



PL.18 15/16
Planning Committee
25 April 2016

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

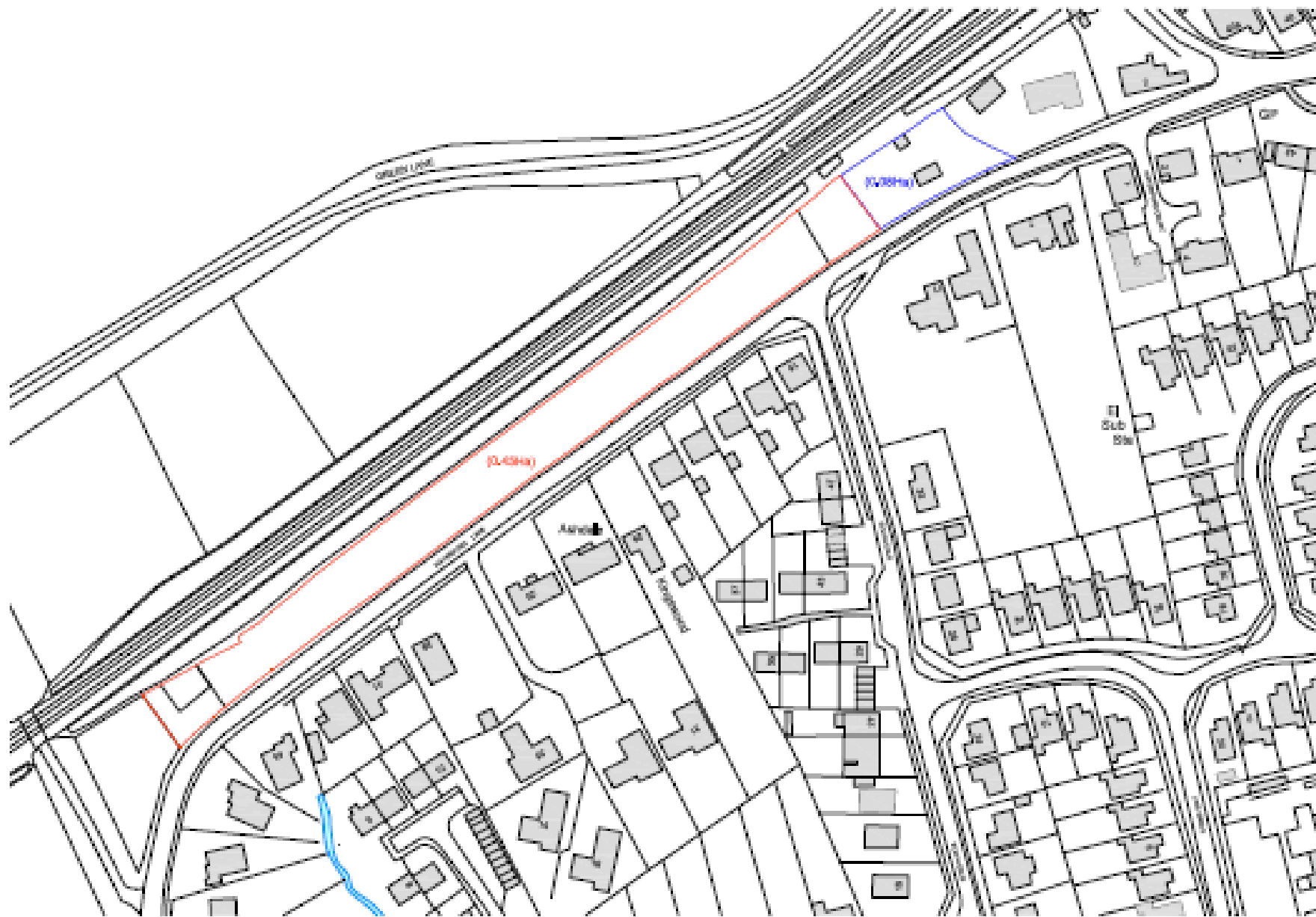
No

Key Decision:

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

Yes

No



Officers Report

Planning Application No: 133957

PROPOSAL: Outline planning application to erect up to 9no. dwellings-
all matters reserved

LOCATION: Land North Of Waterford Lane Cherry Willingham LN3 4AN

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Welburn, Cllr Darcel and Cllr Bridgewood

APPLICANT NAME: PCC Consultants Ltd

TARGET DECISION DATE: 25/03/2016

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application has been referred to the committee at the request of the ward member.

The site is a narrow parcel of land to the north west of Waterford Lane. Bounding the site are a mixture of shrubbery, hedges and trees. Some fencing runs through the site with some old sheds/wooden structures. The railway line is adjacent and runs to the north of the site. The land is outside the settlement boundary of Cherry Willingham.

The proposal seeks outline permission for a residential development of up to 9 dwellings – all matters of scale, layout, appearance, access and landscaping are reserved for subsequent approval (reserved matters)

Relevant history:

W20/883/88 – Outline application to erect two dwellings. Refused 07/09/88

Representations:

Chairman/Ward member(s): Cllr Anne Welburn would like this application to be seen at committee as the development is unsustainable. The houses would be subject to intense noise from the trains as well as being in constant danger from derailment.

Parish/Town Council/Meeting: Object to the proposal –

- the proposal would have a harmful impact on the village character. The site visually and functionally should be considered as open countryside. It defines the edge of the built up area of the village
- contrary to the West Lindsey Local Plan policies
- Does not allow for a sympathetic form of development
- The indicative plan shows a form and pattern of development that would be alien

- Noise concerns from the railway
- Traffic safety issues – several site accesses are a concern and potential for on street car parking
- Flooding concerns as there has previously been flooding to the south of the site
- The benefits to the contribution of the housing supply are limited

Local residents: Objections have been received from 9, 11, 15, 17, 21, 27, 29, 39, 41, 43 Waterford Lane, 72 Fern Close and 17 Lime Grove with the main concerns –

- Object to the general principle of development
- Concerns over traffic and highway safety
- Noise and vibration from the railway
- Potential for derailment on to the proposed houses
- Waterford Lane is not very wide. The limited garaging/parking could lead to on street parking causing chaotic road conditions
- Cherry Willingham does not need more infill sites
- It is a greenfield site
- Overlooking
- Don't know what the houses will look like
- De-value property
- Outside the village boundary so illegal to build on
- Flooding
- Loss of wildlife
- Will the trees become the responsibility of the new owners?
- The outlook of the site is aesthetically pleasing for all residents and the change to houses would be detrimental to this
- Effect on the character and appearance
- Contrary to West Lindsey Local Plan policies
- Footpath implications – a footpath would need to be provided

LCC Highways: No objections to the proposal subject to conditions relating to a footpath and details of turning.

Environment Agency: No response received

Public Protection: Initial concerns raised with regards to the noise report and monitoring. Further consideration was also required for mitigation methods of sound proofing for the proposed dwellings. The agent sought to clarify the noise concerns and mitigation methods proposed addressed the concerns. The Public Protection Officer suggested that a survey should be carried out post completion. The acoustic requirements can be conditioned and as layout is a reserved matter further consideration on external and internal doors can be achieved at this stage.

A contamination condition should be attached given its proximity to the railway.

Upper Witham Internal Drainage Board: Initial objection as the pipe towards the western end of the site is too small and relatively modest events will surcharge it causing flooding between the last two properties.

The application was subject to a meeting with the lead local flood authority and the drainage board where the flooding issues were discussed. Following this meeting, plans were received showing a new attenuating SuDs scheme. The plan also showed key levels and culverts. Following receipt of this information the drainage board subsequently removed their objection.

Network Rail: Has no objection in principle to the development but there are requirements that need to be met. These include drainage, level crossing safety, fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, Armco safety barriers, fencing, method statement, vibro-impact machinery, encroachment, noise/sound proofing, trees, lighting and access to railway.

The drainage, boundary fencing, Armco barriers, method statements, soundproofing and lighting would be subject to conditions. Other matters are informatives. Landscaping is a reserved matter.

Archaeology: No objections or comments to the proposal

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012

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

National Planning Practice Guidance

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

West Lindsey Local Plan First Review 2006

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in Open Countryside

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

NBE 10 Protection of Landscape Character

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

NBE 14 Waste Water Disposal

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

NBE 20 Developments on the Edge of Settlements

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

CORE 10 Open Space and Landscaping within Developments

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

SPG West Lindsey Character Assessment

[http://www.west-](http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf)

[lindsey.gov.uk/upload/public/attachments/599/SPG Adopted Countryside Design Summary.pdf](http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf)

Central Lincolnshire Local plan 2012-2036

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

In terms of the proposed development, the following policies are considered relevant:

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

Main issues

- Principle
 - Provisions of the West Lindsey Local Plan First Review
 - National Policy
 - Emerging Local Plan
- Effect on the Open Countryside
- Residential Amenity
- Noise
- Highways
- Drainage
- Ecology

Assessment:

Principle

- (i) *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.

Cherry Willingham is defined as a Primary Rural Settlement in the WLLP (STRAT 6).

The site is classed as open countryside. Therefore policies STRAT9, STRAT 12 and NBE 20 are applicable in this case.

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.”*

Policy NBE 20 seeks to protect landscape character and the rural character of the settlement edge.

Development is proposed on previously undeveloped land ('green field') – it therefore falls on the bottom rung of STRAT9's sequential hierarchy.

A residential development of this scale would not be in compliance with policies STRAT 9, STRAT 12 and STRAT 3 but has the potential to accord with NBE 20.

The principle of development as proposed on the site is not strictly in accordance with the provisions of the statutory development plan and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

(i) *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 requires 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 (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 Guidance³ 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 the 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 development, which for decision-taking means:

- *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.*

(i) *Emerging Local Plan*

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.

The Submission Draft Local Plan 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.

Emerging Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth.

Cherry Willingham is categorised as a large village in the draft Central Lincolnshire Local Plan (policy LP2). Most of the growth will be via sites allocated in the plan. The draft policy proposes that, where a site is demonstrably in a sustainable location additional growth on non-allocated sites might be considered favourably, though these are unlikely to be over a scale over 25 dwellings. It is felt that the proposal would be acceptable as the proposal is for 9 dwellings in accordance with the draft policy LP2 of the Central Lincolnshire Local Plan and in a sustainable location.

The facilities in Cherry Willingham include a parade with a doctor's surgery, public library, a number of retail and take-away outlets and a pub. There is a primary school, community school and sporting clubs. There were objections from the parish council that the proposal was not sustainable as the facilities were over 800m away however this is not the case. The local primary school is approximately 285m and the local parade of shops is approximately 735m away. There is a bus stop directly outside the site with a regular bus service in to Lincoln every 30 minutes from 9:18am with 5 earlier services in to Lincoln starting from 6:39am.

It is considered that the proposal is sustainable and would not undermine the spatial strategy being promoted by the emerging plan

Effect on the Open Countryside

The proposal sits in the Local Landscape Character Area of the Lincoln Fringe as defined by the West Lindsey Character Assessment (1999) and states that:

"The approaches to the settlements are generally dominated by buildings, which often form a hard edge against the arable fields"

The proposal is not felt to have a detrimental impact to the countryside as it would be in character of the landscape character area for which the proposal would sit.

Policy NBE 20 states

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

Where development on the edge of settlements is permitted the Council will require:

i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;

ii. An agreed scheme of landscape treatment and/or open space provision."

The proposal has received many objections due to the fact that it lies outside the settlement boundary and lies within open countryside. Whilst this maybe the case it is not felt that the proposal would have an overly detrimental impact that would warrant refusal of the application. The site to be developed although outside the boundary is broken up by the railway line with fields further beyond to the north. Housing in this location would follow the form of development adjacent to the railway to the east of the site and would not create an alien feature as stated by the parish as Waterford Lane has houses on either side of the road and therefore characteristic of the existing situation. The site has an enclosed nature due to it being viewed in context with the settlement and the position of the railway line lends the site to be part of the settlement and not detached from other properties. Furthermore the houses subject to layout and scale details in the reserved matters would be seen in context with the village as a whole and would not impact upon the openness of the countryside.

There will be a change in outlook for the neighbouring properties however this is not deemed to be harmful. The site is not in a special area of protection and the urban form will be complemented with landscaping for which full details will be examined at reserved matters.

Residential Amenity

The application is in outline therefore further information on the layout and scale will be received and assessed at the reserved matters stage. However the Parish and some neighbouring properties have made comments on the indicative layout received.

The Parish believe that the indicative plan shows there to be limited amenity space and the form and pattern would be out of character. The indicative plan shows that there is more than ample amenity space for each property. There are a variety of properties down Waterford Lane including detached bungalows and detached two storey properties. Although not known at this stage the layout indicatively shows detached properties which would be in-keeping with the area.

Some neighbouring properties are concerned with regards to overlooking. However the indicative plan shows that the houses can achieve 21m or more separation from properties opposite which is considered a sufficient distance.

Noise

The site is adjacent to a railway and therefore will be affected by noise from train passages. The railway line is served by both passenger trains and freight trains. The agent contacted Network Rail to find the usage of the line and found that that 6-8 freight trains are between 10pm-6am which is 0.75 or 1 per hour during the night. Cherry Willingham is alongside the line via Market Rasen, which is one of three lines serving the port of Immingham. It is the longest and therefore least favoured route for freight, however this is variable. The agent has stated that the majority of the passenger trains on the line are 1 or 2 carriages and run in each direction once every couple of hours. It is not known the exact schedule of the trains however they are intermittent and not

constant. Problems are considered to occur if sleep disruption takes place. The dwellings would therefore require insulation.

Concerns have been raised by the Parish and by neighbouring properties with regards to noise.

Concerns were also raised by Public Protection by the information received in the noise report and mitigation methods. The agent sought to clarify the noise concerns and the new mitigation methods proposed addressed the concerns.

These include –

- Double glazing comprising 8mm and 16.8mm acoustic glass separated by a 16mm airgap
- Plasterboard ceiling consisting of two layers of 12.5mm acoustic plasterboard (e.g. Soundbloc or similar) with mineral wool above
- Passive ventilation provided by Greenwood MA3051 acoustic ventilators or their acoustical equivalent (these are very high performing units)
- External walls constructed using cavity blockwork or brickwork
- Garden boundary fence constructed to an acoustical standard (ie, imperforate with no airgaps or sightlines between boards or under the fence.

The Public Protection Officer suggested a condition to be imposed to carry out a survey post completion in order to test the mitigation methods should the building work be of poor quality. It is not deemed that this would be necessary however a condition will be required to ensure mitigation measures are implemented in full and retained thereafter. It would be any new owners' prerogative to live adjacent to a railway line however these mitigation methods are to reduce the impact of noise and protect amenity.

As layout is a reserved matter, further consideration on external and internal doors can be considered during that stage.

Highways

No objections have been received from highways although objections have been raised from some residents over the parking arrangements, accesses and pathways.

Access and layout are to be considered at reserved matters but parking and access have been indicatively shown on a plan for which the residents and the Parish have commented on. They feel that the parking is inadequate and would lead to on street car parking and that the accesses may lead to potential highway safety concerns. Whilst indicative, the plan shows that the larger properties have 3 spaces each, two of the detached properties have 2 spaces each and the other detached properties have 1 space each plus a shared visitors space.

According to Appendix 9 of the West Lindsey Local Plan First Review there are no minimum parking standards, however when assessing all development proposals the issue of highway safety will be considered. They state that the maximum spaces are 2 spaces for dwellings with 3 bedrooms or less and 3 spaces for residents where the dwelling has more than three bedrooms. Whilst not known at this stage the amount of bedrooms for each dwelling it can be seen that adequate parking can be achieved should the properties be 3 bed roomed or less and with some over 3 bedrooms. The layout and access are subject to change as it is indicative only and therefore this will be assessed at reserved matters stage and not considered at this time.

With regards to the pathway. Highways suggested a condition to provide a 1.8m wide pathway. Residents raised concerns as the pathway shown indicatively was 1m wide. Following discussions with the agent the site plan was amended to show that the site could accommodate a 1.8m pathway. This will be conditioned.

Drainage

Initial concerns were raised by consultees and neighbours with regards to flooding. The agent was invited to attend the Multi Agency meeting which included a representative from the Upper Witham Internal Drainage Board, the lead local flood authority and the internal drainage officer.

Concerns were raised with regards to surface water flooding as the pipe towards the western end of the site is too small and relatively modest events will surcharge it causing flooding between the last two properties. Following this meeting, plans were received showing a new attenuating SuDs scheme in the garden of plot 1 which connects up to the existing waterway which goes under Waterford Lane highway through No.45 emerging in the grounds of No.47. The plan also showed key levels and culverts. The Upper Witham drainage board, following receipt of these plans, subsequently removed their objection as it was clear that there is not a flooding risk to the proposed dwellings and the impact of flood flows through the site on infrastructure downstream will be unchanged.

With regards to the foul drainage for the site, this should be conditioned.

Ecology

'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, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF paragraph 109).

A protected species survey has been submitted in support of the application. No large scale mitigation or further survey work is required. Precautionary measures are required relating to nesting birds and appropriate timing of vegetation clearance works.

Recommendations with regards to enhancement measures for nesting birds, bats and hedgehogs are provided within the report. A condition should therefore be imposed to ensure these enhancement measures are provided.

Other matters

The Parish, ward member and some neighbouring properties have raised the concern with regards to the potential derailment of trains on to the proposed dwellings. Whilst it is appreciated that there may have been a derailment recently in Langworth there has been no evidence provided of the likelihood of a derailment and it is only speculative. Therefore the potential chance of a derailment, for which there is no evidence to suggest that this would happen, could not warrant refusal to the application nor could it be attached weight with regards to safety concerns. Network Rail have not raised concerns with regards to this.

The de-valuation of property is not a material consideration.

Conclusion

The application has been considered against the provisions of the development plan in the first instance, in accordance with planning law.

As development would take place on greenfield land outside the development boundary and in open countryside, it runs contrary to saved policies STRAT3, STRAT9 and STRAT12 of the development plan. Development falls to be refused unless there are material considerations to the contrary.

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.*

Development would produce 9 dwellings in accordance with the principles of policy LP2 of the Central Lincolnshire Local Plan which can now be attached more weight. Cherry Willingham is a primary rural settlement in the Local Plan and a Large Village in the Central Lincolnshire Local Plan. It is considered to be a sustainable location for new housing development. The site is within walking distance of the village centre.

The development would not be expected to adversely impact upon protected species or habitats and seeks to make biodiversity gains – a minor benefit of development.

It is not felt that the application would have a detrimental impact upon the open countryside. The development would be seen in context with settlement and the break up by the railway line lends itself to be part of the settlement and is not detached from the other properties.

It has been shown that there are mitigation methods to prevent undue detrimental impacts with regards to noise from the train line.

In conclusion, any adverse impacts arising are not considered to significantly and demonstrably outweigh the benefits of the proposals. Planning permission should therefore be granted in accordance with the NPPF presumption in favour of sustainable development

Human Rights Implications:

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

Legal Implications:

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

Recommendation: Grant permission subject to S106

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters (as required by condition 2) to be approved.

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

2. Notwithstanding the plans submitted no development shall take place until, plans and particulars of the layout, access, landscaping, scale and appearance (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. In the case of any reserved matter, application for approval must be made not later than

the expiration of three years beginning with the date of the grant of outline planning permission

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

4. No development shall take place until a scheme for the disposal of foul waters has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no dwelling shall be occupied until the drainage system approved has been completed.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

5. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

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

6. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence shall be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Reason: In the interest of railway safety.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority acting in consultation with the railway undertaker. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

8. When application is made for approval of the 'Reserved Matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

9. The development shall be carried out in strict accordance with the ecological report submitted (Ecology and Protected Species Survey: Land off Waterford Lane, Cherry Willingham, Lincolnshire dated December 2015) with the application, including provision of any proposed details of habitat protection/ creation.

