and will be a magnet for undesirables
 - It will be contrary to existing private rights of way for unimpeded access that are contained in our deeds
 - Contrary to Parish Plan and Action Plan 2007-2017. Majority of residents do not want housing development. More green spaces for walking and recreation. Increased access to Sudbrooke Park. Important trees to be protected by TPOs and further trees to be protected by TPOs. Many trees have been destroyed in preparation for the sale of the land to a builder
 - Why would you want to develop what is already a unique environment and should be cherished? Sudbrooke Park does not need to be developed it needs to be managed sympathetically.
 - The scale of the development will overrun the size of the village. It will place a massive burden on local amenities such as schools, shops and more importantly, dentists and doctors surgeries where it is already virtually impossible to get an appointment.
 - Under the emerging Central Lincolnshire Local Plan Policy LP2 it is proposed that Sudbrooke, as a medium size Village, will be permitted to grow by 10% in the number of dwellings over the plan period in order to support its function and sustainability. There are currently 712 dwellings in Sudbrooke therefore this would equate to a further 72 dwellings being permitted. Typically development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. To date planning approval has been given for eleven houses in Sudbrooke (6 on Wragby Road and 5 on Church Lane) leaving a total of 61 houses to meet the required 10% growth over the next 20 years.

- The size of the proposed Parklands Development far exceeds the limits set out in the emerging Draft Local Plan. The Central Lincolnshire Joint Strategic Planning Committee approved the Final Draft Local Plan on March 14th 2015.
- The enormous irreversible damage that has already occurred to the environment is nothing short of criminal
- We want to remain a village;
- Increasing the size of the village will change whole way of life, and completely change character of village beyond all recognition;
- Will become more like a town;
- Too many houses proposed;
- Lack of local amenities such as shops
- Not sustainable location – basic facilities and shops are not nearby;
- Too much additional traffic through the village;
- This would also involve loss of privacy for houses opposite the development - gardens and homes which were previously secluded would then be overlooked.
- The claim that the site is brownfield is partly based on the fact that during the war years and until the fifties, there was an army camp at Sudbrooke. However, the camp consisted of Nissen huts, which were simply intended as temporary structures built to a variety of designs, some with brick and concrete bases, as seems to have been the case at Sudbrooke.
- Development should be directed to more appropriate locations
- No demand for housing in area;
- There are houses already for sale
- Public right of way is frequently used. Pleasant walks along Public Right of Way will now be through a housing estate;
- Existing rights of way claims have been lodged and are undetermined
- Wildlife reports are flawed – site is used by badgers and reptiles, and deer;
- Certain parts of site is prone to flooding and removal of trees will harm the water table;
- Construction traffic and noise will affect residents;

Sudbrooke Pre School Group: Over subscription of existing preschool group; Due to our requirement to allocate places for children in receipt of government funding, children of eligible age moving into the area will be taking places over children and families that have always lived here. Ellison Boulton is already full beyond capacity. William Farr C of E comprehensive school cannot create any more capacity. Funding from developers will not increase capacity.

LCC Highways: No objections subject to imposition of suggested conditions.

As part of the Transport Assessment submitted in paragraph 4.2 it was stated that the counts were undertaken on Friday the 25th March 2015, this has been acknowledged by the consultants as an error in a letter to the Local Planning Authority. The counts were in fact taken on Wednesday 25th March 2015 which according to the Transport Analysis Guidance (TAG Unit M2.1

para 3.3.6 is generally used in defining what is a neutral date) falls within the criteria of a neutral date.

Correspondence has been received by the Planning Authority and Highways Authority questioning the validity of the traffic data and suggesting that the consultant should have undertaken the counts in the summer months due to the increase in flows on A158 and these should be considered as typical. Planning Policy Guidance on Transport Assessments states 'In general, assessments should be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours).' therefore daily traffic flows from a permanent ATC site approximately 200 metres west of the Scothern Lane junction on the A158 have been obtained. The latest yearly information is from 1st October 2014 to 30th September 2015.

The two-way flows in the consultants count when compared to the Neutral flows are less than 5% different and therefore not significant in my opinion. The junction analysis undertaken in the TA using the count data supplied is therefore accepted by the Highways Authority as a reasonable proxy as to the operation of the junction in general. It is acknowledged that at times, in particular during the summer months, that the junctions will operate with less capacity than the TA is predicting.

Trip Generation and Distribution

The consultant has used the TRICS database to obtain suitable trip generation figures and used the existing junction splits to ascertain where predicted trips will distribute on the local highway network. We accept the trip generation and distribution methodology as a reasonable assumption as to the likely trip generation during the AM and PM weekday peak periods which is historically the busiest period for residential trip movements.

Junction Assessments

The junctions of Manor Drive and Holme Drive with Scothern Lane are predicted to operate with significant spare capacity and little delay or queuing on average during the weekday AM and PM peak periods and the analysis work is accepted. The Scothern Lane/A158 Wragby Road junction is predicted to operate with an RFC of 0.71 (the right and ahead movement from Scothern Lane) at its worse in the AM peak with average queues of fewer than 3 vehicles (it should be noted that this is an average over the whole time period not the maximum queue, the queues could be zero at times and perhaps into double figures during the time period). The RFC in the PM peak hour is slightly less than the AM peak. I am happy with this analysis however to be robust I have calculated that all movements would have to increase by approximately 17% in order for the RFC to reach 1.0 (theoretical capacity) and approximately 26% to reach an RFC of 1.2 in which you might consider it having a severe impact in the context of NPPF.

Summary and Conclusion

The TA is a fair, reasonable and balanced appraisal of the impact of this proposed development on the local highway network and infrastructure surrounding Sudbrooke. Concerns have been raised regarding the validity of

the data used within the TA and I therefore have undertaken further analysis of existing data on the A158 to ascertain 'typical' flow conditions and have based my conclusions on this work which is described in detailed above.

This technical response is based not only upon sound and reasoned highway engineering principles but also with regard to a fundamental principle of paragraph 32 of the NPPF (National Planning Policy Framework) which is unequivocal about the presumption of approving development unless that development would be expected to cause a severe impact upon highway safety or congestion. Reports within the industry of recent Planning Appeal decisions indicate that Planning Inspectors are robustly upholding that principle. Therefore it is requested that should the application be recommended for approval the following conditions are attached to the decision notice.

1. Prior to any development taking place a detailed scheme shall be submitted to and approved in writing by the LPA which prevents vehicles from accessing the Private Drive which runs in a Southerly direction and connects the site up to the A158

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

2. Prior to the occupation of any dwelling/building the existing public footways which run through the site shall be upgraded and finished in a metalled surface. Details to be agreed in writing by the LPA

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

3. 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.

4. Notwithstanding the details submitted on drawing number SP_0004 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 scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with

an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to 5 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.

5. Prior to commencement of development a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- Baseline mode split data, if this is not available a commitment to undertake a travel survey within 3 months of occupation;
- SMART targets for mode shift in favour of sustainable methods of transport;
- Commitment to undertake annual travel surveys, monitoring and the review process;
- Action plan containing measures to address the identified issues and targets, a timescale for implementation of each of the measures and a responsible person for each measure;

- Any other points specific to the site we would want to see, for example amount and location of cycle storage to be installed

Section 106 contribution

Due to proposed cut backs in council funding for the local bus services a request has been made for a S106 contribution of £100k over three years towards the costs of providing this service.

Internal Drainage Board Comments:

The Board requires a dedicated unobstructed 6m minimum machine access to for maintenance of the watercourses known as Sudbrooke Beck, Sudbrooke Tributary and Park Close Drain. Any work, either temporary or permanent is subject to the Board's prior written consent. This requirement relates to new or existing crossings of Board maintained watercourses. Any paths or access tracks within 9m of a Board maintained watercourse should be able to withstand the repeated passage of the Board's tracked and wheeled plant in all conditions. As part of the Land Drainage Consent

application, the opportunity will be taken to confirm and reinstate access routes to structures and watercourses.

Development Planning: Sudbrooke is classified as a Primary Rural Settlement in the West Lindsey Local Plan First Review (2006), however only a very small scale of development was allocated in Sudbrooke in that plan, reflecting the rural character, very limited facilities and setting of the village. In terms of sustainability and service provision these have not changed or improved since that time, indeed it is noted that recently the small village shop ceased trading altogether but has now reopened on limited hours.

The current WL Local Plan allocated land for just **2** homes in the village for the plan period up to 2015, both of which were built-out by 2009. It is therefore not appropriate to justify large scale development on the basis that Sudbrooke is a Primary Rural Settlement and the current Local Plan does not provide a basis for supporting developments in Sudbrooke of the scale proposed. Whilst the West Lindsey Local Plan clearly does not prevent suitable sustainable schemes coming forward, indeed such schemes are absolutely essential for the continued delivery of new housing and proposals such as this could positively contribute to that supply, Sudbrooke is not considered a sustainable location for the level of growth proposed.

You will be aware that this site is also within the curtilage of a Historic Park and Garden, SNCI and that many protected trees are located at the site. Development of this site would have a significant and detrimental effect on all of these, most notably the high landscape character of the area, the rich biodiversity that is present in natural ancient woodland and the surrounding countryside, and the amenity of local residents. The need to provide housing within Central Lincolnshire should not override such considerable constraints which are in place to protect the most important parts of the area's local environment.

Turning to the emerging Central Lincolnshire Local Plan; The Preliminary Draft Local Plan published in October 2014 identified Sudbrooke as a 'Limited Growth Village' due to the absence of any major local amenities. This classification reflected the limited services and facilities and availability of housing land in alternative, more sustainable locations. This classification gained support from the local community and Parish Council and has been carried forward into the second draft (Further Draft Local Plan) that was published in October with the consultation ending on 25 November. Whilst it is likely that some preferred allocations may well change after the current consultation and prior to the submission draft, it is highly unlikely that the classification of villages such as Sudbrooke will change or that Sudbrooke would need to be considered for growth beyond the levels and scales proposed in the Further Draft plan. Sudbrooke will certainly not score any better on sustainability grounds in the foreseeable future and residents will remain dependant on use of a car for accessing the majority of their needs. This is principally because;

1) there are a significant number of 'reasonable alternative' sites that are available and deliverable in more sustainable locations (sites that are not

currently proposed as allocations but could become one if any existing preferred allocations need to be changed). A full breakdown of these alternative sites has been published to support the emerging Local Plan and to demonstrate the deliverability of availability of suitable housing sites in Central Lincolnshire. These are set out in the *Residential Allocations - Evidence Report (2015)* published alongside the Further Draft Local Plan 2) Within the 'Medium Growth' category* there are some settlements that are assessed as being suitable for higher levels of growth where there are services and facilities to support additional housing. Where this is the case the Further Draft proposes 15% growth over the plan period, rather than the 10% applied to most Medium Growth villages. Sudbrooke is not amongst the higher level growth villages.

*The Further Draft simplifies terminology from the first draft and classifies Sudbrooke as a 'Medium Growth Village'. Villages in this category will not have land allocations, instead the plan proposes a growth level of around 10% is suitable, typically to be delivered on sites of up to 9 dwellings. 10% growth for Sudbrooke over the plan period 2012-2036 equates to 71 dwellings. Three new dwellings have been delivered since the start of the plan period and therefore a residual need for 68 homes up to 2036 remains. Some Medium Growth Villages have been deemed suitable for a slightly higher level of growth (15%) due to improved local services and facilities, but Sudbrooke is not one of these. This application should also be considered in context with other applications granted in surrounding villages that serve the residents of Sudbrooke. With no services or facilities within Sudbrooke itself the cumulative impact of development elsewhere is especially significant. For instance in neighbouring Scothern, where the nearest primary school is situated, in the last 12 months the council have granted planning permissions for 73 new homes – double the number proposed in the Further Draft Local Plan for the period up to 2036 and significantly above the level of growth deemed to be sustainable for this location in both the current and draft local plan.

It is relevant that Sudbrooke has not been considered previously for large scale growth, and that this is not planned for in the latest draft of the local plan, because it also means that i) the impact that new (unplanned) housing would place on the wider infrastructure is difficult to assess, and ii) unplanned growth in Sudbrooke may inhibit the ability to deliver growth in more suitable and sustainable locations by placing additional demand on infrastructure, such as roads and sewerage, that would have enabled (or is needed) for development to take place in those other locations. Assessing the cumulative impact of permitted development, and the further demand this places on infrastructure, should also consider the recent permissions for substantial growth in Welton, Dunholme and Nettleham.

Historic England: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment (Trees):

Potential effect on any Public Right(s) of Way:

1 There are various Public Right of Way footpaths within the application site... along West Drive and Main Drive, and across the rough land and through the trees. There are also several claimed footpath routes which are currently being processed by LCC to see if they are valid claims. This is a process which can take many years to conclude. The proposed development will slightly impact on the public footpath along part of Main Drive, and will block the routes of some of the claimed footpaths which are an ongoing claim with LCC. Even if the development gets approval, if the footpath claim continues there is a risk the claimed footpaths could eventually be approved through new houses and gardens.

2. The Public Rights of Way are well used, and the Historic Park is a popular amenity area for dog walkers, cyclists, people out for a relaxing stroll, and as a cut through, and is an oasis of greenery for people to get easy access to nature within Sudbrooke.

Potential effect on any trees or hedges on or near the site:

3. This site is an SNCI (Site of Nature Conservation Interest), and is designated as a Historic Park, and has many trees protected by Tree Preservation Orders (TPO's).

4 The proposed development would involve the destruction of many trees and a large area of wildlife habitat. The submitted tree report identifies T1, T2, T11, T12, T13 and T14 as trees to be retained. T1 & T2 are within the site but are not covered by a TPO. T11 to T13 are within private gardens which are not part of the development site, so the proposed developers actually has no say in whether or not these are to be retained. T14 is a protected Turkey oak, T5 of Sudbrooke No4 2005 TPO. In the proposed layout it would be within rear gardens but we have no idea on proximity to proposed houses in relation to crown spread, shade, and impact on its Root Protection Area (RPA)..... What about all the other TPO and non-TPO trees that the developers are not proposing to retain and incorporate into their layout?

5. The TPO's affected by the proposed loss of trees are;
W1 of the Sudbrooke 1988 Order, which covers a large area,
W1, W2, G1, G2, G3, and T1 to T37 of the Sudbrooke No4 2005 Order, &
W1 of the Sudbrooke No5 2005 Order.