REASON: To safeguard wildlife in the interests of nature conservation in accordance with West Lindsey Local Plan First Review Policy NBE 20.

10. The dwellings shall be so constructed as to provide sound insulation against the railway and must include the following mitigation methods unless otherwise agreed in writing by the Local Planning Authority -

- Double glazing comprising 8mm and 16.8mm acoustic glass separated by a 16mm airgap
- Plasterboard ceiling consisting of two layers of 12.5mm acoustic plasterboard (eg. Soundbloc or similar) with mineral wool above
- Passive ventilation provided by Greenwood MA3051 acoustic ventilators or their acoustical equivalent
- External walls constructed using cavity blockwork or brickwork
- Garden boundary fence constructed to an acoustical standard (ie, imperforate with no airgaps or sightlines between boards or under the fence.)

REASON: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan First Review Policy STRAT1.

11. No works shall take place involving the loss of any hedgerow, tree or shrub between 1st March and 31st August in any year until, a detailed survey has been undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

REASON: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review Policy NBE 10.

12. Should any external lighting be provided details of the lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with railway undertaker before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

REASON: In the interest of railway safety.

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

None.

Notes to the Applicant

1. Railway safety is of paramount importance to Network Rail. It is requested by Network Rail that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by Network Rail upon request from the developer.
2. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
3. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
4. Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
5. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.
6. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their

predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Lists of trees that are permitted by Network Rail and those that are not permitted are provided below -

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata “Zebrina”

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var. betulifolia*), Lombardy Poplar (*Populus nigra var. italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request to Network Rail

7. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

8. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

9. Because of the nature of the proposed developments Network Rail consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

10. Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.



Extract from Application Location Plan LDC1050-PL101

Committee Report

Planning Application No: 133082

PROPOSAL: Planning application to erect storage building, a building link to a newly constructed production facility building-including the removal of existing buildings-and general alterations to parking and access.

LOCATION: Hangar 2 Learoyd Road Hemswell Cliff DN21 5TJ

WARD: Hemswell

WARD MEMBER(S): Councillor Paul Howitt-Cowan

APPLICANT NAME: Mr John Stern, ParkAcre

TARGET DECISION DATE: 13/10/2015

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant consent subject to conditions.

Description:

ParkAcre is one of the UK's largest manufacturers of vitamins, minerals and supplements within the nutraceutical industry. It is based at Hangar 2 on the Hemswell Cliff Industrial Estate.

This site is part of the former RAF Hemswell site and the hangar is one of four remaining on the edge of the former airfield. Nearby uses include an anaerobic digester, a recycling plant, antiques sales and car restoration. The nearest dwelling is over 200m from the closest corner of the hangar building to the south east and there is a nursing home 225m to the east from the site.

It is intended to expand the existing business by constructing a large building to the eastern side of the hangar which would be connected to the original structure by a link corridor building. This new building would be part of the main production building, with warehousing and offices. A further substantial building would be constructed beyond this to the north east for storage. Three existing buildings would be demolished to accommodate the large extension and the storage building. Some of the existing buildings on the remaining site would be retained for additional office and storage accommodation.

The larger building would be 80.013m long in line with the hangar, 42.5m wide at the rear, 58.603m wide at the front and 81.617m long on the eastern side. The roof would be taller on the hangar side (north west) some 11.5m to the eaves, with a shallow pitched roof and an eaves height towards Gibson Road of 9.75m. The ridge height would be 12.8m.

The storage building would have a mono pitch roof and would sit to the rear of the retained building to the east of the hangar (labelled E on the plans). It

would measure 35.816m wide by 28.193m deep and would have a roof height of 10.47 at the western side sloping down to 8.4m on the eastern side.

Both buildings would be clad in gradient colour cladding with darker green at the ground changing tone until becoming light green or white at roof level.

The western part of the site is within the Employment Allocation HC(E)1 and the eastern part of the site is within the Mixed Use Allocation HC(M)1, both as defined in the West Lindsey Local Plan First Review 2006 .

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

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

Relevant history:

132071 Pre application discussions regarding this proposal – broadly supportive.

Representations:

Chairman/Ward member(s): Meeting with Ward Member and Parish Council representative early on in application process to provide clarification on application detail.

Hemswell Cliff Parish Council: Comments

There was broad consensus that the application was well thought out, sympathetic to the surrounding heritage and would complement the already thriving business park. The regeneration of a 'tired' area of land at the rear of the hangar was also welcomed.

However, the Parish Council felt that insufficient information was supplied about what industrial process or activities would be taking place on the expanded site. While no specific concerns were raised, the Parish Council and wider community would like to have reassurances that there will be no increase in noise, air pollution or any other environmental factors that would negatively impact on residents or businesses. Drainage and flooding issues were also raised as a general concern.

In summary, the Parish Council broadly welcomes the application and doesn't wish to object. However, the Parish Council would like the applicant to make clear exactly what activities are proposed for the site and to provide assurances that the proposed development and the associated activities will not exacerbate any of the factors outlined above.

The Parish Council cites the following: WLDC Local Plan 2006 policies STRAT1 and NBE14 and NPPF 2012 paragraphs 103, 109 and 123.

Local residents: 15a Lancaster Green – comments and objection

The development uses greenspace and cuts new ground rather than using the existing footprint of older buildings. Clearly, the access road is not suitable for heavy goods vehicles and residents are already suffering from extra traffic volume with heavy goods vehicles. Already, there is considerable noise from the activities of the site and I would suggest now, increasing activities of a pharmaceutical business while next to the explosive and contaminate risk of an anaerobic digestion plant very close by, has not been considered or evaluated by the application or potential risk or for insurance purposes.

LCC Highways: The Highway and Lead Local Flood Authority (HLLFA) require the following information from the applicant in order to assess the suitability of this development:

- Drainage strategy incl. adoption and maintenance proposals and sketch layout plans.
- Detailed development layout showing surface water drainage and Infrastructure
- Detailed hydraulic calculations
- Geotechnical interpretive reports (e.g. assessment of infiltration and groundwater table levels)
- Discharge and adoption agreements

Depending on the content of the above the HLLFA may request further information.

Final comments: Request conditions as follows

The arrangements shown on the approved plan LDC1050-PL03 dated January 2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Prior to any of the buildings being occupied, the detailed arrangements for the surface water drainage shall be completed in accordance with the details submitted by the applicant in the Foul and Surface Water Drainage Strategy.

Anglian Water: Comments

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Hemswell Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority

should seek the advice of the Lead Local Flood Authority, Internal Drainage Board or the Environment Agency as appropriate.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

The planning application includes employment/ commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Environment Agency: Originally objected but then withdrew objection – see below

The Foul and Water Drainage Strategy states that the proposed development will be connected to the main foul sewer and that Anglian Water Services have been consulted with regard to this option. We therefore withdraw the objection set out in our letter of 10 August 2015 subject to the following condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: 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.

The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination could cause deterioration of a drinking water protected area, the Grimsby Ancholme Louth Limestone Unit.

Informative advice

We agree with the proposals to install oil interceptors prior to soakaways where the catchment being drained contains access routes or car parking as detailed in section 3.21 of the drainage report.

The site investigation included soil sampling at three locations, TP1, TP3 and P11. There are five catchments which all propose to direct surface water to infiltration drainage. P11 is representative of the soakaway location for catchment 2 and TP3 is representative of that of catchment 3. The locations of the remaining soakaways have not been assessed for contamination. These soakaways are going to receive potentially high volumes of water, concentrating infiltration in one location, so it needs to be demonstrated that they do not pose a pollution risk. In addition, no leachability testing has been undertaken in support of the determination of risk to groundwater. The results should be used specifically to assess risks posed to controlled waters; the criteria quoted within the report are related to human health.

It would be beneficial to the developers to undertake additional trial pits or boreholes at an appropriate time of year to satisfy themselves that the groundwater level will remain below the base of the crates, to remove any risk of the crates being placed partially beneath the water table. Not only would this affect the available storage space but also increase flood risk and reduce the opportunity for pollutant attenuation. The site investigation was undertaken in October 2015 when groundwater levels were at their lowest; highest seasonal groundwater levels are usually found between January and March, following winter recharge. No conclusions relating to groundwater level can be drawn from this snapshot in time.

We recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the contaminated land pages on GOV.UK for more information.

Comments from Groundwater and Contaminated Land Team at Environment Agency.

Soakaways for the disposal of clean uncontaminated surface water will be acceptable in principle.

No soakaways may be constructed in contaminated land

All surface water from roofs must be piped direct to an approved surface water system using sealed down pipes. Open gullies should not be used.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination must be passed through an oil separator

designed and constructed to have a capacity compatible with the site being drained. Roof water must not pass through the interceptor. Ongoing maintenance of the interceptor should be provided in accordance with the manufacturer's instructions.

Environmental Protection:

Contamination

The Ground Investigation report by TLP Ground investigations reference RT/PAEL/HC/11/15; dated November 2015, is satisfactory provided the measure outlined in the report are adhered.

Noise Assessment and Drainage Strategy

I refer to Noise Assessment and Drainage Strategy, and advise that little regard has been paid to the concerns raised and the *recommendations* made which I reproduce for ease of access, namely:

Recommendations

Noise

That a noise report be required in advance of any permission being granted that details existing noise and noise potential of the site and its surrounds and appropriately addresses existing and proposed noise sources within its control to bring about an overall noise reduction

Drainage

That a drainage survey be carried out to establish what drainage there is on site, how it might be better utilised and most significantly what potential for offsite problems it might pose.

That a drainage and SuDS strategy be designed and approved prior to commencement in the event that the proposed layout cannot be accommodated

I qualify as follows:

Noise Assessment

I refer to ENS Noise Impact Assessment dated 18 December 2015 and advise that it does not address the concerns raised. There is no baseline survey as regards impact already present at the applicant premises, or of proposals to address and reduce it or of noise creep on, within and from the wider business park.

NB A site visit yesterday confirmed no change in excessive noise generated by 'add on' extraction equipment on the north face of the existing unit; equipment that is integral to the 'clean room' ethos behind the type of environment maintained and which is highly likely to be expanded upon.

Also lacking of appropriate consideration is the single monitoring position used which is 'at the nearest residence', 226m SE of the existing applicant premises. This location is closer to the road traffic noise cited as being the major impact than care homes of equal, if not greater sensitivity, within the business park, namely Blenheim House (at 220m East of the existing

footprint) and Blenheim Lodge (at 315m). Blenheim Care are registered for 80 persons of various need.

A baseline assessment is and was expected at the applicant premises with and without impact from the noisy equipment cited above along with comparison background taken in the vicinity of the care homes.

Finally the assessment gives scant regard and appears dismissive of other mixed use in the locality and already subject of impact from the noisy equipment referred to but as yet unaddressed.

Drainage Strategy

Existing Drainage

Surface water

It is unclear how the following assumption has been made, or what substantiation there is for it, as there is an extensive network of drains within the former MOD site (both business and domestic) some of which is known to link to the 'Public Sewer' within the domestic quarter; and will be of unknown condition in multiple private ownerships, as will be the land through which it passes:

Existing Drainage

- 2.9 Asset records obtained from Anglian Water indicate the presence of a 150mm public foul water sewer situated some 350m south east of the site, within the rear gardens of houses fronting onto Anderson Road, which flows in a south easterly direction away from the site. It is assumed that foul effluent discharges to ground due to the absence of public foul and surface water sewers in the site vicinity.

Foul sewage

As per the above, it is similarly unclear how the following assumption has been made or substantiated:

- 2.10 The existing site is brownfield and is positively drained via a network of pipes and gullies. The topographical survey indicates two drainage channels which convey surface water into a 150mm and 100mm pipe. The asset records from Anglian Water show no public surface water sewers in the vicinity of the site. The absence of sewers combined with the presence of permeable strata suggest that surface water in the locality is currently drained via soakaway.

Proposed Drainage

Surface water

I note that an infiltration strategy is intended for surface water disposal but am concerned, other than at:

- Permeable paving subbase is to be constructed entirely within permeable strata. Tf advises no infiltration devices are to be constructed in contaminated land.

and at 3.19 as regards an apparent disconnect with the potential for contamination, bearing in mind that this is High Risk MOD land that is additionally acknowledged as being entirely 'made ground'

assurances ought therefore to be required within this drainage strategy and by way of condition in any permission given so as to ensure that any infiltration will be in areas clear of any contamination likely to impact upon groundwater

All surface water from the proposed development impermeable areas (comprising roof: parking spaces) will be discharged to soakaways or permeable paving situated wholly w permeable limestone strata.

I also note that for purposes of infiltration there is intention of having 5 drainage catchments:

Calculations

- 3.6 The proposed development comprises some 2.221ha impermeable areas. Preliminary calculations indicate that some 883m³ of infiltration storage will be required to store and dispose of runoff from all storms up to the 1:00year + 30% climate change event. Refer to CEC Plan 4907/502 [Proposed Site Layout] in Appendix 4. For the purpose of the preliminary calculations below, the proposed development will be split into 5 drainage catchments based upon existing topography; each catchment will have its own drainage

'to allow for the development to be phased'. Accordingly there needs to be appropriate consideration towards ensuring that no contamination is present where there is intent to infiltrate. I do note in respect of four of the five catchments however, intent to use cellular storage and, as per my initial comments, ask for justification of this dismissal of SuDS best practice of open and visible storage, especially where there is mention of an area of grassed landscaping (catchment 4).

If and where crated storage and permeable surfaces are to be used then there ought to be a condition attached to any permission requiring maintenance to a minimum of manufactures specification or that detailed at 3.16 to 3.18 (whichever is the greater) and 3.19 to 3.22 inclusive in relation to other drainage aspects.

NB I raise query as regards statement at 3.14 (Hydraulic Performance) lest I misunderstand:

The surface water network should be designed to ensure that no surcharging of pipework occurs during the 1:2 year event and that no flooding of pipework occurs during the 1:30 year event.

as I would expect that if there were to be surcharging in the lesser event (i.e. 1:2 year) that the pipework would be flooded whereas statement is that it shouldn't flood in a 1:30 year event?

Foul sewage

I have reservations as regards the practicalities inferred in the following but note comment at 5.11 regarding service of notice under S106 agreement:

- 4.3 It is therefore proposed to discharge foul water to the existing public foul water sewer. Asset records obtained from Anglian Water indicate the presence of a 150mm public foul water sewer (manhole 0900) situated some 350m south east of the site which flows in a south easterly direction away from the site. It is proposed to connect to the public foul water network at the nearest possible location to the site. A gravity connection should be possible, subject to Anglian Water approval.

I reiterate, *‘there is an extensive network of drains within the former MOD site (both business and domestic) some of which is known to link to the ‘Public Sewer’ within the domestic quarter; and will be of unknown condition in multiple private ownerships, as will be the land through which it passes.’*

and would recommend that further research is undertaken into existing ownerships (including of drainage) across which route any connectivity will have to pass and be maintained. Should the applicant care to contact me then I might be able to help with some historic guidance towards this end.

Response to queries raised by Environmental Protection Officer

We, Cole Easdon Consultants, as agents responsible for the drainage strategies submitted with the abovementioned planning application, have prepared the following response to Consultation Commentary dated 17 February 2016 by Anthony Adams, EPO Officer, West Lindsey District Council.

Existing Drainage: Foul Water

The topographical survey does pick up existing drainage runs onsite, although does not differentiate between foul and surface water. However, it does indicate a possible existing septic tank to the eastern site boundary and existing klargester to the north west of the existing building. Furthermore, the EA objection response dated 10/8/15 (attached) advises that existing foul water is not discharged to mains sewer but is treated onsite instead with a permitted discharge in place for the disposal of treated effluent. Given this, and the permeable strata identified by the site investigation, it would be reasonable to assume that both existing surface water runoff and treated foul effluent is discharged to the ground as our report suggests.

The current Anglian Water (AW) records do indicate that the known ‘head’ of the public foul drainage system is some 350m to the south east of the site. However, we would agree with the officer that there is likely to be an existing drainage network with the vicinity of the site associated with the former MOD land. It is possible that some of these sewers were transferred into the ownership of AW post October 2011 with the change in legislation at that time. However, the AW asset mapping may not have been updated to reflect this change in ownership. We agree with the officer that a survey would be beneficial to ensure that post development foul water from the development is connected into the public sewer at the nearest point to the site and that further research into the existing network on and in the immediate vicinity of the site undertaken as part of detailed design. This can be conditioned as part of any planning approval. Similarly, establishment of ownership of existing offsite foul

water network that may be used for connectivity can be conditioned as part of any planning approval.

Existing Drainage: Surface Water

We would advise that a survey of the existing site surface water drainage network is unnecessary, as post development runoff will be discharge to ground via infiltration SUDS and so will not be dependent upon connection to any existing drainage, which is to be abandoned.

Proposed Drainage: Foul Water

We agree that additional works will be required in conjunction with Anglian Water in order to establish the most feasible connection point for the foul sewerage.

Proposed Drainage: Surface Water

Soil Contamination: Typically, contamination potential can be dealt with by a standard condition. Indeed the EA have provided such a condition and an informative in relation to contamination in their consultation response dated 19.02.16 (attached). The advice includes a requirement for further testing to determine groundwater levels and pollution risk within other parts of the site that have not already been tested for pollution risk.

Notwithstanding the above, our report advises that all infiltration devices should be located in permeable strata. This will be in the virgin fissured limestone material beneath the made ground. Again, a condition could be added to the decision notice ensuring that infiltration devices are not founded in made ground.

Open & Visible Storage: The officer queries the use of below ground SuDS features. In catchment 1,2 and 5 open features cannot be used due to space constraints. In catchment 3 the open space is to be used for overflow car parking so an open feature such as infiltration basin would not be suitable. In addition, Catchment 3 would be unsuitable for shallow, ground level features due to the depth of the existing made ground in this part of the site. Catchment 4 is the only catchment where the cellular storage could possibly be replaced with a ground level feature such as an infiltration basin. We would suggest that the detailed design of the SuDS system (including type of feature) and ongoing maintenance plan can be conditioned.

With reference to paragraph 3.14, we believe the officer misunderstands. It is a 'Sewers for Adoption' requirement that no surcharging of the system occurs during the 2 year event and that no flooding of the system occurs during the 30 year event. This encompasses the entire network and not just the infiltration devices. Whilst the surface water system is unlikely to be adopted by AW, we know from previous experience that LCC (as LLFA) normally look for this design standard in new drainage systems and will require detailed calculations so that they can assess the hydraulic performance of the system to these standards, in addition to system performance for the 1:100 year + 30% climate change event.

Lincolnshire Police: No objections but advice re perimeter fencing being a minimum of 2m, clear signage, cctv, intruder/attack alarm systems, landscaping including thorny shrubs near boundaries, lighting, windows and roller shutters and grilles.

Archaeology: No objections / comments

Relevant Planning Policies:

National Guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006 (saved policies - 2009).

This plan remains the development plan for the district although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the named policies are considered to still be relevant:

STRAT1 Development Requiring Planning Permission

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

STRAT14 Mixed Use Allocations

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat14>

STRAT15 Employment Allocations

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat15>

STRAT19 Infrastructure Requirements

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

ECON9 Retention of Employment Land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt7.htm#econ9>

NBE14 Waste Water Disposal

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

NBE15 Water Quality and Supply

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe15>

NBE17 Control of Potentially Polluting Uses

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe17>

NBE19 Landfill and Contaminated Land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe19>

Proposed Submission Central Lincolnshire Local Plan (April 2016)

<http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

The Proposed Submission Central Lincolnshire Local Plan has been released for its final consultation. As this is the final stage before the Plan is independently examined, it can be afforded more weight in decision making than previously given in accordance with NPPF paragraph 216. The existing Local Plan remains the starting point for decision making. The relevant policies in the emerging Local Plan are:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy
 LP5: Delivering Prosperity and Jobs
 LP12: Infrastructure to Support Growth
 LP14: Managing Water Resources and Flood Risk
 LP16: Development on Land Affected by Contamination
 LP53: Residential Allocations – Medium and Small Villages

Main issues

- Principle of the development in this location
- Design and impact on the character of the area
- Drainage and flood risk
- Noise and residential amenity
- Highways

Assessment:

Principle of the development in this location

The NPPF considers that there are three strands to sustainable development: economic, social and environmental. The proposal would contribute to the economy by enabling an existing business to expand, creating 85 jobs and potentially attracting other business to the wider Hemswell Cliff business park. It would contribute socially through the provision of jobs and its manufacture of health supplements. The new building would also incorporate solar panels, better insulation and lighting and would be more efficient to run than the existing hanger, which would contribute to the environmental strand of sustainability. The NPPF also states that significant weight should be placed on the need to support economic growth through the planning system (paragraph 19) and that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings (paragraph 28).

The site is included within two allocations in the current West Lindsey Local Plan. The western part (HC(E)1) is allocated for use classes A2, B1, B2 and B8. The eastern most part (HC(M)1) is allocated for use classes A1, A2, A3, B1, B2, C2 and D2 uses. The new production extension will be within the HC(E)1 allocation and this fits with B2 (General Industry) use. The refurbished office buildings will be within HC(M)1 and this fits with B1 (Business) use. The storage building will also be in allocation HC(M)1, which is not allocated for B8 (storage and distribution) use. However, the land on which it sits is immediately adjacent to HC(E)1, which includes B8 use. It is considered that the storage building is an integral part of this development and will be largely hidden behind existing buildings, to the extent that the former MoD character will still be seen. Therefore, the principle of expanding an existing business on this site can be supported as the land is allocated for such uses and where it is not, as in the case of the storage building, it is sufficiently near to the appropriate allocation that the benefits of expanding this business as a whole would outweigh the relatively small area of land being used for storage that was not originally allocated to this use.

The concerns of the Parish Council and one resident are noted. However, the company intends to carry out the same processes in the new building as the old so that there would be no change in production, simply more product. The fact that there are other uses nearby including the anaerobic digester, does not impact on the expansion of this business; nor does its expansion impact on the function of other uses nearby. The manufacture of the nutraceutical products takes place in a closed clean environment within the building so contaminants cannot get into the manufacturing process. The company operates a comprehensive quality management system, its manufacturing facility is regularly tested by the World Anti-Doping Agency and the products are Informed Sports accredited. Such requirements means that the company has had to consider its location and adjoining uses very carefully.

The proposal is also supported by the emerging development plan. Hemswell Cliff is identified as a medium village in policy LP2 of the Submission Central Lincolnshire Local Plan and has sites allocated for both housing and employment. This is a greater level of growth than might ordinarily be expected due to the Hemswell Cliff Business Park area being identified as a national Food Enterprise Zone, which will lead to significant investment and job creation (paragraph 3.4.7 emerging CLLP). This wider area of 26 hectares will be defined by a Local Development Order (policy LP5 emerging CLLP). There is an associated residential allocation for 180 dwellings to provide local accommodation for those working in the Enterprise Zone.

The business is established on the site and will retain the iconic hangar, one of four remaining from RAF Hemswell. Other buildings from the former RAF use will also be retained, enabling the former military character to be seen. Those buildings to be demolished are not considered to be worthy of retention, being fairly small and non-descript.

Design and impact on character of area

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Such a requirement is similar to that found within Saved Policy STRAT1 of the West Lindsey Local Plan

The design of the new building is such that the original character of the hangar would still be appreciated. The overall bulk and dimensions of the new building would be similar to the existing hangers but the proposed would be appreciably lower in height. The design of the structure would also mimic the hangers in scale and features but the new building would have modern clean lines and a quite large glazed entrance feature giving it an attractive, possibly iconic, modern industrial appearance. This would enhance the appearance of the business park setting in a more prominent location.

There would be 10 metres between the hangar and the new building and the link between the two would be set to the north east, so would not be readily

visible from areas generally accessible to the public, particularly given the additional landscaping proposed. Further details of the final design of the link are required but this can be conditioned.

The new building would be finished in insulated cladding of graduated colours (darker at ground level), the final colour and band width details to be conditioned, with glazing at the front corner to make a focal point at the entrance. Windows will be incorporated along the south east facing side and there will be a string of roof lights either side.

The new storage building would be set behind existing buildings on the site and would be built in the same material palette as the main building (extension). The top of the mono-pitch roof would be the same height as the existing building (Building E on the plan). When viewed from the south, it is considered that it would be possible to see 4m of the storage building at the western side and 5m of the storage building at the eastern side. The majority of the storage building would therefore be hidden behind the existing buildings although it would be seen from Gibson Road. However, this will be with the larger extension and hangar beyond giving it an appropriate context.

The designs of all the buildings proposed are modern with clean lines and crisp materials which are suitable for a modern business park, without harming the underlying former military character of the original RAF buildings.

Drainage and flood risk

There have been extensive discussions between the agent, the Environment Agency, Anglian Water, the Environmental Protection Officer and the case officer. Further details were submitted during the processing of this application, including a foul and surface water drainage strategy and a ground investigation including soil testing for contaminants and soakaway percolation tests.

The drainage strategy indicates that the entire site has made ground of varying depths over in-situ soils from the underlying limestone bedrock. No groundwater seepages were encountered in the boreholes and trial pits which extended to a maximum depth of 3.15m.

The site is within an 'Outer Zone 2' ground water protection area as identified by the Environment Agency and the geology in the area is classed as a principle aquifer. Water from this aquifer is used as drinking water. Therefore, it is critical that there is no contamination seeping through to the limestone below the site.

There are no public foul or surface water sewers on site or in the wider business park and the existing drainage situation is unclear (the extent of the former MoD network is not fully known). It is intended to connect to the existing foul sewer off site. The applicant will need to apply to Anglian Water for consent to do this and a note will be added to this effect. It is not shown

where this connection will take place, so further details can be requested by condition.

It is assumed that existing surface water drains via soakaways into the ground given the lack of surface water sewers and the permeable strata below. All surface water from the proposed impermeable areas would be discharged to soakaways or permeable paving situated wholly within permeable limestone strata (i.e. not made ground). The design of the SuDs will be conditioned as will its implementation and maintenance. This will include measures to stop contaminants seeping through. It is intended that the system will restrict the surface water runoff to be no greater than it was prior to the development. Verbal confirmation has been given by the Environmental Protection Officer that this approach is acceptable.

The site is within Flood Zone 1. A Flood Risk Assessment was submitted with the application as the development site is over a hectare in size. The site has a low probability of flooding and the proposed use is in the less vulnerable category as identified in Table 2: Flood Risk Vulnerability Classification in the NPPG. The scheme is appropriate in Flood Zone 1.

Noise

There is existing extraction equipment on the north side of the hangar building which the Environmental Protection Officer is aware of and has previously raised concerns about this noise sensitive area. Following the Environmental Protection Officer's initial response, requesting a noise report that detailed existing noise and noise potential of the proposal and its surroundings (and also appropriately addressing existing and proposed noise sources) to bring about an overall noise reduction in the area, a noise impact assessment was submitted. However, this did not pick up on the noise from the existing equipment; instead the ambient and background noise picked up was from local and distant road traffic showing this is a considerable factor in the environment.

The new extension would contain a controlled production environment. The agent confirmed that this would require additional equipment which could create additional noise. However, the existing equipment would not be required to do more work than currently (and this may decrease) therefore, the existing equipment would not generate more noise. Therefore, whilst this application for extensions to the business cannot require existing equipment to be made less noisy, the details of any new equipment including its location and decibel level can be controlled by condition, as can the noise level at night at the nearest residential dwelling, which is suggested in the noise report to be no more than 32dB. This approach was reached in discussion with the Environmental Protection Officer.

It is not thought that deliveries and fork lift truck movements will cause noise nuisance, given the distances away from residential dwellings (some 190 metres) and the hours between which deliveries will take place (0800 to 1700,

7 days a week). Deliveries would also travel via the old airfield rather than the actual base roads which are closer to residential areas.

Highways

The Highways and Lead Local Flood Authority (HLLFA) do not object to the application and request two conditions, one related to the arrangements for parking/turning/manoeuvring/loading/unloading to be available at all times that the premises are in use and the other requiring the surface water drainage arrangements to be in place before the building is occupied.

The deliveries would go to a goods vehicle yard accessed from the existing access off Learoyd Road. The existing staff car parking places (40 spaces) at the front of the hangar will remain as existing although an additional 50 spaces would be created and be accessed off Gibson Road.

Currently, there are four deliveries/collections Monday to Friday, with no movement at weekends. It is anticipated that this would double. However, eight deliveries/collections per day would still a low volume for premises of this size and the access arrangements keep these vehicle movements away from the residential properties and small businesses reducing nuisance and conflicting traffic movements.

Other matters

Pre application discussion is encouraged to enable clearer understanding of development proposals before an application is made. Discussion can also take place with other teams from West Lindsey including the Growth Team and the Chief Executive. Ultimately, the decision making process is clear. Planning decisions are taken (as in this case) by the Planning Committee or under the Scheme of Delegation as set out in the Constitution by senior members of the Planning team. Reports set out the case and analyse the different matters involved. Planning applications are not predetermined by the Chief Executive or any other Officer or Member of West Lindsey District Council.

Recommendation: Grant planning permission subject to the following conditions:

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

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

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

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

2. Further to the detail shown on plan LDC 1050-PL07 Indicative Phasing Plan, no development shall take place until the final details of the phasing of development have been confirmed, submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with this phasing plan.

Reason: To enable a better understanding of how the development will be brought forward and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details of all external materials, including the cladding band width and colour details to include RAL numbers or equivalent, have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with these details.

Reason: To ensure a satisfactory external appearance of the development in accordance with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review.

4. No development shall take place until details of the link structure, including elevations and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with these details.

Reason: To ensure a satisfactory external appearance of the development in accordance with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review.

5. No development shall take place until a soft landscaping scheme including details of the size, species and position or density of all trees and shrubs to be planted, fencing and walling, and measures for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance.

Reason: To ensure that, an appropriate level and type of soft landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006

6. No development shall take place until details of a hard landscaping scheme including details of the finishes and colour of all surface materials, including those to roadways, accesses, forecourts and parking/turning areas have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that, an appropriate level and type of hard landscaping is provided within the site to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. No development shall take place until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect visual amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The surface water storage shall not be in made ground. The scheme shall include:

- Details of further ground water testing to ensure that any storage crates are not below the water table;
- Details of leachability testing to ensure that contaminants cannot reach the water supply, including the aquifer underneath the site. Evidence needs to demonstrate that there is no resultant unacceptable risk to controlled waters
- Oil separators to ensure contaminants do not reach the water supply;
- Details of how the scheme shall be maintained and managed after completion;
- Details of the surface water system including calculations of the network and SuDs features;
- Confirmation of the allowable discharge rate (to be agreed with the Environment Agency).

The development shall thereafter be constructed and maintained in strict accordance with the approved details and be ready for use before any of the buildings hereby approved is first brought into use.

Reason: To prevent the increased risk of flooding, to protect water quality including the aquifer underneath the site, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012 and saved policies STRAT 1, NBE 14 and NBE15 of the West Lindsey Local Plan First Review 2006.

9. No development shall take place until details of a scheme for the disposal of foul water including details of where the connection to the mains sewer will be have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved details and be fully available for use before any building hereby approved is first brought into use.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment and to accord with the National Planning Policy

Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

10. No development shall take place until details of existing and proposed noise generating equipment, its acoustic performance, its location and the noise levels generated by the equipment, have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall also include all details of noise mitigation measures proposed and their performance details related to the equipment being mitigated. The development shall thereafter be installed in strict accordance with the approved details and be operational before each building it is fitted to is first brought into use and retained as such thereafter.

Reason: To ensure that the expansion of the business does not increase noise levels in the vicinity to the extent that would harm residents and business users nearby and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

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

- LDC 1050-PL03 Proposed Site Plan – Full Scheme
- LDC 1050-PL04 Proposed Storage Unit Plans, Elevations & Sections
- LDC 1050-PL05 Proposed Production, Store & Office Building Plans
- LDC 1050-PL06 Production, Warehouse & Office Building Elevations

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. The measures outlined in the Ground Investigation Report by TLP Ground investigations reference RT/PAEL/HC/11/15; dated November 2015 shall be adhered to, particularly Paragraphs 5.4, 6.4.1.4 and 7.0.

Reason: In order to safeguard human health and the water environment and to accord with saved policies STRAT1, NBE17 and NBE19 of the West Lindsey Local Plan First Review 2006.

13. The surface water drainage scheme approved under condition 8 shall be implemented before the construction of the buildings and can be phased into use according to the details approved under condition 2. The system shall thereafter be retained and maintained.

Reason: To prevent the increased risk of flooding, to protect water quality including the aquifer underneath the site, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012 and saved policies STRAT1, NBE14 and NBE15 of the West Lindsey Local Plan First Review 2006.

14. The development shall be carried out in accordance with the approved details under conditions 3, 4, 5, 6 and 7 and shall be so retained.

Reason: To ensure the use of appropriate materials, boundary treatments and landscaping and to accord with the provisions of the National Planning Policy Framework 2012 and saved policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

16. The equipment at the ParkAcre operation shall not cause the night time noise level at the nearest dwelling to be more than 32 decibels.

Reason: To ensure that the night time residential amenity is not harmed by the operation and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

17. The arrangements shown on the approved plan LDC1050-PL03 dated January 2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: In the interests of highway safety, to enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

18. Heavy goods vehicles (HGV's) shall only enter and exit the premises via Learoyd Road (not Gibson Road) in accordance with the details shown on plan LDC1050-PL03.

Reason: To ensure that residential amenity of nearby dwellings is not adversely affected by the movement of large vehicles to and from the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Notes to the Applicant

Note from Anglian Water

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

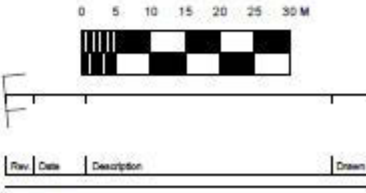
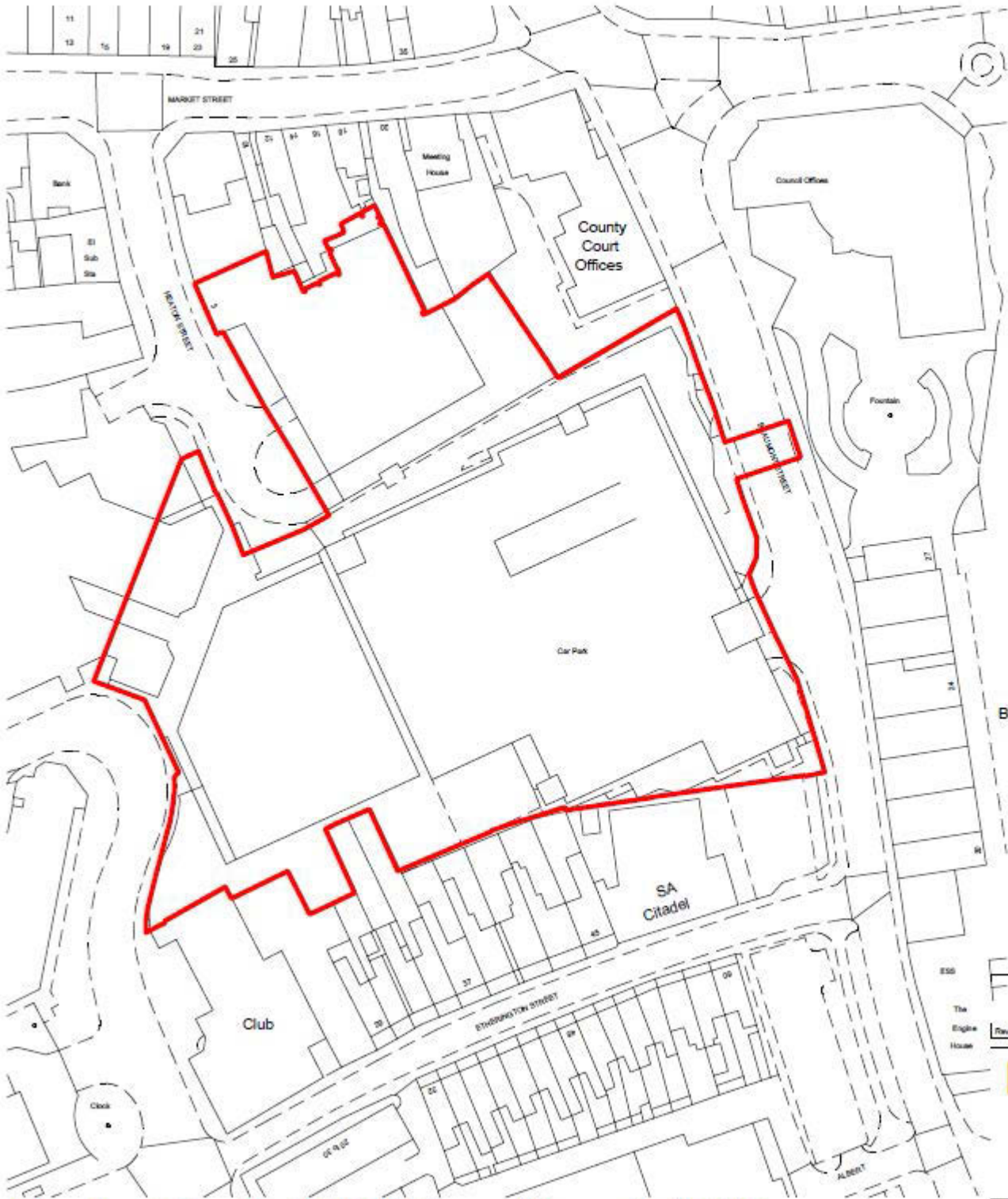
Anglian Water recommends that petrol / oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Reasons for recommendation:

The proposal has been considered against the Development Plan, namely saved policies STRAT1 Development Requiring Planning Permission, STRAT14 Mixed Use Allocations, STRAT15 Employment Allocations, STRAT19 Infrastructure Requirements, ECON9 Retention of Employment Land, NBE14 Waste Water Disposal, NBE15 Water Quality and Supply, NBE17 Control of Potentially Polluting Uses and NBE19 Landfill and Contaminated Land of the West Lindsey Local Plan First Review 2006, the advice given in the National Planning Policy Framework and the National Planning Practice Guidance as well as representations received.

In light of this assessment, the proposal is considered acceptable as it will enable an existing company to expand in area designated for such uses and creating more jobs without, subject to conditions, harming the amenity of other uses in the vicinity or the environment, including water quality.



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Officers Report

Planning Application No: 133654

PROPOSAL: Planning application for the demolition of existing structures, and erection of an A1 foodstore, with access, car parking, servicing, sub-station, hard and soft landscaping, and other associated works, including remodelling of the elevations of the adjoining property The Lindsey Centre.

LOCATION: Multi Storey Car Park Beaumont Street Gainsborough Lincolnshire DN21 2ER

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J Rainsforth & Cllr T Young

APPLICANT NAME: Lidl Uk GmbH

TARGET DECISION DATE: 03/02/2016

DEVELOPMENT TYPE: Small Major - Retail Dist & Service

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: Grant permission subject to conditions including financial contribution to signalised crossing over Beaumont Street.

Description:

This application seeks permission to erect a 2470 sq. metre (1424 sq. metre net sales area) food and convenience retail store with associated car parking for 132 vehicles and associated landscaping and access. An integral part of the proposal would be the demolition of the existing multi storey car park, the Boyes retail store and one small shop. In addition, the covered access to the Oldrids Store, Post Office and Co-op Travel Agency would be removed and the store's roof redesigned.