6. The proposals would involve the removal of all the trees in the TPO Sudbrooke No4 2005, which consists of two woodlands, three groups of trees and 37 trees identified significant enough to merit being protected as individuals. The tree species covered by this TPO are sycamore, English oak, Turkey oak, crack willow, birch, goat willow, hawthorn, ash, walnut, horse chestnut, yew, and hazel.

7. Sudbrooke No 5 2005 protects the trees within the woodland on and around the site of the old hall. This has recently been thinned as a result of a felling licence from the Forestry Commission. It is mainly comprised of beech, ash, lime, yew, oak, holly, cherry, sycamore, cedar of Lebanon and birch, but a 'woodland' TPO protects all trees of any size and species. The proposals would involve the removal of many remaining trees in the NW approx. third of this woodland TPO. Much of this area is already tarmac and concrete left from

the previous house and driveway, but nature has quickly claimed the site with many trees growing along its edges, and non-TPO trees just outside the westerly boundary of this TPO which would also have to be removed if the proposed development gains consent.

8. An approximate assessment of the proposed tree removal is that 4.012 hectares (or 9.92 acres) of TPO woodland would be removed, plus 3 TPO groups containing 22 trees, and 43 individual TPO trees, along with many non-protected trees. This is a significant loss of trees, the amenity they provide to the area and were protected for, and the valuable habitat they provide. Does the creation of these houses, roads, allotments and additional pond justify the destruction of so many protected trees, the amenity value they provide, the landscape character of the area, and the large area of habitat, when other areas are available for construction with less impact to the land, visual amenity and biodiversity?

9. Using the tree numbering in the application info & tree report, the tree report says that the trees in TG1 woodland are visually quite prominent from the north and provide screening to the site, and has determined the woodland is category B, as classified using the cascade chart in the British Standards recommendations, BS5837:2012.

10. The tree report describes TG2 as being predominantly self-set ash and sycamore with scattered goat willow, crab apple, and birch along its edges. This large area was subject to a thinning licence a few years ago, and the felling licence application identified trees to be thinned in this area as ash, sycamore, plus alder, lime and beech. The TPO lists alder, birch, hawthorn, beech, ash, oak, yew, lime and elm as the main species within this wooded area. Most of the trees are self-sets as this is the nature of a self-regenerating woodland, although there are various trees near the easterly edge of the woodland which were purposely planted following an enforcement case by the forestry commission several years ago.

11. Little is said about TG3 in the tree report, but basically it is part of the self-regenerating woodland providing amenity value, character to the area, habitat, and is mostly covered by a TPO. There is a small triangle area of approx. 0.275 ha (0.68 acres) at the end of Holme Drive where the new road would connect, which is not covered by the TPO but still contains a number of trees.

12. Within TG3, the tree report has identified some individual trees which are of good physical condition, plus one crack willow with a medium Bat Roost Potential. A plan identifies these in its legend as trees to be retained, but the proposed layout shows some are in the way of the proposed new link road off Holme Drive.

14. Another pond is also proposed within the woodland area at TG2 which would involve significant tree removal and excavations which could alter the water table level and have an impact on available water for the remaining trees.

15. TG4 is the area where allotments are proposed and a new cul-de-sac road. The tree report says these trees are visually prominent from the east

and provide screening to the site, but most of these trees are identified for removal.

16. TG5 is proposed to be clear felled. The report says it contains ash, sycamore, Scots pine, Norway spruce, Leylandii, silver birch, and has categorised them as B. The tree report fails to mention the nearby early mature copper beech trees which are prominent features along Main Drive, and the various yew and willow also within this TPO woodland area. Individual trees T15 and T16 are large and impressive TPO oaks within TG5. T9 & T10 are ash trees identified as being of good physical condition, and T18 and T19 which are Lombardy poplars which are large and quite prominent – all identified as to be removed.

17. TG6 is an area of TPO trees, all proposed to be clear felled for development. TG6 includes an area of concrete where the previous hall stood, and a nearby tarmac area which was the driveway. The trees have colonised this area and have recently been thinned. Most of the remaining trees are growing around the edges of the tarmac and old concrete base.

18. The area just to the northwest of The Old Coach House currently contains a number of individual TPO trees and Two TPO Groups of trees, and is proposed to be cleared for development. There are also four more individual TPO trees just to the west of this property which are not shown on the application plan, but would have to be removed for the development work.

19. A TPO is a means of identifying and protecting important trees that provide good visual amenity value to the wider community. Most of the trees identified for removal are TPO trees.

20. Although planning over rules a TPO (except for an 'outline' application), current planning policies and guidance are generally in favour of retaining and protecting trees where possible e.g. STRAT 1 says all development must take full account of the need to protect the environment. CORE 10 is in relation to open space and landscaping, but item iii. Of the policy is about retaining important natural landscapes and nature conservation features where possible, and seek to enhance the sites wildlife value. CORE 10 v. seeks to retain and protect existing trees and hedgerows on the site. RES 1 is about housing layout and design and the retention of important site features such as trees, hedges, ditches etc. The 2012 NPPF explains the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

I **object** to the proposals due to the large number of TPO trees that would be affected by the clear felling of a significant amount of the protected woodland and individual TPO trees, plus the visual impact it would have on the local Historic Park designation, and destruction of a large area of habitat currently designated as an SNCI (Site of Nature Conservation Interest), only the area called New Ten Acre Covert at the NW of the site is currently not designated as an SNCI.

Additional comments on the 'tree' part of the Ecology and Landscape Management Strategy document:

These comments are in addition to my previous comments on the significant amount of tree and habitat loss for the proposed development.

4.1 of the document provides details on the new planting of various areas, such as trees and shrubs around the proposed new pond, the allotment amenity area, the commercial area, and within the Sudbrooke Holme area. The proposed planting is a mix of native trees and shrubs. Natives are best for biodiversity value, but I feel around the Sudbrooke Holme area there should be a few non-native feature tree species which reflect the site history and the planting that would have existed in the formal gardens of the original Sudbrooke Holme.

The proposed new trees are all listed in the document as being mainly 'whips' and a few 'transplants'. Whips will just look like slim sticks stuck in the ground, as a whip has no side shoots, and will take some time to grow in size and develop side branching to form a crown. These will provide very little amenity value or visual impact. Transplants are smaller than whips and will require protecting for 5 – 10 years, and will take longer to provide visual impact.

There is already Himalayan balsam within the westerly woodland, which is an invasive species with strict controls on what is done with it. The report says it has been prepared to include measures to eradicate unwanted species, amongst other reasons, and explains any invasive species will be treated with spot application of suitable herbicide. This weed is already well established and will need more than herbicide to eradicate it.

In addition to the proposed felling of the many trees described in my previous comments to make way for the new properties, roads, allotments, commercial area, new pond, this report also proposes thinning of the retained wooded areas. These wooded areas have already undergone an extensive thinning programme of New Ten Acre Covert and much of the rest of the Sudbrooke Park area in 2013. More recent thinning in 2014 has been of the old Sudbrooke Holme site and the wooded area to the NE, plus the wooded area south of 'Labda' down the east side of Main Drive.

The document explains a new attenuation lake would be constructed where trees are removed. Why not make use of the existing large ponds by bringing them into good management instead of leaving them in their current state of stagnant and silted.