The new building would be a modern single storey structure, apart from a small section to accommodate staff areas and offices. The building would be modern in design with a mono pitched roof with full height aluminium framed glazing to Beaumont Street whilst other elevations would be a mixture of white rendered walls and silver cladded sheets and louvre type design. The maximum height of the building would be 7.5m whilst the lower eaves to the south would be 5m.

The existing car park junction with Beaumont Street would be retained as the main vehicular access to the site. Pedestrian access would also be available from Beaumont Street, Heaton Street whilst servicing of the new store would be from a modified service yard also accessed from Heaton Street (southern side of Oldrids). As part of the application the applicant is proposing to support the provision of a signalised crossing to Beaumont Street, this will

take the form of a commuted sum. West Lindsey District Council would also support this provision and Lincolnshire County Council would design and install the crossing.

The application site currently contains the 400 space multi storey car park which is access from Beaumont Street, the 1512 sq.m Boyes store and hair dressing salon with associated covered walkway (part of Heaton Street). The site also includes a vacant site to the east of Heaton Street currently utilised by Robin Hood Car Parks on a temporary basis. Ground levels on site differ significantly with the multi storey car park being positioned on significantly lower ground levels than the carriageway at Beaumont Street and the temporary car park off Heaton Street. Access to Heaton Street is relatively flat.

To the east of the site is Beaumont Street a busy classified road (A156) with right hand turn filter lane into the site. Beyond this is Britannia House, a grade 2 listed building, part of the Marshall's Yard retail complex (also grade 2 listed). To the south is the Salvation Army Citadel with its own car park. Also to the south are residential dwellings fronting Etherington Street. In addition to this, there is a small yard adjoining the south western corner of the site which serves a number of these properties. Also to the southern part of the site, access from Heaton Street, is an antique centre with a flat above, whilst opposite Gainsborough Children's Centre and Crown House, a vacant office complex. Further to the south west is the bus station, To the west of the site is the Oldrids Store complex which includes the Post Office and Co-op Travel Agent. This complex has a pedestrian entrance facing the application site. To the north of the temporary carpark are the rear of shops and offices which front Market Street. This includes the grade 2* listed County Court Building (offices) and the grade 2 listed Friends Meeting House. The area surrounding the site to the east, north and a significant proportion of the west is designated as part of the Gainsborough Britannia and Gainsborough Town Conservation Areas. All areas to the west of Beaumont Street fall into the Environment Agency's Flood Zones 2 and 3. The actual application site however falls into Flood Zone 2.

Relevant history:

Multi Storey Car Park

W33/814/89 Erect multi-storey car park – Scheme 1 Approved. 06 Aug 1990

W33/815/89 Erect multi-storey car park – Scheme 2 Approved. 06 Aug 1990

Co-op/ Oldrids

GU66/62 Convert cinema into retain store. Approved 1962

GU/148/62 Erect shop

W33/CAD/4/86 Demolish part of retail store (Listed Building Consent) Approved. 11 Sept 1986

W33/896/90 Extend retail store Approved. 27 Nov 1990

Representations:

Chairman/Ward member(s): None

Parish/Town Council/Meeting: Gainsborough Town Council have considered this application and make the following observations:-

1. The Council welcomes the development of a large retail store in this location as it will increase footfall in the town centre. However, the Council are disappointed that Lidl did not see fit to make a presentation of their plans to the Council. The Council consider that the one day exhibition of their plan inside their existing store was inadequate public consultation.

2. The Council notes NPPF paragraph 32 states: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people.”

The council also notes NPPF Paragraph 34 “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.” With this in mind the Council is concerned at the potential traffic delays and dangers of RTCs caused by the vehicle access being from Beaumont Street. The Council consider that vehicle access should not be via Beaumont Street but from Heaton Street. The section of Heaton Street from Market Street to the entrance to the Lidl store should be restricted to taxis and delivery vehicles only. With this restriction in place all vehicles entering and leaving Lidl store would join and leave the A156 at the traffic lights at the Heaton Street/Beaumont Street intersection. This is a mirror of the arrangement for access to Tesco.

As a result of this route for vehicle access the right hand filter and traffic island Beaumont Street as shown on the Lidl plan will not be required.

3. The store would need to be sited closer to Beaumont Street and the main entrance slightly amended to face North. The advertising post for Lidl and Oldrids on Beaumont Street needs to move to Heaton Street.

4. The public right of way across the Lidl car park must be maintained and pedestrians should be encouraged to access Beaumont Street by a path and steps plus ramp onto Beaumont Street close to the boundary wall with the Old Court House. This will encourage pedestrians to cross Beaumont Street at the traffic lights at the junction with Market Street. The boundary with Beaumont Street should consist of shrubs tall enough to dissuade pedestrians to access the Lidl site other than by entrances provided.

5. The store frontage should incorporate images from the Millennium Tapestry housed in the Parish Church along the whole length of the frontage.
6. The south facing roof should be fitted with photo voltaic cells.
7. With a total of 130 car park spaces the Council consider the number of disabled/ parent and child spaces should be increased from 10 to 13.
8. The Council wish the following public realm improvements to be secured by a Section 106 agreement to come into force on commencement of construction:-
 - A. Provision of a bus stop and shelter at the site currently forming the entrance to the multi storey car park from Beaumont Street. This stop will be a replacement for the existing stop and would give bus passengers direct access to the Lidl store. Naturally this can only happen if the proposals in paragraph 2 above are enacted.
 - B. Provision of public toilets at the Bus Station and commuted sum for WLDC to maintain the facility. Public Toilets were removed from this location about 5 years ago although the WLDC finger post at the junction of Etherington Street and Beaumont Street still points to them.
 - C. Replacement of Church Street bus shelter with a Mayflower themed shelter as this is the nearest stop to the Old Hall.
 - D. Provision of real time bus information at town centre bus stops, installation of a seat in Market Street by the Taxi Rank (removed when Market Street improvements were carried out) These improvement are contained in a S106 agreement dated 13 March 2012 with Tesco which will not now be enacted as it is reliant on the development of an expanded Tesco store, which has now been abandoned by Tesco.

Local residents: Objection - 94 Trinity Street, 23 Sanders Maltings (Lewis Assoc Business Services), 30 Spital Terrace:

Beaumont Street is a very busy road and extra traffic which this proposal would create would simply increase the danger to the people using this piece of road, drivers and pedestrians alike. At present traffic can be backed up along Trinity Street, and at the other end of Beaumont Street the traffic can back up from the County Court traffic lights, through the mini roundabout and along North Street, well past KFC restaurant. It has to be recognised that Beaumont Street is one of the narrowest streets in the town. Link this with the large number of pedestrians using this road and the major businesses located along it, i.e. TESCO, TESCO garage, MacDonald's, and Marshall's Yard, it has the potential to create a very dangerous situation. The town is also expected to grow by 36 000 residents in the next 20 years and many of them will use this arterial route. This will make the road more congested and dangerous. This would send shoppers elsewhere. The details given in the Travel Plan are inaccurate with some counts being taken when shops are closing. Also no real account was taken of HGV use. When TESCO has a delivery it stops all traffic when then backs up. If Premier Inn goes ahead it will be worse.

Loss of hundreds of car parking spaces when Gainsborough has a shortage of on street parking and blue badge parking spaces. Most of the car parks in Gainsborough get full up especially when there is an event at Marshall's Yard.

There would be a loss of 393 spaces (441 if Heaton Street is included) would send people to Scunthorpe and Lincoln. The multi-storey car park should be retained otherwise the market will die.

There is a high number of derelict buildings on Bridge Street, Caskgate Street and Ropery Road plus others. Lidl will leave another site vacant/derelict if they moved. Regeneration of the Riverside would be dealt a major blow by Lidl moving. A local precedent has been set by Aldi on Lea Road in 2013. The existing Lidl store should therefore be expanded into the adjoining public car park and closed toilets to expand. This would keep the centrally located multi storey car park and

Support: A large number of letters have been received many the same letters supporting an improved Lidl store in Gainsborough.

LCC Highways & Lead Flood Authority: The Highways and Lead Local Flood Authority (HLLFA) require the following for all full planning applications:

- Flood Risk Assessment.
- Drainage Strategy including adoption &/or maintenance proposals & sketch layout plans.
- Detailed development layout showing surface water drainage infrastructure.
- Detailed hydraulic calculations.
- Geotechnical interpretive reports (e.g. assessment of infiltration and groundwater table levels)
- Discharge and adoption agreements.

Most of the above has already been submitted however, the application is missing a detail geotechnical report of the ground conditions on the site itself. Without this the hierarchy of SUDs techniques to drain the site in accordance with these principles cannot be explored fully. Discharge via piped systems to an existing sewer, even with controlled discharge rates is the last resort once all other options have been exhausted.

Discharge and adoption agreements for all the drainage elements will require agreement with all relevant authorities prior to consent for planning being granted.

The HLLFA consider the proposed line of the pedestrian link through the site and crossing point to be to be in an unsatisfactory position. The proposed uncontrolled crossing point removes valuable capacity of the right turn lanes and due to the high volume of traffic movements on Beaumont Street this capacity will be required. The HLLFA also do not wish to see the addition of another crossing point along this stretch of carriageway as there are currently two existing.

There is an existing safety issue in terms of pedestrian/vehicle conflict at the point where the existing link emerges onto Beaumont Street, with pedestrians crossing the carriageway at this point. The HLLFA would request the

applicants explore the possibility of keeping the line of the link as existing through the site and locating the emergence point closer to the site boundary so that pedestrians emerge onto Beaumont Street nearer to the existing crossing point at the Spring Gardens junction. A re-design of the existing crossing should be explored to further improve this situation.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), (Rev A, September 2015, WYG Engineering), in particular setting finished floor levels no lower than 7.08m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Please note that our advice covers fluvial and tidal flood risk only, and not the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary water courses. Your Authority will therefore need to be satisfied that the proposed development is also in accordance with other flood risk requirements if the NPPF.

Archaeology: No input required

Environmental Protection: Has raised concerns re drainage, ground level increases (contamination) and noise and nuisance. Also request conditions.

Surface water

1. That the surface water strategy be reviewed in light of additional information provided (refer below)
2. That there is justification of intent not to attenuate all flows
3. That there is requirement to explain disparity between consultation indication of discharge rate of 10l/s as compared to betterment of only - 30% on brownfield rates, and this in respect of store drainage only
4. That there is requirement to significantly reduce surface water flow off site and/or the proposed run off rate

Noise and Dust - Demolition and Construction

That demolition and construction strategies are agreed in writing before any work commences on site so as to minimise potential for nuisance and disruption to residents and businesses alike.

This shall include hours of operation, means of access, methods of operation and arrangements for taking, recording, investigating and addressing complaints including but not exclusive to noise, dust and lighting

Recommendation is that there shall be no demolition, clearing or construction activity outside of the hours 07:30 to 18:00 Monday to Friday, 07:30 to 13:00 Saturdays excluding Bank Holidays and that a programme of

demolition be agreed so as to minimise disruption and impact to residents and businesses alike.

Noise - post completion

That condition is attached to any permission requiring restrictions on:

- deliveries and parking of delivery lorries between the hours of 23:00 and 07:00 and
- access to private vehicles outside of store opening hours

Reason: to minimise potential for anti-social behaviour

Contamination

A comprehensive contaminated land condition is required

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

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006 Saved Policies:

STRAT1: Development Requiring Planning Permission

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

SUS1: Development proposals and transport choice

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

SUS4: Cycle and pedestrian routes in development proposals

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

SUS5: Secure cycle parking facilities

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus5>

MT1: Market towns

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt5.htm#mt1>

CORE4: Public car parking

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core4>

CORE5: Retention of existing car parks

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core5>

CORE10: Open space and landscaping within developments

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

RTC1: Town centre development

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt10.htm#rtc1>

NBE14: Waste water disposal

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

NBE18: Light pollution

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe18>

NBE19: Landfill and contaminated land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe19>

Central Lincolnshire Local Plan Further Draft (2015)

<http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP6: Retail and town centres in Lincolnshire

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP16: Development on land affected by contamination

LP17: Landscape, townscape and views

LP24: The historic environment

LP25: Design and amenity

LP27: Town centre frontages and advertisements

LP41: Regeneration of Gainsborough

LP42: Gainsborough town centre and primary shopping area

The Central Lincolnshire Local Plan has reached submission stage and is to be considered as at an advanced stage within the adoption process. A six week consultation (the 3rd so far in the life of the plan) will commence on 15 April 2016 until Thursday 26 May after which it will be submitted to the Secretary of State.

This is a significant and important milestone for the local plan. As the Submission Draft (SCLLP) is approved and made public no further changes will be made to the plan before it is submitted to the Secretary of State and a Local Plan Examination in Public. Therefore, at this point in time, the Central Lincolnshire Authorities are effectively declaring that the Submission Draft – subject to any changes by an Inspector at EIP – is the final version that they intend to adopt.

In accordance with guidance within the NPPF paragraph 216 the policies of the Local Plan should now be given more weight in the determination of planning applications. The starting point for determination of planning applications remain, however, with the adopted West Lindsey Local Plan.

Main issues

- Principle of new retail store in this location (STRAT1, STRAT3, RTC1 & MT1)
- Access and sustainability (STRAT1, RTC1, MT1, SUS1, SUS4, SUS5, CORE 4 and CORE 5)
- Design and the historic environment (STRAT1, RTC1, MT1 and CORE10)

- Residential amenity (STRAT1, RTC1, MT1, NBE17 and NBE18), and
- Drainage and Contamination (STRAT1, NBE14 & NBE17)

Assessment:

- a) Principle of new retail store in this location (STRAT1, STRAT3, RTC1 & MT1)

The application site is currently occupied by public car parks and a 1512 sq.m retail store. It is positioned between the two main shopping areas namely Marshall's Yard and the Market Place. The northern section of the actual multi storey car park also forms a major, if informal, thoroughfare between these two key locations. The site is allocated within the West Lindsey Local Plan as Town Centre Land within saved Policy RTC1 which indicates that Gainsborough Town Centre is the preferred location for large retail development. The site is located close to the bus station aiding access by those without private motor vehicles and would aid linked trips within the town centre. The proposal would also replace a smaller existing store on the very edge of the town centre. This new larger 2470 sq.m. store in a more central location would increase the retail offer to residents of Gainsborough and the surrounding area and create approximately 40 jobs (of which 15 would be additional jobs) for local residents.

Policy RTC1 accords with NPPF para. 23 which indicates that planning policies should be positive, promote competitive town centre environments...which offer a diverse retail offer.

The proposal does include the demolition of one large retail store in which Boyes is located. This is an important retailer for Gainsborough and the company and officers are investigating options with the retailer to bring forward an alternative store within the town centre. These discussions are at an early stage but it is noted that the current store is leased by the Co-op and that company could break the lease with Boyes whether or not this application is granted.

The policy LP4 of the SCLLP also supports the retail hierarchy and identifies Gainsborough Town Centre as being the preferred location for retailing within West Lindsey. Similarly, policy LP41 seeks to promote the regeneration of Gainsborough and indicates the importance of strengthening the vitality and viability of the town centre by identifying retail opportunities for growth. LP42 allocates the site as part of the primary shopping area where retail is deemed to the most important land use.

The potential of allowing this existing popular retailer to expand its operations within the centre of Gainsborough is an important consideration within the determination of this application and in principle is deemed to support the continued growth and attractiveness of Gainsborough town centre as a retail destination.

- b) Access and sustainability (STRAT1, RTC1, MT1, SUS1, SUS4, SUS5, CORE 4 and CORE 5)

The application site is located between the original town centre/ market place and the successful Marshall's Yard complex. The current car park provides 400 spaces within the town centre which are available to the general public. The car park, however, is a poor environment and in effect forms a barrier, along with the busy A156 road, between these two important areas of the town centre. This is a significant constraint to the vitality/ regeneration of the town centre.

Despite the environment, pedestrians utilise the car park to cross from the town centre to Marshall's Yard crossing the A156 Beaumont Street in a direct line rather than utilising the signalised pedestrian crossing at Market Street/Spring Gardens and Beaumont Street. This is a significant safety hazard particularly as traffic is existing the junction, or moving into filter lanes to either access Marshall's Yard or the car park. Whilst many do link the two areas by this route it is far from ideal and dissuades many from using both parts of the town centre.

Saved Policy STRAT1 of the WLLP indicates that proposals must be satisfactory in regards of ii) the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems, iii) the scope for providing access to public transport and iv) the scope for reducing the length and number of car journeys. Similarly saved Policy SUS1 indicates that: 'Large-scale development proposals, such as intensive employment uses, high density residential, retail, leisure and tourism, education and other public facilities, which generate a significant volume of traffic movement, will only be permitted provided that they are located where they can be easily and efficiently served by an existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provide'.

As noted above SCLLP policies support the location of major retail development such as this in town centre locations, however, policy LP42 specifically notes the importance of providing linkages between the various parts of the town centre including: Marshal's Yard, Market Street, the Market Place and the Riverside. LP1 also supports sustainable growth.

Such policies accord with advice within the NPPF which at paragraph 17 seeks to:

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The current proposal provides an important opportunity to remove some of the barriers between the town centre and Marshall's Yard. The proposal would

remove the unattractive and uninviting multi storey car park would direct pedestrians from Oldrids store entrance along a dedicated 4m wide access path to a pedestrian crossing over Beaumont Street before alighting at Marshall's Yard. This would also be a visual link whereby users could, unlike now, see their destination making the walk more appealing. The detail of the crossing is shown on the plans but this is indicative only and Lincolnshire County Council would design and construct the crossing to an acceptable standard. This would provide a more inviting pedestrian environment for shoppers. The existing pedestrian steps to the rear of the Old County Court House would be removed.

Investigations carried out by the Highway's Authority have shown that the existing and proposed level of pedestrian activity generated would be such that a further signalised crossing between the two existing crossing would be required for safety. The provision of this crossing would therefore accord with these investigations and aid access between Marshall's Yard, Lidl and Oldrids and the Market Place. The route would be more direct route and would only require pedestrians to cross one lane of traffic within the site and then cross the A156 in a safe controlled manner. This is deemed to be a significant benefit to the area. A condition is recommended to require the signing of a s106 legal agreement to ensure a proportion of the funding for such an access is obtained from the applicant before work commences on site.

Pedestrian access between Heaton Street North and South would be preserved but again with fewer conflicting vehicle crossings as the temporary car parks currently accessed from Heaton Street would be incorporated into the main car park with the crossing points closed and the pavement reinstated aiding safety and access for pedestrians.

The vehicle ingress egress to the site is the same as the existing and is deemed safe for the volume of traffic proposed by the Highways Authority. The site has a right hand turn lane for traffic traveling south which would assist to limit congestion.

Traffic levels have been assessed on the A156 as has the use of the current car park. This has shown that the current car park and retail units has a week day peak usage of 17:00 – 18:00 when a mixture of shoppers and workers leave the site creating 166 arrivals and 185 departures whereas the proposal would generate 97 arrivals and 99 departures during the same period. The other peak period of activity would be 11.00 to 12:00 on a Saturday when the traffic levels for the current car park and retail stores are 89 arrivals and 83 departures. This compares to the proposed 115 arrivals and 114 departures for a comparably sized Lidl food store. This indicates that the impacts of the store on current highway network would not be severe, which is the test required by the NPPF. The Highways Authority has not raised an objection to the amount of traffic generated and its impact on the flows of traffic on the highway.

The proposed signalised pedestrian crossing at Beaumont Street would need to be linked to the existing junctions and crossings at Spring

Gardens/Beaumont Street, McDonalds/TESCO Beaumont Street and Southolme to ensure traffic flows were maintained. An assessment has shown that a slight increase in waiting times for traffic leaving Spring Gardens/Marshall's Yard may be experienced but would not be significant with only a few additional minutes being added to waiting times.

It has been shown that in the last 6 years only 1 accident occurred at the site junction showing that it operates safely with good visibility. Accidents in the vicinity of this Spring Gardens, Market Street and Beaumont Street junction amounted to 6 in the last 5 years. Of these two accidents related to people crossing the road, one involved a cyclist and two were vehicles which collided with each other/ infrastructure. This again shows that the road does not have a safety issue.

Servicing would occur from Heaton Street in a similar manner to the current Boyes operation although the service yard, bay and manoeuvring area would be rearranged. This arrangement, however, has not created any concerns from a highway safety or congestion view point. Similarly accident data has shown only two accidents in the last 6 years have occurred on Heaton Street neither of which were related to servicing operations. Both were related to drivers/cyclist not paying attention to their surroundings.

The loss of car parking is a concern for a number of residents and businesses within the area. This concern is understandable as the multi storey car park has for a number of years provided significant space for shoppers, workers and residents alike. The loss of 270 spaces (net) would have an impact on some people. The car park however, is in private ownership and recent car parking operations have been with the agreement of the land owner. These agreements can be terminated by either party. As a result whether this application proceeds or not the car parking could be removed from use. A good example of this has been the closure of upper floors of the car park.

In considering capacity, however, the Council has undertaken a number of assessments of its own car parks this provided the following results in September 2015.

Car Park	Capacity		Available Spaces						Permits on display 24/9/15
	21-9-15		21-9-15				24-09-15		
	10:30	14:30	10:30	14:30	10:30	14:30			
Stand Bays	Disa Bays	Stand Bays	Disa Bays	Stand Bays	Disa Bays	Stand Bays	Disa Bays		
Whitton Gardens	12	1	4	1	5	0	9	1	1
Lord	53	2	0	0	2	0	10	2	31

Street									
Ship Court	52	7	1	0	8	0	18	2	11
Bridge Street	83	7	0	0	4	3	8	1	33
Rose-way	62	4	5	0	20	0	13	0	12
North Street	94	8	9	8	14	6	14	8	48

These tables show that there is capacity at the existing car parks at most times of the day and week with only minimal periods when there is no capacity at all. At the time of the survey it should be noted that the upper floors of the multi storey car park were not open to the public. Indeed the top floor of the multi storey is still closed. The applicant has also confirmed that the 133 spaces proposed at the Lidl store would be available to the public on a 90 minute basis to allow some linked shopping trips to take place.

The proposal would also include 7 disabled driver designated spaces and 3 parent and toddler spaces. 5 spaces would be laid out for the workers at Hedron whom occupy the County Court building.

It is considered therefore that the existing car parking facilities together with the spaces proposed would be sufficient to maintain sufficient levels of car parking to maintain Gainsborough's position as an attractive place to live, work and visit.

With respect to general sustainability the site is located central to most of the facilities in Gainsborough. The site is also approximately 100m from the bus station to the south west of the site. Similarly, the store would be close to Oldrids entrance which would be maintained allowing access to the Market Square and the other facilities within the town centre.

Cycle parking would also be provided near the entrance to the store. This would be covered to ensure that staff/ shoppers are more likely to use such facilities.

c) Design and the historic environment (STRAT1, RTC1, MT1 and CORE10)

The site does not fall within a conservation areas and the car park is not deemed a historic asset (designated or undesignated). The site is, however, surrounded on almost 3 sides by conservation areas and either backs onto or adjoins listed buildings. This includes the grade II* former County Court Building and grade II listed Friends Meeting House which adjoins the site to the north and the grade II listed Marshall's Yard buildings to the east across

Beaumont street. The site also fronts a key arterial road through Gainsborough.

Saved Policy STRAT1 indicates that 'All development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to:

i. The number, size, layout, siting, design and external appearance of buildings and structures;

vi. The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;

Similarly SCCLP LP26 indicates that buildings must achieve high quality sustainable design that contributed positively to local character, landscape and supports diversity, equality add access for all. The policy includes design criteria which includes: c) respecting the existing topography, landscape character and identity, and relate well to the site an surroundings, particularly in relation to siting, height, scale, massing, form and plot widths.

The site is currently occupied by the two storey car park buildings which is finished in brick with a pitched mansard roof finished in profiled steel sheeting. This building is a large monolithic structure which adds little to the surrounding area. In many ways it also creates a closed blank frontage to the street with few people choosing to walk past it on Beaumont Road. The car park also provides an unattractive frontage to Heaton Street (north).

The current temporary car parks are also unattractive vacant sites which have not been improved or cleared fully. To Heaton Street South the current arrangement allows access but the covered area and access is not inviting to users.

The proposed store would remove the car park, opening up the frontage to Beaumont Street and integrate all the disparate parts of the site into one. The store building would be placed to the south of the site with its eastern gable to Beaumont Street forming the principal elevation. The position of the building and its glazed frontage would be set just behind the building line established by the Citadel and the remaining dwellings at Etherington Street. Such a setback position would not be uncharacteristic of the street currently. The views opened up to the north of the listed building would not be unattractive, indeed the former County Court building along with the Friends Meeting House and high brick garden walls would create an attractive feature to this area. This together with attractive landscaping would provide a pleasant appearance to Beaumont Street. Views to the south would be of the store, which whilst set back from the highway would be broken up by planting to the site frontage and potential public art installations as requested by Gainsborough Town Council.

The frontage view from Heaton Street (North) would be the full side elevation of the store. The store is more utilitarian in appearance but nonetheless has clean lines, with different materials and colours providing a contrast. The car park area would link two/three currently disparate vacant plots into a single use with similar ground levels creating a more attractive environment. In addition to this, the use of landscaping to the boundary would also help to create a softer appearance to the site and create a street frontage.

To Heaton Street (South) the streetscape would not change greatly as in the medium distance views would be screened by existing buildings. The appearance of the store from Crown House would be less imposing on the street with the building broken up by the setback servicing section of the store compared greater areas. The need for appropriate boundary treatment, however, to screen the servicing area is key however but this can be conditioned.

The existing covered area linking Oldrids to the Boyes store would be demolished and not replaced. The application includes a new roof structure to Oldrids. This would take the form of a pitched standing seam metal roof with two gabled entrance features which can accommodate signage. Such features are found on many modern retail outlets and would not appear out of keeping with the store proposed and would update the Oldrids frontage.

As noted saved Policy STRAT1 vii) of the Local Plan indicates that development should have regard to: The impact on the character, appearance and setting of historic assets including Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Historic Parks and Gardens. SCLLP policy LP25 goes further stating that proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It notes that proposals should identify the significance of the assets, their setting and the impact a proposal would have on significance. A clear justification for the works is required if the proposal is to harm the significance of the asset. Permission it notes will only be granted for development detrimentally affecting a designated asset if the tests set out within the NPPF have been met.

Developments which affect the setting of a listed building will only be supported if it notes where they preserve or better reveal the significance of the listed building. Similarly, in conservation areas it notes that views in and out of a conservation area should be preserved and proposals should retain buildings/ groups of the buildings, existing street patterns, historic building lines and ground surfaces and retain architectural details that contribute to the character and appearance of the area. It should also retain and reinforce local distinctiveness with reference to height, massing, scale, form materials and lot widths of the existing built environment.

The NPPF outlines two levels of harm: i) Substantial/ total loss of significance and ii) less than substantial harm.

Para 132 of the NPPF indicates the substantial harm to or loss of designated assets of the highest significance...grade I and II* listed buildings should be wholly exceptional whilst the substantial harm to or loss of a grade II listed

building should be exceptional. Permission (para 133) in such circumstances should not be granted unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweighs that harm or loss or that the following applies:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As noted in the consultation section Historic England has chosen to leave the application in the hands of the Local Planning Authority's specialist historic environment adviser, this is despite the presence of a grade II* listed building immediately adjoining the site.

The site is not within a conservation area but is surrounded by Gainsborough Town Centre and Britannia Works. In both conservation areas buildings front directly onto the streets in which they face. They are generally two storey buildings but with some three storey buildings. Materials are generally red brick with pitched roofs (Britannia Conservation Area). The town centre conservation area is more varied but here plot sizes are generally small and this leads to a variety of narrow shop front and building designs.

The grade II* Old Court Building, the grade II Friends Meeting Room and Britannia House conform with many of these characteristics being located at the back edge of footpaths to enclose the street. They are all at least two storeys in height and are constructed of red brick with pitched roofs.

Examination of historic plans of the area show that prior to the late 20 century buildings to the west side of Beaumont Street were indeed located to the back edge of the footpath although their exact physical nature is difficult to identify.

The current proposal is based on the corporate needs for Lidl with a rectangular store design supported by car parking to the front/ side. This arrangement leads to the opening up of the site to the Beaumont Street frontage weakening the street scene and significantly changing the setting of the listed buildings. The building proposed in its set back position is also in a single storey horizontal format with few windows and or distinguishing features. As such the proposal does not conform to the designated historic environment which surrounds it on almost three sides.

Consideration, however, should also be given to the wider non designated environment. To the south is the Salvation Army Citadel which is set back from the road, as do the final housing units to Etherington Street. Car parks are also found to the street frontage opening up this area. Planting, however, to these car parks does provide some presence and enclosure. Such structures, openings do not significantly detract from the street.

The current car park also needs to be considered. It creates a strong sense of enclosure to Beaumont Street being close to the pavement and three storeys in height. The car park, as described earlier, has few other benefits and is generally considered to be out of character with its surroundings. Indeed it is considered that the present car park significantly harms the conservation area and listed buildings. The current proposal therefore provides an opportunity to enhance the environment at this key town centre location.

In line with good urban design practise and in recognition the built form and layout of the conservation areas and listed buildings officers sought to negotiate a reconfiguration of the scheme to try to get the store to front Beaumont Street. This was not possible, however, due to covenants constraining the applicant which requires a large area to remain open to Oldrids and the Lindsey Centre. The applicant also showed that their store footprint, which is commercially is important to them, could not fit into the space available and would be positioned tight up to the boundary of the listed buildings to the north. This could be considered to create a non-characteristic relationship in the built form which would also harmful the significance of the listed buildings.

Whilst the store is a standard design for Lidl it is not, however, without merit. The frontage to Beaumont Street includes a full height glazed frontage which allows views inside of the building. Such a feature would activity to the street. Similarly, this glazing would wrap around the corner of the northern elevation adding interest to the structure. Whilst the northern elevation is more utilitarian the centre of Gainsborough has a history of large industrial buildings and this proposal presents, perhaps unintentionally, a modern version of this. Again though, the elevation is not without merit and is broken up by differing materials and advertisements. Whilst the building would not be strictly in accordance with the small plot dimensions of the Town Centre conservation area it replaces the multi storey car park which was a very large single building that dominated and harmed the appearance of the conservation area. In addition, the Market Place and Main Street effectively turn their back on the site so that apart from views along Heaton Street the historical connection between these areas and the store would be less readily obvious protecting their significance.

Taking account of: a) the legal limitations placed on the applicant by the owner of the site b) the commercial requirements for a successful modern retail store and c) the significant detrimental impact the current car park has on the significance and character of the listed buildings and conservation areas it is considered that the proposal does represent a modest

enhancement to the setting and significance of the heritage assets within this part of Gainsborough town centre.

- Residential amenity (STRAT1, RTC1, MT1, NBE17 and NBE18), and

The site is surrounded mainly by commercial land uses and as a result the operation of the proposed store is unlikely to cause significant concern. The exception to this is to the south where the store and service area would adjoin residential properties that face Etherington Street.

Given the southerly position of these dwellings/ gardens to the proposal, and taking account of existing structures on site, the new store would be unlikely to cause significant concern with respect to privacy, light, sunlight and/or dominance, indeed the proposal could even represent a modest improvement for residents particularly given the low eaves and ridge levels and proposed landscaping.

The service area proposed is in a very similar location to the current Boyes Store but the loading bay alignment is such that vehicles would have to fully access this area to turn and reverse into the bay to the south western end of the building. This is different the current arrangement whereby articulated vehicle partially block the highway whilst unloading.

Lidl usually have one vehicle servicing the site each day with potential for two at peak periods e.g. Christmas and Easter. Servicing usually occurs outside store hours which usually means between 10:00 and 07:00 the following day.

Given the position of the bay in relation to the adjoining houses the unloading of vehicles would be screened by the actual store itself reducing noise and nuisance maintaining residential amenity. A noise assessment has been produced (based on actual noise readings around the site and readings at existing stores during unloading) which indicates that even late at night/ early morning the levels of noise generated would not be significantly greater than is currently experienced. This is positive and would limit nuisance to residents.

To get to the bay, however, articulated vehicles would have to manoeuvre close to the existing garden areas of 29-33 Etherington Street. There is also a flat above the antique centre. At their closest vehicles would be within 9m of the adjoining dwellings. A tracked path analysis has been provided and this shows access would be by a single in and reverse manoeuvre limiting nuisance. It is recommended, however, that the area bounded by acoustic fencing to limit noise nuisance to these properties. A management plan has also been submitted to reduce nuisance from servicing. An example of the measures proposed include the turning off of refrigeration units on vehicles before entering the site.

The screened nature of the loading bay, acoustic fencing, single vehicle servicing arrangement and the management plan would limit the impacts on the adjoining residential properties. A condition, however, is recommended to limit actual servicing hours from between 11:00 in the evening until 07:00 the

following morning to protect residential amenities. Such a condition is agreeable to the applicant.

- Drainage and Contamination (STRAT1, NBE14 & NBE17)

The site is located within Environment Agency Flood Zone 2. It is therefore at risk from flooding and the NPPF requires that a sequential analysis is undertaken to consider whether there are any less vulnerable sites readily available that could accommodate the development. Para. 102 notes, however, that where 'it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied.'

In this instance, the development is a key town centre use which needs to be located within the most accessible locations. Equally to resist such a proposal within a key town centre location would seriously hamper the regeneration of Gainsborough, particularly as significant areas of the primary shopping area is located within Flood Zone 3. For this reason it is considered that there are no other suitable locations for the proposal and subject to passing the exceptions test required by the NPPG and demonstrating that the development will be safe for its lifetime, and not make flooding worse elsewhere, it should be approved.

In this instance, the requirements of the exceptions test would be met and the Flood Risk Assessment (FRA) has shown that the development would be safe. A condition for the development to accord with the terms of the FRA and specifically finished floor levels is also recommended by the Environment Agency.

The site is currently fully built upon and all surface water runs into the combined sewer. At times of extreme rainfall the system cannot cope and flooding has occurred as a result of drains being full. In addition to this, investigations have shown that water table in this location is very high which rules out the use of soakaways.

Following negotiations the applicant has amended the original design and as a result the site will now drain into only two sewers with significant attenuation which allows excess water to be stored on site with only limited controlled flows draining into the actual sewer. This represents a betterment to the existing situation. In addition to this, although the water table is high the applicant is recommending that the parking bays are constructed of permeable aggregate to provide additional capacity to store additional water for a time before it flows to the drain which will add to the sites attenuation capacity. The revised scheme has met the concerns of the Council's Environmental Protection officer concerns and no objections have been received from the Lead Flood Authority.

The Council's Environmental Protection Officer has raised issues with respect to the potential for contamination but is content that an appropriately worded condition would acceptably deal with this issue.

Other matters

S106 requirements

S106 agreements are important to offset the impact a development may have on its surroundings. This may take the form of physical works on or off site, provision of a service or a contribution toward something that will mitigate the impact of a proposal on the locality. Paragraph 204 of the NPPF, however, provide specific tests which should be met, before a contribution should be requested. These are as follows:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition to this, CIL Regulation 123 requires that a planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that—

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and
- (b) five or more separate planning obligations that—
 - (i) relate to planning permissions granted for development within the area of the charging authority; and
 - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

Gainsborough Town Council has outlined a number of worthy schemes which should be supported, this includes toilets at the bus station, real time bus information, shelters and public art. Such schemes however worthy do not comply with the tests for s106 infrastructure. The proposal is acceptable in planning terms without requiring these contributions. Secondly, apart from being within the town centre the scheme is not directly related to these requests. Finally, the improvement of the bus station and real time bus/ public transport system is a significant undertaking and as a result these improvements are not deemed fairly and reasonably related in scale and kind to the development. The applicant has agreed however to provide space for any public art works which the Town Council may wish to erect. Whilst positive this is not something which should be given weight within the determination process and does not fall within any proposed s106.

The proposal would however, increase the potential pedestrian flows across the A156 to Marshall’s Yard, reducing safety. As a result of this, the applicant has agree to contribute towards the provision of the crossing in conjunction with West Lindsey Council and Lincolnshire County Council. This is being done in partnership as it is accepted that there are already pedestrian flows across the road away from the existing designated crossings. This contribution is therefore deemed to meet the s106 tests outlined above. There

would also not be more than 5 contributions to this project which would meet the CIL regulation 123.

Usually, an application is deferred by the committee to allow a s106 to be drawn up and signed and the released at the same time as the decision notice. This is deemed good practise and promoted within the NPPG, para. However, the NPPG also notes that in exceptional circumstances a condition can be placed on a permission to require an s106 to be entered into. In this instance, the applicant has for commercial reasons achieve planning permission before the end of May which provides very little time to achieve a signed s106. Given the importance of the scheme to Gainsborough it is recommended that a condition requiring the signing of a s106 before work commences on site is deemed acceptable in this particular case.

The Planning Balance and Conclusion

The site is located within Gainsborough Town Centre and is even allocated within the Central Lincolnshire Local Plan as part of the prime retail area. The proposal would bring an enhanced retail offer to the town centre which would attract people from a wide catchment. The proposal therefore complies in principle with the local and national planning policies. This is a significant consideration.

The site is located centrally between two disparate parts of the town centre. The proposal has, through its design and layout provide a lit, paved walkway that, subject to the provision of a signalised pedestrian crossing would provide a safe and more inviting link between the Market Place and Marshall's Yard. This is also a significant consideration.

The proposal would remove a large, unattractive and inappropriate building from the street scene, which would enhance the appearance and setting of the conservation areas and listed buildings. Whilst the proposed scheme would not fully accord with urban design principles when considering the formation of a street or indeed enclosure, it is not without merit and would introduce, subject conditions a more attractive and active thoroughfare for users. Similarly, the proposal would create a large area of open space to Beaumont Street which would not accord with the character of the conservation areas nor provide an ideal setting for the two listed buildings. Taking into account the commercial limitations of the sale of the site placed on the applicant and the benefits of removing the current harmful building from the area it is deemed that the proposal presents a modest improvement to the character of the conservation areas and the setting of the two listed buildings.

The proposal would remove a significant car parking facility from the town centre with few car parking spaces being provided by the scheme. This may create more competition find spaces in future. The current car park, however, has not operated in its full capacity for some time with only the ground floor being available to drivers. Surveys have also shown that during this period, for the vast majority of time, spaces were available within the Council's own car parks. This together with the applicant's agreement to allow 90 minute parking

on site would be sufficient to protect car parking provision within Gainsborough.

The proposal would bring additional traffic to Beaumont Street at certain times of the week which could impact on traffic flows and the amount of conflicting traffic movements made as cars turn into and out of the site. Surveys have shown, however, that traffic generated by the proposal would not be significantly greater than current levels generated by the car park and that flows and safety would not be detrimentally effected by the proposal. Similarly, despite the levels of traffic in this part of Beaumont Street the area does not have a problem with respect to safety. It is accepted, however, that the proposal would increase pedestrian access to and from Marshall's Yard/ the Town Centre and as a result a contribution to pedestrian crossing has been agreed, with Lincolnshire County Council designing and constructing such a facility. This would reduce safety concerns when compared with the present situation.

The development would be positioned within flood zone 2 and would be at risk from flooding in a catastrophic event. The proposal, however, would not be in a particularly different situation to the rest of the town centre and is less vulnerable than retail units within the Market Place. Similarly, works are proposed to mitigate such a hazard and the surface water system proposed would represent a betterment which would improve the current situation slightly during heavy rainfall.