Planting new trees and shrubs within gardens, and public amenity areas and the corporate area will do little to compensate the extensive loss of many trees and the wildlife habitat. Neat gardens, mowed lawns and weeded shrub beds will still provide more plant variety than the current site vegetation, but where are the wildlife corridors within the proposed developed areas? There are many new trees shown in the gardens of the indicative layout, but I would expect quite a few properties would remove trees planted in rear gardens, it is likely that new houses will have small front gardens leaving little space for appropriate tree planting. It would be better for decent quality existing trees to be retained and incorporated into the layout with suitable space around them

– identify suitable trees, and create a Tree Constraints Plan, and then arrange the proposed development.

Conclusion

The proposed new tree planting are all whips and transplants which have little visual impact. New planting should include some feathered or standard trees to provide instant impact while the transplants and whips develop, especially in the public amenity spaces. New tree planting within residential gardens should all be standards of 6cm girth or greater.

Great care should be taken using herbicide as young trees are also at risk of being killed by herbicide use around them. Herbicide should not be used around the ponds. The other landscape management proposals are suitable.

I would like to see the better quality, existing mature trees, such as the lovely large oaks south of 'Labda' and the Turkey oak in the middle of the site, retained and incorporated into the proposed development areas of residential gardens, street verges, the amenity POS areas, allotments etc... instead of what looks to be clear felling removal of many mature trees and then new planting proposed to be carried out as a landscaping scheme. New planting cannot replace the existing habitat, biodiversity value and features of the existing mature trees, as that needs time to build up over decades.

The document proposes thinning the remaining woodlands and creating new footpaths through them, in addition to the tree removal already described in my previous comments. These woodlands have already been extensively thinning over the past 3 years following felling licences issued by the Forestry Commission. The woodland is not dense, and I would not say the easterly half of the site is predominantly coniferous either... there were several overgrown yew pathways/corridors within the old gardens to the NE of Sudbrooke Holme, but many of these have since been removed as part of the thinning works earlier this year. The woodland should not require additional thinning.

The document describes that bat and bird boxes will be erected following further thinning of the wooded areas. Although erecting bird and bat boxes will provide nesting and roosting areas, I consider a few boxes to be too little in way of compensation for the loss of so many trees and grassland.

Comments on revised proposals:

Proposals for Landscaping:

There are various new trees shown amongst the proposed properties and around the edge of the added biodiversity area to the SE part of the site. A new 2 ha block of woodland is proposed to be planted in the easterly end of a large field to the east side of the proposed development. This new woodland, in addition to proposed woodland planting to be incorporated within the site, would be in compensation for the loss of approx. 2.3ha of trees within the Sudbrooke Park site. Chapter 3 of the Delta-Simons Biodiversity Enhancement Plan document says the proposed new woodland block to the east of the site will provide greater connectivity between existing off-site woodland and proposed planting within the development, and that it will increase connectivity to the wider countryside. I don't see how they can make

this claim as it is just a block of trees tagged onto the side of an existing woodland, and doesn't actually connect one area to another area... there are no Public Rights of Way or other public access to it, so in what way does it bring people to the countryside? There is no wildlife corridor as it does not connect one area to another separate area... it is enclosed by other existing privately owned land, and is hidden away with no public access. The only benefit is that it is an extension to existing woodland so would eventually provide a larger habitat area for the woodland wildlife.

Potential effect on any trees or hedges on or near the site:

The revised plans now intend to retain more of the existing woodland area, and to create an area of new woodland planting in compensation for the loss of trees still intended to be removed for the proposed development.

The red line around the site area has been altered to cover more land to the South East corner, some additional woodland down the east side of Main Drive, and now excludes the TPO tree area to the NW of The Old Coach House and within part of Ten Acres Covert. The attenuation pond has been relocated out of the woodland and into the additional area at the South East of the site. This now means that less trees would be affected by the proposals. I have enclosed a 1999 aerial photo that approximately shows the proposed areas of development. These areas cover approximately 3.23 ha (7.98 acres). It may be that I have not drawn the outlines accurately, but the loss of trees will actually be greater than the loss of trees calculated in the proposals based on the footprint of the development, because additional trees to the sides of the development footprints would also require removing e.g. at the side of proposed roads, where roots close to the tree stems would be severed due to development, leaving the trees at risk of wind throw/collapse.

The most recent phase of woodland thinning carried out under a felling license issued by the Forestry Commission involved the removal of many trees. I have since spoken to the FC woodlands officer about the density of the remaining trees and he was of the opinion that adequate thinning had been done, and there is no need for additional thinning for good forestry/silviculture.

The revised tree survey by Delta-Simons, chapter 6.0 Summary and Conclusions, says 19 individual trees and 11 groups of trees were surveyed. Of these surveyed, most were considered to have "moderate retention values", only one tree was deemed to have "low retention value".

There are still some important and lovely trees proposed for removal under the revised layout plans. The two oaks T15 & T16 are large mature oaks of high biodiversity and amenity value which would be removed to make way for the row of properties to the south of Labda. The removal of such trees would be a sad loss to the site; these are the sort of trees that any development scheme should be aiming to retain and protect and incorporate into a scheme as established feature trees.

There is a TPO Turkey oak in a row of TPO sycamores, and a block of TPO's just to their south side. The proposals appear to show the oak as being retained in a rear garden, but due to the type of application it is difficult to

assess if any proposed buildings or driveways will be clear of its Root Protection Area. I would not want to get further down the line of an applicant to find the tree would have to be removed due to lack of space.

Conclusion

I object to the proposed development due to its substantial, detrimental impact on this site and the local people who regularly use this site for amenity (walking the dog, cycling, out for a stroll, get close to nature etc....). The revised plans would mean less tree removal than the previous plans, but the impact the new proposals would have on this site would still involve the destruction of many TPO trees within this SNCI and Historic Garden site, both individual trees, groups and woodlands, and various non-protected trees. It would destroy a large area of habitat and the valuable biodiversity it supports which has built up over decades and cannot be easily replaced with some new tree planting and a new small woodland at the opposite side of a field with no access for the local people. There are some lovely trees which would be removed, such as the two very large, majestic oaks identified as trees T15 and T16 which will have taken over a hundred years to grow, and these cannot be replaced by a block of a new planting.

Housing and Communities: The affordable housing requirement will be for 25% of the total dwellings to be delivered as affordable housing. The type and tenure of the dwellings to be agreed with the Housing and Communities Team

LCC (Education): I have considered the impact on the local schools reasonably accessible from the development. As a consequence I can advise that a part education contribution is sought from the proposal. I have calculated the level of contribution relative to the proposed number of dwellings, the type of dwellings proposed and the current projected position in both local primary and secondary schools and school-based sixth forms, as we have a statutory duty to ensure sufficiency of provision. This development would result in a direct impact on local Schools. In this case the nearest primary school at Scothern has insufficient capacity to accommodate the pupils generated by the development in the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2012) and fully complies with CIL regulations, we feel. It is necessary, directly related, fairly and reasonably related in scale and kind to the development proposed in this application. The level of contribution sought in this case equates to £315,740. This is on the basis of recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR) and then that is multiplied by the number of homes proposed to calculate the number of pupils generated. This is then multiplied by the prevailing cost multiplier per pupil place to give the mitigation cost request. The PPR calculation illustrates that some 28 primary places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity. I have used the general multiplier to illustrate the likely level of contribution and formulae could be used in the requested S.106 agreement that details the eventual total to be paid, based on the full or reserved matters application. I

set out below the impact in terms of number of pupils relative to the dwellings proposed within this application:

<u>House Type</u>	<u>No of Properties</u>	<u>PPR Primary</u>	<u>Primary Pupils</u>
Unknown Bedroom	140	0.2	28

The calculation of the contribution is therefore:

28 primary places multiplied by £12,257 (This is the current cost multiplier per pupil space based on a National Cost Survey) results in a total of £343,196.00. The total contribution required would therefore be £343,196 x 0.92 (local multiplier which reduces the cost to reflect Lincolnshire's lower than average build cost compared to the national average). This is **£315,740.00**.