The development has been designed so that for the most part the scheme would have a minimal impact on residential amenity. The proposal, however, would bring a service yard close to residents. This could lead to an increase in nuisance, however, subject to conditions relating to boundary treatments and hours of operation it is considered that residential amenity would be protected.

In conclusion, it is considered that this is an important town centre opportunity and that benefits of the scheme would enhance the vitality and viability of Gainsborough outweighing its limitations and that subject to conditions this scheme should be granted permission.

Recommendation: Grant Permission subject to conditions

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT1 and CORE 10.

3. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing and/or walling to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior the store being first brought into use.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10

4. No development shall take place until, a scheme has been agreed in writing by the Local Planning Authority in conjunction with the Local Highways Authority for the construction of a 3 metre wide footway linking the site to the proposed signalised crossing at the Beaumont Street frontage of the site. The agreed works shall be fully implemented before the store is first brought into use.

Reason: In the interests of highway safety, sustainability and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

5. No development shall take place until a s106 planning legal agreement has been entered into and signed to ensure a contribution towards the creation of a signalised pedestrian crossing of Beaumont Street.

Reason: In the interests of highway safety, sustainability and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

6. The first use of the store shall not commence until the crossing is fully operational and available to use by the general public.

Reason: In the interests of highway safety, sustainability and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

7. Before work commences details of covered cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The approved facilities shall be provided on the site prior to the use of the retail store first commencing and shall be retained and available for use at all times thereafter.

Reason: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to NPPF and in accordance with West Lindsey Local Plan First Review Policies SUS 1 and SUS 5.

8. No development shall take place until details of air conditioning and refrigeration units, including their acoustic performance and any mitigation measures have been submitted to and agreed in writing by the Local

Planning Authority. The approved air conditioning and/or refrigeration units shall be installed in accordance with the approved scheme and be retained as such thereafter.

Reason: To protect residential amenity and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review.

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

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Protection team and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

10. Prior to demolition commencing a demolition and construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) Measures to prevent dust and noise nuisance;

- ii) Measures to prevent vibration damage and nuisance;
- iii) Survey of buildings to be demolished for presence of asbestos and measures to remove and dispose of the material in a safe manner;
- iv) Hours and days of operation;
- v) Routing agreement for demolition and construction vehicles arriving the leaving the site.
- vi) Details of any proposed pile driving include: method, timing and duration of any pile driving operations.
- vii) Measure to prevent mud and debris being brought onto the public highway and measures to mitigate this if it occurs.

The demolition of the existing structures on site and construction of new store shall be undertaken in strict accordance with the approved scheme.

Reason: To protect the amenities of adjoining occupiers and to prevent pollution in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review.

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

11. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1839 03 rev AL, 1839 05 rev P, 1839-09 rev A, 1839 10 rev A, 1839-13 rev B, 1839 16 rev D, 1839 17 rev C, 1839 22, Topographical Survey No. 001, Substation Plans, Lighting Assessment Plan and Reports: Design and Access Statement, Lighting Assessment, Flood Risk and Foul Drainage and Foul Drainage Assessment, Addendum to Flood Risk & Foul Drainage Report, Noise Impact Assessment, Planning & Heritage Statement, Addendum to Planning Note & Updated Heritage Assessment, Preliminary Appraisal Report (Desk Study) of land off Beaumont Street, Gainsborough, Transport Assessment. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

12. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

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

13. The existing vehicular access points to the temporary car parks at Heaton Street North shall be permanently closed immediately the use hereby approved is commenced and the access crossing shall be reinstated as footway in accordance

with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

14. The development hereby permitted shall not be used or occupied until the surface water and sewage disposal works have been completed in accordance with the approved plans and report by WYG titled: Flood Risk & Foul Drainage Assessment except where amended by the Flood Risk & Foul Drainage Assessment Addendum which should then be adhered to.

Reason: In the interest of water quality, flood prevention and the residential amenities of future occupiers in accordance with West Lindsey Local Plan First Review Policies STRAT1.

15. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. Development shall be carried out in accordance with the approved details.

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

16. No development shall take place until, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin storage, shall be submitted to and shall be available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interest of public health, visual amenity and highway safety in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and SUS 7.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), (Rev A, September 2015, WYG Engineering), in particular setting finished floor levels no lower than 7.08m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with STRAT1 of the West Lindsey Local Plan First Review 2006.

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

19. No servicing of the store, including waiting vehicles or activity within the service yard shall occur from 23:00 on one day to 07:00 the following day.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan First Review Policy STRAT1.

20. The arrangements shown on the approved plan 1839 03AL for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: In the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

21. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policies STRAT1, RES1, NBE14 and NBE15

22. Prior to being discharged into any watercourse, surface water system or soakaway, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and oil interceptors with an overall capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policies NBE14 and NBE15.

23. No external system of public address, loudspeaker system or amplified sound/music shall be operated on any part of the site externally without the prior written approval of the Local Planning Authority.

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

Notes to the Applicant

The applicant(s) is/are advised to contact the Area Network Office (01552 553084) prior to commencing work for permission to carry out work on the adopted highway and for advice and assistance in carrying out the works.

The provision of details of boundary treatment required by condition 3 shall include the provision of a 2m high wall to the Heaton Street frontage of the services area.

Reasons for granting permission

The proposed development would provide an additional retail store in an accessible town centre location supporting the vitality and viability of Gainsborough as a shopping destination. The proposal would enhance the built environment and the setting of heritage assets and would maintain highway safety, traffic flows and car parking facilities. Subject to conditions the development would protect residential amenity and provide adequate mitigation from flood risk and enhance surface water drainage. The proposal would therefore conform to saved Policies: STRAT1, SUS1, SUS4, SUS5, MT1, CORE4, CORE5, CORE10, RTC1, NBE14, NBE18 and NBE19 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by : Jonathan Cadd **Date :**

Signed:

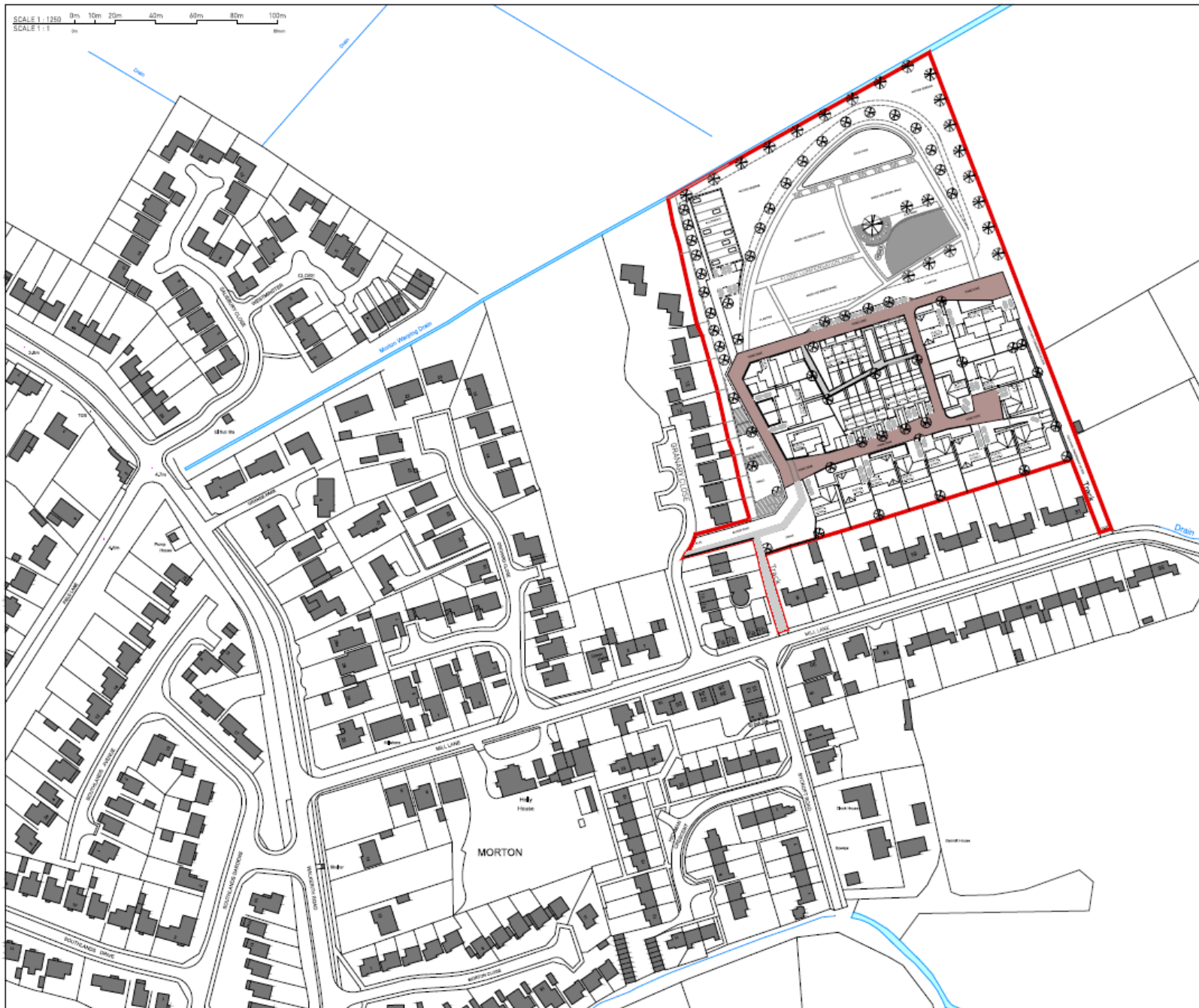
Authorising Office **Date:**

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee



Officers Report

Planning Application No: 133918

PROPOSAL: Outline planning application for residential development of up to 37no. dwellings, including 10no. affordable homes-access to be considered and not reserved for subsequent applications-resubmission of 132760

LOCATION: Land off Granary Close Morton Gainsborough

WARD: Scotter and Blyton

WARD MEMBERS: Cllr Mrs P Mewis, Cllr A Duguid, Cllr Mrs L A Rollings

APPLICANT NAME: Mr & Mrs Youngman

TARGET DECISION DATE: 26/04/2016

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION:

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

- The provision of no less than ten affordable housing units being of a type and tenure to specifically meet the identified need within the Parish of Morton (rented accommodation consisting of 2x two bed houses and 8x one bed apartments);
- A capital contribution towards making available education capacity in lieu of on-site provision, equating up to 7 additional primary school places and 1 school-based sixth form place;
- Measures to deliver and ensure the ongoing management and maintenance of the areas of Public Open Space and flood compensation zone.

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

Description:

The application seeks planning permission, in outline, for residential development of up to 37 no dwellings (including 10no. affordable dwellings). Access is detailed for consideration as part of the application. Matters of scale, layout, appearance and landscaping are all reserved for subsequent approval ("reserved matters").

Vehicular access is proposed to be taken directly off Granary Close to the west. This would be across a currently grassed vacant plot between 4 and 6 Granary Close. Two pedestrian accesses would be available from Mill Lane to the south, from between 9b and 9 Mill Lane, and to the side of 31 Mill Lane.

The indicative layout shows the northern half of the site to be allocated as open space as a “flood compensation zone” with areas indicated as a children’s’ play area, allotments and “duck pond”. This would be excavated to 1.3m below existing levels.

The residential development would be concentrated in the southern half of the site. Ground levels within this area would be raised to form a “development plateau”.

The application is a resubmission for planning permission. Application 132760 was refused permission on 17 June 2015 on the grounds, in summary, that it had not been demonstrated to meet the NPPF sequential test which aims to steer development to areas with the lowest probability of flooding, and that it was considered that there were reasonably available sites in areas with a lower probability of flooding.

The application site is a broadly rectangular field, measuring 3 hectares (Ha) in area. The site is currently being used as paddocks for grazing horses. There are some small ancillary buildings along the eastern and western boundaries. A gated access is taken from alongside 9 Mill Lane and 31 Mill Lane.

The site is adjacent to the village of Morton. It is located to the north-east of the village, to the rear of properties in Granary Close and Mill Lane. It sits adjacent to the settlement boundary for Morton as defined in the West Lindsey Local Plan First Review 2006 (WLLP). The settlement boundary runs adjacent the west and southern edges of the application site.

To the west are residential properties along Granary Close. These comprise late 20th Century residential properties, predominantly two storey. Garden boundary fences adjoin the site.

To the south are properties along Mill Lane. These are all two storey, mid-20th century semi-detached properties.

In the south-western corner of the site is the Mill at Gainsborough Laundry – a grade II listed building converted to residential use.

Open fields adjoin the site to the north and east. These boundaries are marked with interspersed planting.

The site is within an area identified as Flood Zone 3 (high probability).

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

The development has been assessed in the context of Schedule 2 of the Regulations and does not exceed the thresholds set under paragraph 10(b)¹. Neither is the site within a sensitive area as defined in Regulation 2(1). The development is not deemed to be either 'schedule 1' or 'schedule 2' development and is not 'EIA development' for the purposes of the regulations.

Relevant history:

GR/89/65 – Erect dwellings. **Refused planning permission.**

W64/678/88 – Outline application to erect 80 dwellings in accordance with revised plans received 22 July 1988. **Refused planning permission 15/08/1988.**

132760 - Outline planning application for residential development of up to 37no. dwellings, including 10no. affordable homes, with access to be considered. **Refused planning permission 17/06/2015.**

The reason for refusal is as follows:

- 1. The development is proposed within an area identified as Flood Zone 3 (high probability). The submission has not adequately demonstrated a Sequential approach to steer development to areas with the lowest probability of flooding and it is considered that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development does not meet the Sequential Test and is therefore contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review; and is contrary to the provisions of the National Planning Policy Framework and does not meet the presumption in favour of sustainable development.*

Representations:

Morton Parish Council: Object to this application, with the same objections as previously supplied when these plans were submitted in 2015 - reference number 132760. Have concerns regarding:

Flood Risk - the area is Flood Zone 3 (high probability), Council do not believe that the applicants have adequately demonstrated how this will be dealt with.

Access / Egress: Granary Close and Mill Lane are small, narrow roadways - Council believe that access to the proposed development would be dangerous and that Waste Lorries and emergency vehicles

¹ As amended by The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

would have difficulties in accessing the existing properties, as well as the proposed new development properties.

Access to Local Services: The local primary is already oversubscribed and waiting times for Health appointments at GP surgeries is close to 8 weeks. Council believe that this new development would create added pressure on these services, impacting on existing residents.

Drainage: Council believe that the existing drainage arrangements in Morton are poor and that this new development would add increasing pressure to an already outdated and overloaded system.

Environment Agency: Satisfied with Flood Risk Assessment (FRA). Recommend conditions to ensure compliance with FRA and mitigation measures as follows:

- Finished floor levels set no lower than 4.8m above Ordnance Datum
- Provision of compensatory flood storage in accordance with 'Proposed Earthworks' drawing.
- Flood resilience measures as detailed (in section 5.4).

Also advise conditions to secure details of the surface water drainage scheme for the site; and to require a remediation strategy if previously unidentified contamination is found (Possibility of contamination from former laundry outside of site).

WLDC Environmental Protection: Has concerns and seeks assurances regarding the raised levels intended for development of this site as regards potential for impeding and redirection of flood flows should they occur. Has concerns with safe access/egress – to be flagged to emergency planners. Advise condition in respect of potential for contamination arising out of former laundry and dry cleaning operations to the south west of the site.

Natural England: Has no comments.

Lincolnshire Wildlife Trust: Satisfied that there should not be any significant impacts on protected species as a result of the proposed development. Supportive of the indicated provision of green space in the development and the retention of the existing boundary planting. Whilst we would support the creation of waterbodies on site, we would strongly encourage the creation of a wildlife pond designed to encourage amphibians. High concentrations of waterfowl at ponds can make ponds unsuitable for other species of wildlife. Would welcome the inclusion of features such as attenuation ponds and swales which could provide new habitats on site as well as forming part of a SUDs scheme. Recommend that native species-rich grassland habitats are incorporated within the site. We strongly support the consultant's recommendations for the inclusion of features within the built environment for biodiversity.

Archaeology: No archaeological input required.

NHS England: Advises they will not be commenting on the application.

LCC Education: This development would result in a direct impact on local Schools. In this case both the primary and the school-based sixth forms at Gainsborough are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested. At present projections show that, excluding the effect of the development in question, Morton Trentside Primary School will have no permanent surplus places and Gainsborough school-based sixth forms will have no surplus permanent places by 2018 when it is reasonable to presume this development would be complete or well on the way. Contribution of £97,362 sought for 7 additional primary school places and 1 school-based sixth form place.

Lincolnshire Police: Consider it is generally a well-considered development making effective use of a largely cul-de-sac layout which has been proven to enhance safety and security and enhance the development of community. Offers detailed advice on improving safety and security.

Lincolnshire Fire and Rescue: Object on the grounds of inadequate water supply for fire-fighting purposes. To overcome the objection, recommend the installation of one fire-fighting hydrant at the site entry point.

LCC Emergency Planners: Application does not meet criteria for comment in draft policy. As Local Authority Emergency Planning we cannot comment or reply on behalf of the Emergency Services with regard to planning proposals putting a burden upon them or whether proposals are appropriate or pose too significant a risk to life. I see from the documents on your website that Lincolnshire Police and Lincolnshire Fire & Rescue have been consulted with and both have responded, they are best placed to answer the specific queries that the EA suggest.

WLDC Waste Management: Concerned with ability of WLDC freighters to be able to manoeuvre around indicative site layout.

Local Residents:

Objections from **1A, 4, 8, 14, 16, 18, 22, 24 Granary Close, 7, 7B, 9, 9A, 10, 13, 32, 56, The Windmill Mill Lane, 20 Queensfield (Gainsborough)**. In summary:

- Nothing has changed since refusal of planning application 132760, which was identical. Should be refused on same grounds;
- Site is in flood zone and at risk of flooding;
- Raising ground levels will increase surface water run-off to neighbours;
- Question whether existing foul water drainage system has capacity;
- Applicant's sequential test is flawed: it considers only Morton and not sites further afield;
- Affordable housing needs survey had low response rate;
- Concerns with highway safety and safety of proposed access;

- Allotments and children play area will generate further traffic than has been assessed;
- Local roads are not safe, including junction of Granary Close with Mill Lane. Car parking in road restricts access;
- Development does not provide enough car parking spaces for residents;
- Pedestrian access from Mill Lane will reduce privacy of existing residents;
- Insufficient capacity in local health surgery;
- Morton village infrastructure does not support current population, never mind additional households;
- Local school is oversubscribed;
- Public transport network is inadequate;
- Loss of light / overshadowing of 16 Granary Close (a bungalow);
- Development will result in noise and disturbance;
- Construction period will be noisy and disruptive to residents;
- Morton has had more than its fair share of new build;
- Morton should be left as it is – peaceful and idyllic;
- Brownfield sites should be prioritised over this greenfield site, as encouraged by emerging Central Lincolnshire Local Plan;
- Emerging CL Local Plan does not allocate this site for residential development;
- Emerging CL Local Plan states that medium villages will only accommodate a limited amount of development (on sites of up to 9 dwellings). It states that only exceptionally may sites of up to 25 dwellings come forward where justified by local circumstances;
- Will affect Local Wildlife - Barn Owls, Tawny Owls and other birds of prey use the site for hunting and feeding;
- Proposed duck pond introduces risk of drowning;
- Will result in loss of facilities for Morton residents to stable their horses;
- Boundaries to pedestrian access could affect ability to park at The Windmill;
- Application has not been publicised correctly.

Relevant Planning Policies:

National Policy

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

Local Policy

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) 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).

- STRAT 1 Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- STRAT 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- STRAT 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- STRAT 12 Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- STRAT19 Infrastructure requirements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS4 Cycle and pedestrian routes in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- RES 1 Housing Layout and Design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- RES 2 Range of housing provision in all housing schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- RES 5 Provision of play space/recreational facilities in new residential development.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- RES6 Affordable housing provision
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- CORE 10 Open Space and Landscaping
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- NBE10 Protection of Landscape Character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 14 Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- NBE19 Landfill and Contaminated Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>
- NBE20 Development on the Edge of Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

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 3rd Draft of the Central Lincolnshire Local Plan (CLLP), the Proposed Submission CLLP, was approved for public consultation by the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) on 14th March 2016. It is scheduled for consultation between Friday 15th April and Thursday 26 May. Following consultation, it will be formally submitted to the Secretary of State for examination. The plan will be available here:

<http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

At this final draft stage of plan preparation, the weight to be given to this emerging Local Plan is more substantial than for previous stages, though the 'starting point' for decision makers remains with the extant plan.

Morton is allocated as a 'Medium Village' by policy LP2: The Spatial Strategy and Settlement Hierarchy. Policy LP2 states that:

“these settlements will accommodate a limited amount of development in order to support their function and/or sustainability. No sites are allocated in this plan... typically development proposals will be on sites of up to 9 dwellings... However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings... where proposals can be justified by local circumstances.”

Policy LP4: Growth in Villages proposes a limit of 15% growth for Morton over the lifetime of the plan (2016-2036), due to its proximity to Gainsborough, flood risk issues and proximity of key facilities.

The CLPP sets out (appendix B) that Morton has a base number of 633 existing dwellings. It sets out that, taking into account existing permissions/completions, 15% would equate to an additional 72 dwellings in Morton over the Plan lifetime.

Assessment:

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

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

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

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

National Planning Policy Framework

A significant material planning consideration to consider against the Local Plan provisions, is the National Planning Policy Framework (NPPF).

Paragraph 215 states:

'...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).'

Paragraph 49 states that:

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

The latest housing land supply assessment (October 2015) produced by the Central Lincolnshire Local Plans Team, 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 (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)

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 with the CLLP Local Plan examination expected to be held in the 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.

However, in order to demonstrate a 5yr HLS, has required departures from the Statutory Development Plan – the WLLP 2006 no longer addresses the objectively assessed housing need. Consequentially its spatial application and housing supply policies are considered to be 'out of date'.

Accordingly, the NPPF presumption in favour of sustainable development balancing test should be engaged. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, the "golden thread" of decision making.

For decision-taking this means:

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

Is Morton a Sustainable Location?

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

Morton is identified as a Primary Rural Settlement in saved policy STRAT3 of the West Lindsey Local Plan 2006.

Morton contains a convenience store (Front Street, around 850m from the site centre), community centre and primary school (both Crooked Billet Street – around 600m from the site centre), two churches and two public houses (both on Front Street).

Bus stop facilities are in Walkerith Road. This is approximately 400m, from the centre of the site. An hourly bus service (stagecoach 1A) runs to Gainsborough Monday to Saturday (not evenings or Sundays). The first bus departs at 0715 and arrives at Gainsborough bus station for 0726. The last return bus departs Gainsborough bus station at 1754 and arrives back 1808.

Morton adjoins Gainsborough, with secondary school provision at Queen Elizabeth’s High School and health facilities at Vanessa Drive.

In the merging CLLP, Draft policy LP2 allocates Morton as a ‘Medium Village’. The draft Plan does not allocate specific development sites in medium villages, but does envisage development of sites up to 9 dwellings (exceptionally 25 dwellings where justified by local circumstances).

Draft policy LP4 sets growth in Morton at 15% - an additional 72 dwellings in Morton across the Plan lifetime (up to 2036). In setting growth at 15% (the standard is 10% for medium villages), LP4 explains this is due to proximity to Gainsborough, provision of key facilities, but acknowledges flood risk as a constraint.

Accordingly, Morton is considered to be a sustainable location to accommodate an additional 37 dwellings as being proposed.

The development does however propose development of up to 37 dwellings, larger than that being envisaged (or exceptionally envisaged) by policy LP2 for any single site in Morton.

Affordable Housing

There is a demonstrated need for affordable housing as evidenced by the Central Lincolnshire Strategic Housing Market Assessment 2015 which requires 911 affordable homes per annum for the years 2014 – 2019 to address an existing backlog and then 676 affordable homes per annum for the remaining years up to 2036. Therefore there is an evidenced need for affordable housing across the district.

WLLP policy RES6 states that “Where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”.

The application seeks to erect 10 affordable houses – 27% of the total amount of units. Development therefore accords (slightly exceeds) with the policy position.

In addition, the applicant has submitted a Housing Needs Survey for Morton Parish (October 2015). The survey had 67 responses of which 5 identified a member of their household being in housing need.

The Survey also draws upon the Lincs Homefinder Register, and overall concludes a specific affordable housing need within Morton Parish for:

- 19 households requiring 1 bed accommodation;
- 4 households requiring 2 bed accommodation;
- 1 household requiring 3 bed accommodation.

All these were identified for affordable accommodation for rent.

Taking into account the latest housing need for Morton on the Lincs Homefinder CBL system, the Housing and Communities Project Officer is agreeable to 8no. 1-bedroom apartments and 2no. 2 bed houses as contributing towards a specific local need.

The applicant has agreed to all ten affordable housing units being of a type and tenure to specifically meet the identified need within the Parish of

Morton(2x two bed houses and 8x one bed apartments). This will need to be secured through a S106 Planning Obligation.

Local Infrastructure Capacity

Neighbours have cited concerns with the capacity at local schools and health care facilities.

WLLP policy STRAT1 requires development to be satisfactory in terms of “ix. *The availability and capacity of infrastructure and social/community facilities to adequately serve the development.*”

STRAT19 requires that “*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.*”

NHS England have raised no concerns with capacity issues and say they do not wish to comment on the application.

‘The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities’ (NPPF paragraph 72).

The Local Education Authority (Lincolnshire County Council) advises that the development would result in a direct impact on local Schools. In this case both the primary (Morton Trentside Primary School) and the school-based sixth forms at Gainsborough are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to enable up to 7 additional primary school places and 1 school-based sixth form place.

The applicant has agreed to make a capital contribution to enable this – this would need to be secured through a S106 Planning Obligation. Subject to a S106 obligation, development would accord with WLLP policy STRAT19.

Highway Safety

Access is a detailed matter for consideration with this outline application. Vehicular access is sought from Granary Close, with pedestrian access sought from Mill Lane.

A recurrent theme within neighbour objections is concerns with highway safety – the adequacy of the site access, and the adequacy of Granary Close and Mill Lane to accommodate further traffic (particularly with on street car parking taking place).

The Granary Close access would have a 4.8m wide carriageway and 6m corner radii. The accompanying Transport Statement estimates the

development will generate an additional 39 trips during AM peak hour (8-9am) and 26 trips PM peak hour (5-6pm). It concludes this will have a minimal effect on the local highway network.

Lincolnshire County Council, as the Local Highways Authority, has previously confirmed it has no objection in principle and has previously advised that the access proposed is acceptable. This would need to be secured by planning conditions.

It is considered that development would accord with saved Local Plan policy STRAT1(ii) which requires “*ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;*” and the NPPF (paragraph 32) which states that “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”.

Residential Amenity

Some of the neighbours on the boundary are concerned that the development will increase overlooking and lead to a loss of privacy.

However, the indicative plan would suggest that the site could accommodate development of up to 37 dwellings whilst maintaining satisfactory separation between properties (distances of >30m are indicated).

Neighbours are concerned that the raised plateau could result in the new properties dominating their outlook and having elevated views over their properties. Topographical details and cross-sectional drawings indicate that the site levels are currently 3.2m and above – suggesting the plateau would raise levels by around 1-1.5 metres. At the distances involved and level changes proposed, this would not be anticipated to result in an overly dominant development form.

Subject to final scale, layout and appearance (reserved matters), development would be expected to accord with saved policies STRAT1 and RES1 in this regard.

The Granary Close access would have a 4.8m wide carriageway running between the properties at 4 and 6 Granary Close. The accompanying Transport Statement estimates the development will generate an additional 39 trips during AM peak hour (8-9am) and 26 trips PM peak hour (5-6pm). Vehicle and pedestrian movements along the access will introduce noise not presently experienced by these existing residents.

The applicant has been requested to undertake a Noise Impact Assessment in order to ascertain the likely extent of noise to the neighbours and whether this will require any mitigation.

The applicant has declined to provide any such Assessment, stating that they “*consider that mitigation in the form of boundary treatment at the site entrance*”

new landscaping, possibly fencing or even an acoustic fence would be dealt with by the Reserved Matters application.”

In the absence of an Assessment, it is not possible to quantify any such impact. However, it is considered likely that harm will arise from this arrangement that will potentially require some form of mitigation. Therefore, a ‘Grampian’ style planning condition is recommended, which would prevent development taking place unless a Noise Impact Assessment, to include a scheme of mitigation as necessary, has been submitted to and agreed with the local planning authority.

Some neighbours have cited noise/nuisance concerns with the construction phase. A condition to require a construction management plan, including hours of operation, is recommended.

Landscape and Visual Amenity

Development would take place on green fields along the settlement edge. Policy STRAT9 gives sequential preference to previously developed land, consistent with the NPPF (paragraph 111 states “Planning... decisions should encourage the effective use of land by re-using land that has been previously developed...”)

Nevertheless, in accepting Morton for some limited (15%) growth, edge of settlement sites will inevitably need to be considered.

The site lies within the Trent Valley Local Landscape Character Area (LCA) as identified in the West Lindsey Landscape Character Assessment 1999. It is not considered to be a highly sensitive landscape. The application site is located within an alcove set by residential properties along Granary Close and Mill Lane. It would not be readily apparent from any visually sensitive receptor points and it is not considered to be a visually sensitive area.

It is considered that any harm arising from the development of this edge of settlement green field site would not be substantial.

Consideration of final layout and landscaping (reserved matters) will be able to ensure a ‘soft’ edge to the settlement.

Ecology

A Phase 1 Habitat Study is submitted with the application. It finds Swallow nesting within one of the buildings. It also considers the drainage ditch on the northern boundary to be suitable for water voles, and potential suitable habitat for reptiles.

Recommendations are made to ensure remedial works take place outside the nesting season; bat bricks and artificial swallow cups are proposed for new dwellings; a strategic method plan to prevent construction run-off and soil leaching; a full reptile presence / absence survey.

Planning conditions can be used to secure the recommended mitigation.

Natural England has raised no objections and the Lincolnshire Wildlife Trust (LWT) advises they are satisfied that there should not be any significant impacts on protected species as a result of the proposed development. LWT recommend habitat creation for amphibians and incorporation of native species-rich grasslands. A Biodiversity enhancement plan can be secured by planning condition.

Flood Risk Sequential and Exceptions Test

The application site is within an area identified by the Environment Agency as Flood Zone 3 (high probability).

Saved WLLP policy STRAT1(xii) has regard to other material considerations which include “avoiding utilising land subject to flood risk”. This is consistent with the NPPF’s sequential test approach (paragraph 100 onwards), with the aim “to steer new development to areas with the lowest risk of flooding”. Paragraph 101 states that “development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with a lower risk of flooding.”

Planning policy at both a National and Local level is clear – to avoid development in areas at risk of flooding and steer to lower risk areas; not to simply mitigate against the risk of flooding in such locations.

The application under consideration is in effect identical to that refused planning permission in June 2015 (application 132760) on the grounds that it failed the NPPF sequential test and that there were sites reasonably available at a lower risk of flooding.

Planning Practice Guidance² states that *“the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed”* and that³ *“The developer should justify with evidence to the local planning authority what area of search has been used when making the application”*.

The application includes an updated “Sequential Test” (January 201[6]). It puts forward that the entire Parish of Morton is within Flood Zone 3 (high probability). “By delivering homes for local people the development will support the local economy and the future sustainability of the Parish.”

It is still considered that there are reasonably available sites at a lower risk of flooding to the application site within the overall West Lindsey District, in order to meet housing need. However, the application proposes 10 affordable homes to meet a specific need identified within the Parish of Morton.

² Planning Practice Guidance on Flood Risk and Coastal Change: [Paragraph: 033 Reference ID: 7-033-20140306](#)

³ [Paragraph: 034 Reference ID: 7-034-20140306](#)

Furthermore, the emerging CLLP does anticipate growth of 15% (72 dwellings) within Morton during the Plan's lifetime.

On the basis that the development will be obligated to meet a need specific to the Parish of Morton, it is considered justifiable to only apply the Sequential Test to the Parish area. On that basis the test will be met – as the entire Parish is effectively within Flood Zone 3. There are no reasonably available alternative sites at a lower risk of flooding.

NPPF paragraph 102 states that:

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the test will have to be passed for development to be allocated or permitted.

A more vulnerable use such as dwelling houses within flood zone 3 is required to pass the Exceptions Test.

It is considered that the provision of housing, social housing and public open space (including allotments and children's play area) within this location would constitute 'wider sustainability benefits'. The Environment Agency has advised it considers appropriate mitigation is proposed, as is detailed below.

On the basis of applying the Sequential Test only to the Parish of Morton – it is considered that the development does pass the Sequential and Exceptions Tests required by national policy.

Flood Risk and Mitigation

NPPF Paragraph 103 states that:

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*

An updated Flood Risk Assessment (FRA) has been submitted with the application (revision C dated January 2016). It identifies the primary flood risk to the site is from the River Trent with the site at risk from both a breach of the defences. The site lies within FZ3 although the flood defences currently provide a protection level meaning the site wouldn't flood even in a 1000 year event, unless the river defences completely failed. It considers that there is a residual risk to vulnerable people however the risk is considered small as the main part of the village lies between the site and the River Trent and would attenuate the water flows from any breach and reduce the flow velocities considerably. It identifies a "danger for some" to more vulnerable people (including younger children, the infirm and elderly) in the event of a breach scenario.

The FRA proposes a flood plain volumetric compensation design – the northern part of the site (indicated as public open space with allotments and play area) would be excavated to 1.3m below existing levels. The southern "developable" area would be raised to +4.5m AOD on a "plateau".

Residents adjacent the proposed northern flood compensation area have cited concerns that this will increase flooding risk to their properties. As this land is presently at risk of flooding, the excavated area will contain the water in a managed way leading to potential betterment.

The Environment Agency do not object to development on flood risk grounds, and recommend planning conditions to secure the proposed flood risk mitigation and surface water drainage details.

The Agency do note that the site would not have a safe means of access and egress if there were a breach of the River Trent flood defences. The FRA refers to an evacuation of the site, with the use of the Environment Agency's flood warning service.

The Emergency Planners (LCC) have advised that the size of the site would not meet their draft policy for comment and that they "cannot comment or reply on behalf of the Emergency Services with regard to planning proposals putting a burden upon them or whether proposals are appropriate or pose too significant a risk to life."

The Emergency Services have been consulted upon the application and have not raised concerns in this regard. Lincolnshire Fire and Rescue have advised that *"The issue you have raised following advice from the EA does not really*

affect Fire and Rescue as all of our crews are trained in Flood Response and are appropriately aware of the precautions to be aware of when responding to premises within an area subjected to localised flooding.”

Site Drainage

Tests indicate that the site is perceptible to infiltration. The FRA proposes the use of permeable block paving (with drainage through the surface to a permeable (type 3) sub-base of 300mm thickness. Dwellings would use water-butts and cellular storage soakaways in the gardens.

A Sustainable Drainage System (SUDS) is feasible and a condition to secure final details is recommended.

Neighbours have raised concerns that the raised development ‘plateau’ will result in increased surface water run-off into their own properties. The FRA addresses this issue. Section 3.3 states that *“The drainage performance criteria has been set as no surface accumulation of water (flooding/ponding) on the site for events up to a 100year return period with a 30% additional allowance for the potential for climate change to produce more intense rainfall events. In this regard, surface water accumulation would not be a problem for the development area and the development would not increase the risk to 3rd party properties around the site as surface ponding would not occur even during intense rainfall events.”*

Foul water would use sewers presently located in Mill Lane and Granary Close.

Ground Contamination

Policy NBE19 states that “Development on or near to landfill or contaminated land will not be permitted unless an appropriate site investigation and risk assessment has been undertaken to identify whether gas, leachate and other ground/water contamination presents a risk to human health and environmental receptors. If such problems are demonstrated to exist they will be appropriately remediated prior to development.”

A Phase 1 Contamination Study has been undertaken which concludes, in summary:

In general, most of the site appears to be at low risk of historical contamination however there are two potential sources of contamination that warrant further investigation in advance of the construction taking place. The first of these concerns the former Gainsborough Steam Laundry that was situated in the area of the former mill at the southwestern corner of the site. There are tanks shown on the historical maps and these may have contained hydrocarbons that could have leaked into the ground. It is likely that construction of the houses on Granary Close would have involved moving all remnants of the former laundry

however there may be residual contamination present in the ground. The report recommends that sampling and testing of the ground is undertaken. The second issue concerns the buildings on the site used for storage and stabling. These might contain deleterious materials that could affect the demolition and clearance method chosen by a future contractor on the site therefore some inspection, sampling and testing should be carried out in advance of the construction works on the site.

It is considered that pre-construction investigation (and remediation as necessary) could be secured via a planning condition.

Other matters

Lincolnshire Fire and Rescue have objected on the grounds of inadequate water supply. To overcome the objection, they recommend the installation of one fire-fighting hydrant at the site entry point. The application is in outline – however, there is no evidence to suggest this would not be feasible and it is recommended that an advisory note to this effect can be attached to any decision notice.

The WLDC Waste Management Team have cited concerns with the ability of refuse vehicles to manoeuvre around the site as indicated in the submitted indicative layout plans. This matter has been brought to the attention of the applicant. However, as the application is in outline, with layout a reserved matter, it would be necessary to ensure the final layout is designed to allow for this.

A neighbour has claimed that the District Council has failed to publicise the application in accordance with the statutory requirements. Notices have been served on adjoining owner/occupiers; notices by site display were erected within Granary Close and Mill Lane; and notice was printed in the Gainsborough Echo (04 February 2016). The Council has therefore fulfilled its statutory requirements as set out by s15 of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

Overall Balance and Conclusions

Development would take place on green fields beyond the settlement boundary of Morton. This would be contrary to the provisions of the statutory development plan, namely policies STRAT12 and STRAT9, and development falls to be refused unless there are material considerations to the contrary.

However, in order to demonstrate a 5yr HLS requires departures from the West Lindsey Local Plan – the Local Plan no longer addresses the objectively assessed housing need. Consequentially its spatial application and housing supply policies are considered to be ‘out of date’.

The second bullet point of paragraph 14 of the NPPF is engaged, that 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 up to 37 dwellings towards an assessed housing need. It would contribute 10 affordable dwellings of which there is an identified local Parish need. These factors can be attributed significant weight as benefits of development.

The development would also produce a substantial area of public open space and flood compensation zone – another benefit of the proposed development.

Morton is considered to be a sustainable location for (limited) growth – 72 dwellings is envisaged in the emerging plan. The proposed development would make a significant contribution towards this.

The emerging Local Plan expects sites of up to 9 dwellings – exceptionally 25. Proposing development of up to 37 dwellings, the application site is much larger than that envisaged by the emerging plan. A larger site does however bring forward the benefit of a viable scheme to deliver a larger proportion of affordable homes and a flood mitigation scheme. It would not exceed the overall intended growth for Morton and it is not expected that the development would fundamentally undermine the spatial strategy being proposed in the emerging plan.

It is considered that any landscape and visual impact arising from development of this edge of settlement site would be less than substantial – a suitable landscaping scheme could potentially offer an improvement.

Development of the site is considered to be achievable without having an unduly harmful affect upon the amenities presently enjoyed at neighbouring properties.

Traffic to be generated by the development would not be expected to have a severe cumulative impact on highway safety or capacity.

Traffic movements could increase noise / potential nuisance to residents adjacent to the site entrance. This is a potential harm of development. Measures that would mitigate any such harm are expected to be feasible, however.