Without a capital contribution the education infrastructure will be unable to match pupil numbers and an objection considered otherwise.

The funding would be held by the LPA or County Council and only spent by the County Council at the nearest school (5cothern Ellison Boulter's Primary Academy) on additional classrooms and ancillary accommodation providing no fewer than 30 additional places and not combined with more than four other Section 106 contributions.

NHS (England): I am writing to register NHS England's confirmation that we will be applying for a Section 106 application. After examination of the proposals I note it includes up to 130 dwellings. I would be grateful if Planning Officers could consider our request for a contribution in the order of £55,250 based on £425 per dwelling, please see the attached justification.

Environment Agency: We have no objection to the application subject to the planning conditions below being applied to any planning permission granted.

Flood risk

The submitted Flood Risk Assessment (FRA) states that development will only take place within areas of low flood risk (Flood Zone 1) and that the areas within Flood Zones 2 and 3 will be avoided. We support this sequential approach. We do have some concern that the proposed layout does not reflect the FRA with regard to the above. Block Plan 615598 (drawing No.0003) shows the location of the buildings. Some of the buildings to the north of the site are actually in Flood Zone 2/3.

Condition

At the reserved matters stage a revised site plan shall be submitted confirming that all the proposed buildings will be located outside of Flood Zone 2 and 3, in accordance with the Flood Risk Assessment dated May 2015 by Ward Cole. Alternatively, if any buildings are proposed in Flood Zone 2 or 3, a flood risk addendum shall be submitted to and approved by the local planning authority identifying appropriate flood risk mitigation to be included within the constructions of these buildings.

Reason

To ensure that a sequential approach is taken to development in relation to flood risk and to reduce the risk of flooding.

Groundwater protection Condition

No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors;
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are Complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To protect groundwater from potential existing contamination on the site.

The site lies on Kellaways Formation, classified as a Secondary A Aquifer under the Environment Agency's "Groundwater Protection; principles and practice for the protection of groundwater". This geology could act as a potential pathway for contamination. Given the proposed demolition of the poultry buildings in a planned residential area, and the previous potentially contaminative uses (army base in WWII), it is considered that it would be appropriate to determine the risk to controlled waters and future site users.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informative advice

Poultry farms in the vicinity. The new development is proposed within 400m of an existing intensive poultry Farm. This could result in the community at the

proposed development being exposed to odour, noise, dust and flies. The severity of these impacts will depend on the size of the facility, the animals it houses and prevailing weather conditions. If the operator follows a management plan to deal with amenity issues and takes all reasonable precautions to mitigate these impacts, the facility and community can co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operator's permit. The north-eastern corner of the proposed development area is part of permitted intensive poultry farm, permit number EP3831MA. It would be advisable for the operator to apply for a partial surrender of the permit so that the area to be incorporated within the proposed development is no longer subjected to the permit conditions. Further information should be sought by the operator from the site's Environment Officer.

All construction works should be carried out in accordance with PPG6: working at construction and demolition sites. This is available at <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The Fire Authority: Object to the application on the grounds of inadequate water supply for firefighting purposes. It is the opinion of the Fire Authority that in order to remove the objection the following measures are required: Lincolnshire Fire and Rescue recommends the installation of (2) fire hydrant(s) in respect of this application, their positions agreed by Lincolnshire Fire and Rescue and Anglian Water Services Limited. The fire hydrant(s) shall conform to BS750:2006 and should provide a minimum sustained outlet discharge of 20-35 litres/second at the developer's expense. Each fire hydrant should be clearly indicated by a plate, affixed nearby in a conspicuous position, in accordance with BS 3251:1976

Natural England: Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Bardney Limewoods SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'*

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure

that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect* a SSSI.

Lincolnshire Wildlife Trust

The proposed development is located within Sudbrooke Park Site of Nature Conservation Importance (SNCI). Whilst this fact has been recognised within the Phase 1 ecological report, and a recommendation made with respect to compensation for the loss of SNCI habitat, there is no guarantee that any such compensation will occur given that detailed plans have not been provided at this outline stage. We are concerned that the development will result in a net loss in biodiversity. The SNCI designation has been superseded in Lincolnshire by a more rigorous Local Wildlife Sites (LWS) system. We would therefore recommend that an assessment of the site using the criteria in the Local Wildlife Site Guidelines for Greater Lincolnshire, 3rd edition by the Greater Lincolnshire Nature Partnership is carried out. The Lincolnshire Wildlife Trust would be opposed to the loss of any habitats found to be of LWS quality. Where habitats are found to meet any of the LWS criteria, we would expect appropriate avoidance, mitigation or provision of compensatory habitat of at least double the area and of equal value to be provided. Notwithstanding the above comments, should the application be permitted we would wish to make the following recommendations regarding the landscaping scheme.

We would generally support the inclusion of SUDS features within the development which are also designed to benefit wildlife. Given the proximity to the existing great crested newt population, we would strongly encourage creation of a mixture of ephemeral and permanent ponds with associated terrestrial habitats which would benefit a range of fauna as well as providing enhancement for the local great crested newts. We would also recommend that consideration is given to the provision of hibernacula within areas of suitable habitat near to new and existing ponds which may attract amphibians and reptiles. Other SUDS features such as swales and drainage ditches should be seeded with native species-rich mixes to provide nectar sources for invertebrates and act as habitat corridors through the site, helping to link areas of green space with the wider countryside. Further guidance on designing SUDS to benefit biodiversity can be found in the RSPB and Wildfowl and Wetlands Trust produced document Sustainable Drainage Systems: maximising the potential for people and wildlife - a guide for local

authorities and developers (Andy Graham et al, 2013), which can be downloaded from those organisations' websites.

Species-rich neutral grassland/meadow habitats should be created within the areas of amenity open space or woodland glades, associated with SUDS features and along wide road verges linking through the site. Wildflower rich mixes could also be incorporated as borders or defined areas within more formal amenity/play areas where other uses need to be included. Flowering lawn mixes should be considered for use in the gardens rather than standard amenity turf. Habitat links should be provided wherever possible to join up areas of green space around and within the development to ensure that they do not become isolated by the built environment and to allow movement of wildlife around the site and into the wider countryside. Fences within the site should be raised approximately 5" off the ground (or gaps placed at intervals along the fence lines) to allow animals such as hedgehogs to pass safely underneath and maintain connectivity between areas of garden.

We would also strongly encourage the inclusion of features for bats on suitable mature trees and would expect a development of this size to incorporate a significant number of bat bricks within suitable buildings on site, and for provision of features for declining urban birds such as swifts, swallows and house sparrows as well as nest boxes on suitable trees. Detailed guidance and specifications for built in features are available within *Designing for Biodiversity: a technical guide for new and existing buildings*, 2nd Edition, RIBA Publishing (Gunnell et al, 2013).

The Lincolnshire Wildlife Trust wishes to register an objection to this application as the development will result in a net loss of biodiversity on the site and appropriate compensation has not been proposed. This is contrary to paragraph 109 of the NPPF which states that 'the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where Possible...' We would request further information regarding the potential presence of LWS quality habitats before an informed decision can be reached by the LPA on the potential impacts of the scheme.

Greater Lincolnshire Nature Partnership: The application site is located partially within Sudbrooke Park Site of Nature Conservation Importance {SNCI}. The site was selected for its woodland and lake interest in 1978. The site should be reassessed in accordance with the GLNP's current Local Wildlife Site {LWS} guidelines, a copy of which can be found on our website www.glnp.org.uk. As a Local Site this area is a material consideration in this planning application. It should be noted that the full extent of Sudbrooke Park SNCI also overlaps with New Oak Holt and Station Plantation SNCI which lies adjacent to the eastern edge of the application site. New Oak Holt and Station Plantation SNCI was selected for its woodland interest in 1978 at which time the importance of its habitat for bats was noted. The site was reassessed in 2008 in accordance with the GLNP's current LWS guidelines and was found to qualify under criterion WD5 {parkland with at least one veteran tree}. Additionally the lake was found to qualify under Mos1 {a mosaic of habitats that almost score high enough on their own but not quite} for marsh and standing water plant species. A decision on selection of the site was deferred however with the LWS Panel requesting that a bat survey be undertaken

together with an additional survey of the southern section of the site to determine where the LWS boundary should lie. To date, the additional surveys requested have not been undertaken and so selection as an LWS has not progressed.

The National Planning Policy Framework states in paragraph 7 that planning authorities have an environmental role "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity". With regard to planning applications paragraph 118 is very clear that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission "if significant harm resulting from a development cannot be avoided {through locating on an alternative site with less harmful impacts}, adequately mitigated, or, as a last resort, compensated for" . If the Council is minded to approve the application, the GLNP would recommend that the results of an ecological survey are taken into account and appropriate mitigation and/or compensation measures are taken. These measures should be followed with adequate monitoring to ensure the biodiversity benefits are realised.

LCC (Rights of Way): The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.817 affecting the proposed development. Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. To this end, I can advise you that the county council has received an application to record further public footpaths, If successful, this would result in a rather labyrinthine path network, with several elements of this now proposed to be built over. Although I cannot comment on the evidential strengths of that application or the chances of any individual path being legally recognised, I would urge caution from the outset. The existence of the application would be declarable on any search for any affected property once built. The building of homes upon the lines claimed would not lessen any evidential case for their recognition as public rights of way. There are 3 options open to the developer regarding the routes subject to the application for inclusion upon the definitive map and statement:

- The development plans may be varied to respect the lines subject to the application.
- The developer could acknowledge the existence of public rights over key claimed routes affecting development and propose their diversion elsewhere. If so diverted under the Town and Country Planning Act by your council, the resulting paths would be added to the definitive map and statement and any rights on the original line would be extinguished.
- The developer could build over such routes but the homes affected may be unsaleable or achieve but a fraction of their appropriate market value.

A part of the proposed estate road differs from the line shown on the definitive map alongside the proposed commercial unit. Whereas the definitive line has a consistent alignment, the developer's drawing introduces a kink with the right of way set to follow the footway around the junction. The definitive line itself appears to be obstructed by the curtilage of the commercial unit.

Comments:

1. Objection to the excavation of a pond upon the line of Footpath 817.
2. Objection to the inclusion of Footpath 158 within the curtilage of the proposed commercial unit.
3. It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
4. The construction should not pose any dangers or inconvenience to the public using the right of way.

LCC (Historic Services): The amendments proposed make no difference to my original comments that were made on 16/11/2016 which for clarity I have re-iterated below. Whilst the Heritage Impact Assessment 2015 is a good history of the estate we fundamentally disagree with the conclusions that development of this site would have a negligible impact on the parkland, it's associated features and any other historic assets that have been identified within this document.

Sudbrooke Holme was a large county house which was demolished in approximately 1930 but a series of houses had stood here since at least the early 17th century. The present parkland was established in the late 19th century and was celebrated as one of the most elaborately designed park and garden settings in the county. Although much of the western part of the parkland has been developed the north and eastern areas are much better preserved and still contain much of the original designed landscape features, such as areas of woodland, fishponds and the more open parkland spaces. The intrusion of houses into the core of the historic park and garden will have a major impact on the historic character, it will impact on the original design of open vistas and more closed woodland features and in consequence will destroy the relationships of surviving historic features. It will change the essential rural park character into a predominantly suburban character and in consequence impact on the settings of all surviving historic features whether designated Listed Building structures or undesignated parkland or garden features.. The attempt to put more lakes into the park which were not part of the original design is unsympathetic and actually destroys the historic design and imposes a more modern character on the park. Although a comprehensive Heritage Impact Assessment has been produced there is still a dearth of site specific information. The parkland has not been fully surveyed and there may be many more, as yet unknown, parkland features contained within the development site that have not been fully considered as part of this application. Although it has been presumed that the predecessor to Sudbrooke Holme stood beneath the house that was demolished in the 1930s there is no evidence for this and it is possible that archaeological remains of an earlier house still survive in the park; this would need to be explored further. It is possible that the site of Sudbrooke Roman

villa and associated features may well extend into the parkland site as it's extent is currently unknown.

I have asked the applicant to supply further information, which has not been forthcoming, in order to understand direct impacts on both features and their settings. I have recommended that the entire parkland, including that which falls outside the development site should be surveyed in order to identify on the ground all surviving parkland features, any surviving medieval settlement features, the site of both the 19th century house and its predecessor and any WWII defences and structures and the settings of all of these. However in this particular case it is likely that further information will only increase the known significance of this parkland and all of its historic assets and that **mitigation won't be possible**.

'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework Section 12, para 128.

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any loss or harm should require clear and convincing justification.' NPPF 132

It is my opinion that the proposed development will cause substantial harm to the parkland, its setting and any historic features contained within it and for this reason I recommend refusal.

Public Protection: Our records indicate that there are areas of the development site which may have led to localised ground contamination, being unknown filled ground (ponds), as such a relevant contaminated land condition is a requirement with a minimum of a desk top study to investigate likely sources of contamination over the whole site. Any recommendations for further work highlighted by this study, remediation or intrusive surveys etc. should be undertaken prior to development

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012

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

Planning Practice Guidance

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

West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** (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>
- **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>
- **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>
- **CORE10:** Open Space and Landscaping within Developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- **CRT9:** Public Rights of Way
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt9>
- **NBE8:** Historic Parks and Gardens
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

- **NBE10:** Protection of Landscape Character in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 12:** Development affecting Locally Designated Nature Conservation Sites and Ancient Woodlands
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe12>
- **NBE14:** Waste water disposal;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- **NBE20:** Development on the edge of settlements.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

Emerging Planning Policy

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The Preliminary Draft Central Lincolnshire Local Plan (PDCLLP) was released in October 2014 and has been subject to public consultation. The second Further Draft Central Lincolnshire Local Plan (FDCLLP) ran its formal six week public consultation period between 15 October and 25 November 2015. **The Submission Draft Central Lincolnshire Local Plan (SDCLLP) was approved by members of the Central Lincolnshire Joint Strategic Planning Committee on 14 March 2016** and will be subject to a final consultation in April/May 2016 before formal submission to the Secretary of State. This version of the Local Plan will carry more weight in determining planning applications than the earlier draft versions

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
- LP 4: Growth in Villages
- LP11: Affordable Housing
- LP12: Infrastructure to Support Growth
- LP 13: Transport
- LP14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and Views
- LP 21: Biodiversity and Geodiversity
- LP22: Local Green Spaces
- LP25: The Historic Environment

Main issues

- Provisions of the West Lindsey Local Plan First Review
- National Policy
- Emerging Local Policy
- Housing Delivery and Affordable Housing Provision
- Impacts on the natural and historic environment
- Highway Safety
- Infrastructure
- Drainage

Assessment:

Provisions of the West Lindsey Local Plan First Review

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.

The site is outside the settlement of Sudbrooke. The entirety of the sits within “Sudbrooke Park” an allocated Historic Park and Garden. Policy NBE 8 applies which states that

Development will not be permitted which would harm the character, appearance, setting or features of:

- i. The historic parks and gardens within the list compiled by English Heritage;*
- ii. Other parks, garden and formally laid out areas identified by the Local Planning Authority as being worthy of protection.*

With the exception of a small triangle of land to the north of West Drive the entirety of the site is also located with a Site of Nature Conservation Interest (SNCI). Policy NBE 12 applies which states that

Development will not be permitted which would adversely affect any of the following, unless there is a demonstrable overriding regional or local need for the development which cannot be accommodated elsewhere and the reason for the development clearly outweighs the need to safeguard the substantive nature conservation value of the site:

- i. Site of Nature Conservation Importance;*
- ii. A Local Nature Reserve;*
- iii. A Lincolnshire Trust Nature Reserve;*
- iv. A Regionally Important Geological or Geomorphological Site;*
- v. Ancient Woodlands;*
- vi. Any species of animal or plant, or its habitat, protected under British or European Law.*

Where development is permitted planning conditions will be imposed which will require:

- a. *That adequate opportunity is provided to enable proper recording of the site;*
- b. *That before development commences measures are agreed with the Council and taken by the Developer which mitigates the effects of the development on the site, the woodland and the wildlife, and compensate for any potential loss, in order to recognise and preserve the nature conservation interest.*

The site is not allocated for residential development. Sudbrooke is identified as a Primary Rural Settlement (PRS) within the Local Plan's settlement hierarchy (policy STRAT3) where "*limited small scale and infill housing development or conversions may be permitted within the confines of the settlement boundary*". A PRS is defined as "*key service centres meeting most of resident's day to day needs, and of those villages in its rural hinterland*". It is reasonable to assert that with the limited services available this description can no longer be applied. This is reflected in its ranking of 5th in the hierarchy in "LP2: The Spatial Strategy and Settlement Hierarchy" of the SDCLLP.

Policy STRAT12 does not support development proposals in the open countryside "*unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.*"

In terms of the sequential approach to site selection for housing as set out in STRAT 9 previously undeveloped or greenfield land falls on the bottom rung. This is further exacerbated by the protective designations on the site.

The principle of development as proposed on this site is contrary to the provisions of the statutory development plan, and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

National Policy

The National Planning Policy Framework (NPPF) and online Planning Practice Guidance, are material considerations to take into account alongside the development plan.

The NPPF post-dates the Development plan and requires¹ Councils to "*identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.*" The buffer raises to 20% where there is a consistent record of under delivery.

The latest Housing Land Availability Assessment (October 2015) identifies a need of 11,225 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.37 years

¹ Paragraph 47

(12,059 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission and which have no significant infrastructure constraints to overcome
- A windfall allowance (of 141 dwellings a year)

Planning Practice Guidance² states that *“Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.”*

The latest (October 2015) released five year supply figures are based upon an overall housing requirement for the plan period of 36,960 dwellings - this figure is based on a published Strategic Housing Market Assessment (SHMA). It is acknowledged that the methodology employed is yet to have been formally tested within the Local Plan examination – this is expected to be held in summer 2016. However, substantial evidence reports have been published, including sustainability appraisal of all such sites, which intend to justify the selection of such sites.

Paragraph 49 of the NPPF states 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.”* As the identified five year supply relies upon departures from the West Lindsey Local Plan Review 2006, then the extant plan no longer meets the objectively assessed housing needs of the Authority – its housing supply policies should nonetheless still be considered to be out of date in accordance with NPPF paragraph 215.

The application should therefore be considered against the second bullet point of the NPPF’s presumption in favour of sustainable development³, which for decision-taking 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:*

² [Paragraph: 030 Reference ID: 3-030-20140306](#)

³ Paragraph 14

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

Emerging Local Policy

The emerging Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Sudbrooke is designated as a Medium Village – Category Five of six hierarchical categories.

The Submission Draft CLLP (policy LP2) states that Medium villages: *“Will accommodate a limited amount of development in order to support their function and/or sustainability... Typically, development proposals will be on sites of up to 9 dwellings... However, proposals may exceptionally come forward at a larger scale on sites of up to 25 dwellings... where proposals can be justified by local circumstances.”*

Policy LP2 should be read alongside LP4: Growth in villages. This acknowledges that some growth in smaller settlements lower down the hierarchy *“Will help to enhance or maintain the vitality of rural communities”*. Growth is typically limited to 10% across the Plan Period unless expressly stated otherwise. Sudbrooke is envisaged for 10% growth. Appendix B sets out that Sudbrooke has a base number of 712 dwellings. 10% growth would account for an additional 71 dwellings. Minus recent completions and planning permissions, it gives an allowance of 62 additional dwellings within the plan period to 2036. At 130 dwellings

At 130 dwellings, the application proposes to increase the number of dwellings already within Sudbrooke by 18.25 %. It would be two times greater than that envisaged for Sudbrooke during the whole of the Plan’s lifetime (up to 2036). The development is therefore considerably in excess of the moderate growth for Sudbrooke envisaged by the emerging draft Plan, and such an uplift would conflict with the planned growth strategy set out in the Local Plan.

Housing Delivery and Affordable Housing Provision

The development would contribute up to 130 dwellings towards an identified need for housing within Central Lincolnshire. This can be attached positive weight. However, it should be noted that the October 2015 5yr HLS

Statement, and emerging Central Lincolnshire Local Plan, both recognise a five year supply of housing land without the inclusion of the application site. Saved WLLP policy RES6 states, “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”.

The Lincs Homefinder CBL Partnership, of which West Lindsey is one of 4 partners, provides evidence of a demonstrable need for affordable housing with in excess of 1500 households registered for affordable housing in the district and in excess of 5000 households requiring affordable housing across the partnership area of Central Lincolnshire. The emerging Further Draft Central Lincolnshire Local Plan also identifies a need, evidenced in the Strategic Housing Market Assessment (SHMA) for 17,400 affordable dwellings across the plan period (2012-2036). It sets a 20% requirement to meet this need (draft policy LP11).

The applicants have agreed in principle to the provision of affordable housing although the details have not been agreed. The contribution towards affordable homes can be afforded a significant positive weight in the overall planning balance.

Impacts on the Natural and Historic Environment

As can be seen from the detailed comments of the Environment Officer (Trees) above the proposed loss of so many trees protected by a preservation order and whole areas of woodland will have a significant and irreversible damaging impact on the natural landscape and consequently on biodiversity that cannot be mitigated by compensatory planting. The figure for tree removal following the revisions is quoted at 2.3 hectares although this figure is likely to be greater because additional trees to the sides of the development area would also require removing e.g. at the side of proposed roads, where roots close to the tree stems would be severed due to development, leaving the trees at risk of wind throw/collapse. It is worth quoting the conclusion on the amended proposals that were ostensibly designed to “reduce tree loss” below:

“I object to the proposed development due to its substantial, detrimental impact on this site and the local people who regularly use this site for amenity (walking the dog, cycling, out for a stroll, get close to nature etc...). The revised plans would mean less tree removal than the previous plans, but the impact the new proposals would have on this site would still involve the destruction of many TPO trees within this SNCI and Historic Garden site, both individual trees, groups and woodlands, and various non-protected trees. It would destroy a large area of habitat and the valuable biodiversity it supports which has built up over decades and cannot be easily replaced with some new tree planting and a new small woodland at the opposite side of a field with no access for local people. There are some lovely trees which would be removed, such as the two very large, majestic oaks identified as trees T15 and T16 which will have taken over a hundred years to grow, and these cannot be replaced by a block of a new planting.”

This is clearly interrelated in terms of considering the impact on the historic environment in terms of its designation as a Historic Park and Garden. That this is clearly damaging can be seen from the comments of LCC (Historic

Services) in particular: *“The intrusion of houses into the core of the historic park and garden will have a major impact on the historic character, it will impact on the original design of open vistas and more closed woodland features and in consequence will destroy the relationships of surviving historic features. It will change the essential rural park character into a predominantly suburban character and in consequence impact on the settings of all surviving historic features whether designated Listed Building structures or undesignated parkland or garden features”*. Requests for additional information were made to the applicants *“however in this particular case it is likely that further information will only increase the known significance of this parkland and all of its historic assets and that mitigation will not be possible”* The conclusion reached is that *“the proposed development will cause substantial harm to the parkland, its setting and any historic features contained within it”* and refusal of planning permission is requested on those grounds.

The Lincolnshire Wildlife Trust objects to the application as the development will result in a net loss of biodiversity on the site and appropriate compensation has not been proposed. Given the earlier comments above it is not considered that adequate compensation is possible.

The proposals are therefore contrary to both saved policies NBE 8 and NBE 12. These policies are in conformity with the NPPF. One of the Core planning principles of the NPPF is to *“contribute to conserving and enhancing the natural environment Allocations of land for development should prefer land of lesser environmental value”*. Paragraph 109 of the NPPF is also relevant *“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognizing the wider benefits of ecosystem services;*
- *minimizing impacts on biodiversity and providing net gains in biodiversity*

Local planning authorities are also required to *“set out a positive strategy for the conservation and enjoyment of the historic environment “*

Highways Impact and safety

The application seeks permission for site access now (it is not a reserved matter). This will be by way of extension of the two existing roads, West Drive and Holme Drive, into the site to form residential access roads which form the main roads through the site. The extended access roads, and internal roads, will be 5.5m in width with a 2m metre footpath either side. Residents have raised concerns with the capacity of local junctions and the capacity of local roads and “tracks” to accommodate the development, and concerns about the potential for increased fatalities on the A158. Questions have also been raised as to the veracity of the submitted Transport Assessment as a true reflection of predicted traffic flows following an error in the dating of one of the surveys which was later rectified by the Agent. These concerns are considered to have been satisfactorily addressed in the response from LCC (Highways) above. As stated in their response above the NPPF (paragraph 32) states

that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” This is not considered to be the case here so no objections have been raised on the grounds of highway safety.

Infrastructure

WLLP saved policy STRAT19 states:

“Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. 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.”

The Local Education Authority, Lincolnshire County Council, has advised that the development would result in a direct impact on local schools. The level of contribution sought in this case equates to £315,740. This is on the basis of recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR) and then that is multiplied by the number of homes proposed to calculate the number of pupils generated. This is then multiplied by the prevailing cost multiplier per pupil place to give the mitigation cost request. The PPR calculation illustrates that some 28 primary places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity.

NHS (England) has requested a contribution in the order of £55,250 based on £425 per dwelling.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted as part of the application.

The FRA confirms the majority of the site is in flood zone 1 (low probability), with some areas in 2 and 3 (high probability). The indicative plan shows that the development can be achieved without encroaching into the flood zone area. This approach would accord with the NPPF sequential test with the aim of steering new development to areas at lowest probability of flooding. The Environment Agency confirms it accepts the approach being taken by the applicant. It raises no objections subject to the imposition of suggested conditions.

Overall Balance and Conclusions

The development seeks to erect up to 130 dwellings outside of the settlement of Sudbrooke. Planning law requires that applications for planning permission

must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development which would result in the loss of over 2.3 hectares of trees and woodland protected by preservation orders and cause substantial harm to the parkland, biodiversity, its setting and any historic features is contrary to the provisions of the statutory development plan, the West Lindsey Local Plan First Review 2006. It would be contrary to saved policies STRAT12, NBE8 and NBE12 which seek to protect the intrinsic character of the countryside, historic parkland settings and Sites of Nature Conservation Interest.

Whilst the Authority is able to demonstrate a deliverable supply of housing land to meet need over five years, this is dependent upon departures from the extant plan. The spatial application plan is therefore considered to be out of date and the second bullet point of the NPPF presumption in favour of sustainable development is engaged which 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 the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.*

The development would contribute market housing towards an identified need. Nevertheless, delivery of the site is not essential in order to maintain a deliverable 5yr supply of housing land.

25% of the development would be designated as Affordable Housing, of which there is a District wide need.

The delivery of housing (including a policy compliant percentage of affordable housing) can be attached positive weight in the overall balance.

Nonetheless, Sudbrooke although designated a Primary Rural Settlement in the Local Plan – and designated a medium village in the emerging Central Lincolnshire Local Plan, has few basic facilities and it is not an area in which significant growth is envisaged. It also has a higher than average incidence of car ownership and it is reasonable to conclude the majority of residents would probably rely on the private motor car to access facilities further afield. The draft Plan envisages Sudbrooke could accommodate 10% growth over the plan period. The residual need is only for 62 homes, not 68 as referred to in the response from Development Planning as outline planning permission was granted for 6 houses to the west of 91 Wragby in February (Ref 132795). This would mean that the proposal will provide more than double the amount of housing required over a 20 year period. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan.

The development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT 1, STRAT9,

STRAT12, NBE8 and NBE10. Development does not meet the NPPF presumption in favour of sustainable development.

It is therefore recommended that planning permission is refused.

Recommendation

That planning permission is refused on the following grounds:

1. The development would result in the destruction of many individual trees, groups and woodlands protected by Tree Preservation Orders within this Site of Nature Conservation Interest and Historic Park and Garden in addition to many non-protected trees. It would destroy large areas of habitat and damage biodiversity. It will introduce houses into the core of this Historic Park and Garden and would cause substantial harm to the parkland, its setting and the historic features contained within it. Development at the scale proposed would result in the growth of this rural settlement at unsustainable levels in view of its limited facilities, and the probable use of private vehicles to access employment, retail and other basic facilities. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and it therefore does not meet the NPPF presumption in favour of sustainable development. The Development is also contrary to saved policies STRAT 1, STRAT12, NBE8 and NBE 12 of the West Lindsey Local Plan First Review (2006)

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