The site is in flood zone 3 (high probability). On the basis that the development is considered to be specific to addressing the needs of the

Parish of Morton, then the development is deemed to meet the Flood Zone Sequential Test and Exceptions Tests.

Mitigation is proposed to make the site safe from flooding. The site would not have a safe means of access and egress if there were a breach of the River Trent flood defences.

It is concluded on overall balance that any adverse impacts of the proposed development are not significantly or demonstrably outweighed by the benefits.

Recommendation

It is therefore recommended that planning permission is granted, subject to planning conditions, as listed below, and completion of a S106 Planning Obligation to secure the following:

- The provision of no less than ten affordable housing units being of a type and tenure to specifically meet the identified need within the Parish of Morton (rented accommodation consisting of 2x two bed houses and 8x one bed apartments);
- A capital contribution towards making available education capacity in lieu of on-site provision, equating up to 7 additional primary school places and 1 school-based sixth form place;
- Measures to deliver and ensure the ongoing management and maintenance of the areas of Public Open Space and flood compensation zone.

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

1. No development shall take place until, plans and particulars of the **layout, scale and appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. Application for approval must be made not later than the expiration of three years beginning with the date of this decision.

REASON:

The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

3. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8metre frontage footway on Granary Close and Mill Lane which would link both the proposed access on Granary Close and proposed link footway to Mill Lane, with a tactile crossing point to access the footway on the opposite side of Mill Lane. The agreed works shall be fully implemented before any of the dwellings are occupied.

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

4. No development hereby permitted shall be commenced, unless a Noise Impact Assessment has been submitted to and agreed in writing with, the Local Planning Authority. The Noise Impact Assessment should consider the effect of the proposed vehicular access on neighbouring residential properties, and specify measures for mitigation if required. Development shall proceed only in accordance with the agreed Assessment.

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

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- the utilisation of holding sustainable drainage techniques
 - the limitation of surface water run-off to equivalent greenfield rates
 - the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations
 - responsibility for the future maintenance of drainage features.

Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the provisions of the National Planning Policy Framework and policy STRAT1 of the West Lindsey Local Plan First Review.

6. No development shall take place until, full details of the proposed foul drainage for the site have been submitted to and approved in writing by the

Local Planning Authority. The approved details shall thereafter be implemented in full before the dwellings are first occupied.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

7. No development shall take place unless a full reptile presence / absence survey has been undertaken, submitted to and agreed in writing with the local planning authority. If mitigation is proposed, development should proceed in accordance with the agreed details.

Reason: In accordance with the recommendations at section 7.5 of the Phase 1 Habitat and Protected Species Survey.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routeing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xi) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species (which shall incorporate the recommendations at section 7.1 of the Phase 1 Habitat Survey & Protected Species Assessment (February 2015)).

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

9. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out at Section 7 of the Phase 1 Habitat and Protected Species Survey. Development shall thereafter proceed in accordance with the approved details.

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

10. The development permitted by this planning permission shall be carried out in accordance with the hereby approved Flood Risk Assessment (Revision C: January 2016 by TD Infrastructure Ltd), including the following mitigation measures detailed therein:
- Finished floor levels set no lower than 4.8m above Ordnance Datum;
 - Provision of compensatory flood storage in accordance with 'Proposed Earthworks' drawing UKSD-SA-08-0017 A.00.
 - Flood resilience measures as detailed in section 5.4
- The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere and to reduce the impact of flooding.

11. Access to the site shall be made available in accordance with drawing UKSD-SA-08-0003 A.02. No dwellings shall be occupied before the first 60 metres of estate road from its junction Granary Close, including visibility splays, as shown on drawing number UKSD-SA-08-0003 rev.A02 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

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

Reason: To protect biodiversity in accordance with the recommendations of the Phase 1 Habitat Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

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

written statement confirming that fact must be submitted to the local planning authority upon completion of the construction works.

Reason: The Phase 1 Environmental Assessment (TD Infrastructure, May 2015) states that there was a laundry with associated tanks present immediately to the west of the site from the 1880s to the 1970 map. There is the possibility that contamination from these operations may have impacted the site, although the laundry and tanks themselves were not within the curtilage of the application site. Such contamination could pose a risk to ground and surface waters. In order to safeguard human health and the water environment in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

None.

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



Officers Report

Planning Application No: 133692

PROPOSAL: Outline planning application for residential development of 19no. dwellings-all matters reserved

LOCATION: Site 3A Land adjacent to Wesley Road Cherry Willingham
Lincoln LN3 4GT

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Welburn, Cllr Darcel and Cllr Bridgewood

APPLICANT NAME: Mr G Collins

TARGET DECISION DATE: 12/02/2016

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION: That planning permission be granted subject to conditions stated below upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. 25% of the dwellings to be delivered on-site as affordable housing.
- b. Provision of Open Space to be managed in accordance with an open space management plan;
- c. A contribution of £39,957.75 towards the provision of affordable housing off site.
- d. A contribution of £45,105.00 towards primary education

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

Description:

The application has been referred to the committee as the application is balanced and requires members' consideration and interest.

The site is located to the south west of Franklin Way in the settlement of Hawthorn Road, Cherry Willingham which is situated approximately 1 mile from the edge of Lincoln and 1 mile from the main village of Cherry Willingham. The total site area is approximately 0.6ha. The site lies outside the settlement limit in open countryside. The site is proposed as phase 3a of development with phase 1a and 2a having already received planning permission. Phase 1a has been completed and phase 2a is underway.

The proposal seeks outline permission for a residential development of 19 dwellings – all matters of scale, layout, appearance, access and landscaping are reserved for subsequent approval (reserved matters).

Relevant history:

M01/P/0223 – Erection of 68 dwellings being the first phase of housing site HA1. Permission granted 15th March 2002

M02/P/0539 – Erection of 22 dwellings. Permission refused in the absence of a S106 or second access. Appeal allowed 22/12/03

M03/P/0120 – Erection of 22 dwellings. Permission granted 06/02/03

118413 – Planning application to erect 27 dwellings. Withdrawn 10/07/06

120493 – Planning application to erect 31 dwellings, construction of link road and provision of public open space. Permission granted 13/08/08

124343 – Planning application to vary condition 2 of planning permission 120493 granted 13th August 2008. Permission refused 27/07/09. Appeal allowed 05/10/09

126770 – Planning application for erection of 22 dwellings with associated parking, access and extension to existing public open space. Withdrawn 21/03/11

127688 – Planning application for erection of 22 semi-detached and terraced houses with associated housing. Re-submission. Permission granted 27/02/12

132089 – Planning application to erect 33no. semi-detached and terraced houses with associated highway – phase 2. Permission granted 13/07/15

132090 – Planning application for erection of 26 semi-detached and terraced houses with associated highway – phase 2. Permission granted 29/05/15

Representations:

Chairman/Ward member(s): No response received

Parish/Town Council/Meeting: Our principal objection is that this is a significant development which is NOT sustainable given its distance from the main Cherry Willingham settlement and from Lincoln, distances which mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within acceptable walking distance. Of particular concern is that transport will be required to access schools and medical services. Walking distance to village facilities is 2.4km (and over 3 km to the primary school) and it is noted that WLDC, in connection with the Carlton Centre application, has quoted 200 – 800m as being desirable walking distance (Ref: 'Providing for Journeys on Foot' -CIHT 2000). Councillors would also like to draw your attention to the recent appeal decision in respect of the site at Lodge Lane, Nettleham (132063), in which a maximum of 800m has been referenced as the appropriate distance for access to services etc. This application is far in excess of that.

There is a disconnect from access to the village and Carlton Centre facilities as the bus services are infrequent to the village and almost non-existent to the Carlton Centre, and cannot be relied on for year round needs. There is a need to also take into account the impact the currently planned road closure of Hawthorn Road to through traffic as part of the Lincoln Eastern Bypass scheme will have. Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road closure, thus lessening the argument for this being a sustainable development. The Hawthorn Road closure will put even more traffic onto the existing local roads with traffic from this development (together with traffic from previous adjacent sites with existing permission) being required to pass through Cherry Willingham and Reepham to access some destinations. This was acknowledged by WLDC in the recent Draft Local Plan allocations when allocation sites adjacent to Cherry Willingham accessed from Hawthorn Road were rejected in favour of sites elsewhere in Cherry Willingham due to potential access and highway issues caused by the closure of Hawthorn Road to through traffic. Evidence at the recent Lincoln Eastern Bypass Public Inquiry also showed that the left slip from Hawthorn Road (E) onto the LEB Southbound will be close to practical traffic capacity at year of opening of the LEB. This could potentially lead to delays for traffic from the area of the application site joining the LEB in order to access south Lincoln causing traffic to prefer alternative routes through Cherry Willingham village. The cumulative effects of this application and previous permissions at adjacent sites will only lead to more pressure on this slip road.

Concerns were also expressed in respect of access onto the development and the resultant impact on the existing residents. Too few car park spaces have been allocated per dwelling when many households today have more than one car, therefore the inevitable parking on the street which will ensue brings concerns about accessibility; particularly for emergency vehicles. We know from residents comments, including those submitted in response to this application, that parking is already an issue in this area, with a number of vehicles having to park on the roads causing difficulties for residents and potentially impeding emergency services. The lack of sufficient parking provision on this application will only increase the pressure on the roads.

Finally, it was noted that this development will push out into fields thereby, by this incursion; the development will have a detrimental effect on the landscape character by introducing an urbanising influence on the local open countryside. It was also noted by Members that there will be a negative impact on the local ecology. As more applications are received in this area the overall detrimental effect is cumulative. It is, to a degree, discordant with the village form.

Given this is a growing site we request that, to balance out the existing play equipment for young children that a Youth Shelter be provided within the development plans to give the older children a focal point.

Local residents: 4 Letters of objection have been received from 2 Flinders Way, 12 Franklin Way, 4B Hawthorn Road and 2 Hawthorn Road with the main concerns being in summary –

- Wesley Road is overcrowded by cars, nowhere for anyone to park;
- Franklin way cannot carry on taking the excess traffic;
- Lies outside the village curtilage;
- Encroaches well into the countryside;
- Implications to village doctors, schools and other services;
- Will affect wildlife;
- The road access is a safety concern.
-

1 letter of support has been received from 22 Wesley Road, asking - Now the size of the development going to be larger than before is there any thoughts on children's playground and shops?

LCC Highways: Following further information submitted with regards to the drainage of the site, highways have no objections – They state that the application is acceptable in principle. The applicant has demonstrated the site can be drained via SUDs techniques in the submitted FRA. Access and layout have not been considered by the Highway Authority as they are a reserved matter.

Environment Agency: No response received.

Natural England: Has no comments.

Housing and Communities Officer: The affordable housing requirement will be for 25% of the total number of units to be delivered as affordable housing. This will equate to 4.75 units – 4 to be delivered on site and 0.75 of a unit as an off-site contribution. Based on the West Lindsey SPG Off Site Contributions in lieu of Affordable Housing (2010 Update) the off-site element will be £39,957.75. House type and tenure to be agreed with the Housing and Communities team at reserved matters.

Lincolnshire Police: No objections, advice given for reserved matters application.

LCC Education: At present projections show that, excluding the effect of the development in question, Cherry Willingham Primary School will have no by 2018 when it is reasonable to presume this development would be complete or well on the way. Seeks a capital contribution of £45,105 to provide an additional 4 primary places.

NHS England: Will not be commenting on the application.

Tree Officer: I have no objections to the proposed development in terms of its impact to existing trees and hedges.

If the application gains planning permission, conditions should be included to require a new, mixed species, native hedgerow along the easterly boundary, and infill planting to be carried out within thin/sparse areas along the southerly

boundary hedge. A native boundary hedgerow will provide lower-level screening and softening, and provide a natural green boundary in this location next to open countryside. Hedgerow planting will help to improve the biodiversity value of the site.

A couple of parking spaces are very close to the easterly boundary and any new hedgerow planting is likely to cause vehicle damage or scratch people as the hedge grows. Vehicle spaces should not be so close to the boundary that there is insufficient space for an adequate boundary hedgerow to be planted and allow for future growth whilst keeping a suitable distance from parking spaces to avoid damage to vehicles or injury to people by the sharp thorns of the hedge.

A condition should be used to require the site boundary hedgerows to be retained, preferably with a minimum height included in the condition so any new residents cannot cut the hedge down to stumps whilst saying the hedge has been retained.

A scheme of landscaping should be required to provide details on species, sizes, positions of each species, and include details on planting and aftercare. A landscape scheme should include additional trees along or adjacent to the southerly site boundary, for screening and softening of the development next to open countryside.

Details of root protection measures for tree T2 should be provided for approval prior to any work commencing, as any protective fencing should be in position before any clearance, setting out, or construction work commences to avoid ground compaction and root damage. There should be no changes in existing ground levels within the root protection areas of any trees to be retained.

Archaeology: No archaeological input required

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012

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

National Planning Practice Guidance

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

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>

STRAT 9 – Phasing of Housing Development and Release of Land

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

STRAT12: Development in Open Countryside

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

RES1: Housing Layout and Design

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

RES6: Affordable Housing

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

NBE14: Waste Water Disposal

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

NBE 20 Developments on the Edge of Settlements

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

SPG West Lindsey Character Assessment

[http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG Adopted Countryside Design Summary.pdf](http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf)

Central Lincolnshire Local Plan 2012-2036

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

In terms of the proposed development, the following policies are considered relevant:

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP11: Meeting Housing Needs

LP17: Landscape, Townscape and Views

LP14: Managing Water Resources and Flood Risk

LP22: Local Green Spaces

LP25: Design and Amenity

<https://nkdc.moderngov.co.uk/documents/s67741/Appendix%201%20-%20Local%20Plan.pdf>

Main issues

- Principle
 - Provisions of the West Lindsey Local Plan First Review
 - National Policy
 - Emerging Local Plan
- Effect on the Open Countryside
- Affordable Housing
- Local Infrastructure
- Highways and Drainage
- Trees and Landscaping
- Ecology

Assessment:

Principle

(i) 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 detached from the main settlement of Cherry Willingham and is classed as the area of Hawthorn Avenue which is defined as a small rural settlement in the WLLP (STRAT 3).

The site is classed as open countryside. Policies STRAT9, STRAT 12 and NBE 20 are applicable in this case.

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.”*

Policy NBE 20 seeks to protect landscape character and the rural character of the settlement edge.

Development is proposed on previously undeveloped land ('green field') – it therefore falls on the bottom rung of STRAT9's sequential hierarchy.

A residential development of this scale would not be in compliance with policies STRAT 9, STRAT 12 and STRAT 3 but has the potential to accord with NBE 20.

The principle of development as proposed on the site is not strictly in accordance with the provisions of the statutory development plan and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

(ii) *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 requires 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 (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 Guidance³ 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 the 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 development, which for decision-taking means:

- *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.*

(iii) *Emerging Local Plan*

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.

The Submission Draft Local Plan 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.

Emerging Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Hawthorn Avenue is not defined separately from Cherry Willingham as in the WLLP.

Cherry Willingham is categorised as a large village in the draft Central Lincolnshire Local Plan (policy LP2). Most of the growth will be via sites allocated in the plan. The draft policy proposes that, where a site is demonstrably in a sustainable location additional growth on non-allocated sites might be considered favourably, though these are unlikely to be over a scale over 25 dwellings. It is felt that the proposal would be acceptable as the proposal is for 19 dwellings in accordance with the draft policy LP2 of the Central Lincolnshire Local Plan and in a sustainable location.

The location itself can be deemed acceptable as the nearest facilities are 0.9 miles away which is approximately 15-20 minute walk from the main road down an unlit but designated cycle and pedestrian path. There is also a bus service into Lincoln and the surrounding villages.

The facilities in Cherry Willingham include a parade with a doctor's surgery, public library, a number of retail and take-away outlets and a pub. There is a primary school, community school and sporting clubs.

It is considered that the development proposed would not undermine the spatial strategy being promoted by the emerging plan.

Effect on the Open Countryside

The proposal sits in the Local Landscape Character Area of the Lincoln Fringe as defined by the West Lindsey Character Assessment (1999) and states that:

"The approaches to the settlements are generally dominated by buildings, which often form a hard edge against the arable fields"

The proposal will have some effect to the countryside but would be in character of the landscape character area for which the proposal would sit.

Policy NBE 20 states

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

Where development on the edge of settlements is permitted the Council will require:

- i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;*
- ii. An agreed scheme of landscape treatment and/or open space provision."*

The application site as viewed from the west and east when viewed from Hawthorn Road, would be seen in context of the village. The application site does stop at a natural boundary which is bounded by small trees, hedges and shrubs. Consequentially, it is not felt that the proposal would have such a significantly detrimental impact upon the open countryside that would outweigh the benefits of the site.

The proposal would be visible and have some impact but this is not felt to be unduly detrimental due to the location and siting of properties and form around the edge of the settlement. Adequate screening and landscaping would mitigate the effect. Landscaping is a reserved matter for subsequent approval.

Affordable Housing

For applications of this size within this location, there is a requirement for affordable housing. The affordable housing requirement will be for 25% of the total number of units to be delivered as affordable housing. This will equate to

4.75 units – 4 to be delivered on site and 0.75 of a unit as an off-site contribution. Based on the West Lindsey SPG Off Site Contributions in lieu of Affordable Housing (2010 Update) the off-site element will be £39,957.75.

The applicant has agreed to the contribution which will need to be secured through a S106 Planning Obligation.

Local 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.”

NHS England have raised no concerns with healthcare provision in the locality.

The Local Education Authority, Lincolnshire County Council, has advised that the development would result in a direct impact on local schools. At present projections show that, excluding the effect of the development in question, Cherry Willingham Primary School will have no by 2018 when it is reasonable to presume this development would be complete or well on the way. A contribution is therefore requested to mitigate against the impact of the development at local level.

LCC Education request a contribution of £45,105 which is required for the creation of 4 primary school places at a Cherry Willingham School. No contribution was required to support 6th form or secondary education places. The primary school will be specified in the S106 to ensure the contribution can be used there.

It is considered, therefore, that with this contribution the impact on social infrastructure could be accommodated.

Highways and Drainage

The foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre that will have available capacity for these flows.

Anglian Water have requested a condition to be attached for a foul water drainage strategy.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) consider that the proposed development is acceptable and raise no objections.

The applicant has demonstrated the site can be drained via SUDs techniques in the submitted FRA. Final Surface water details can be secured by planning condition. Access and layout have not been considered by the Highway Authority as they are a reserved matter.

Concerns have been raised with parking by the Parish Council and local residents however parking is a matter of detail that would be considered at reserved matters.

Trees and Landscaping

There are no objections to the proposed development in terms of its impact to existing trees and hedges.

Conditions should be included to require a new, mixed species, native hedgerow along the easterly boundary, and infill planting to be carried out within thin/sparse areas along the southerly boundary hedge. A native boundary hedgerow will provide lower-level screening and softening, and provide a natural green boundary in this location next to open countryside. Hedgerow planting will help to improve the biodiversity value of the site.

A condition should be included to require the site boundary hedgerows to be retained, with a minimum height included in the condition so any new residents cannot cut the hedge down to stumps whilst saying the hedge has been retained.

Landscaping details are reserved for subsequent approval.

Ecology

'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, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF paragraph 109).

A protected species survey has been submitted in support of the application. No evidence of protected species was found on the site. The report makes recommendations regarding the timing of the works in relation to nesting birds and the provision of bat and bird boxes to encourage species to the site. This can be secured by condition. Although the report is dated August 2014, works and clearance has been carried out along most of the phases therefore as there was no protected species on site initially it is felt that due to the construction work taking place it is unlikely that protected species would now be present on the site.

Other matters

Comments from the Parish Council

The Parish are concerned that the proposal is not in a sustainable location and that a car is a necessity however the facilities are within reasonable walking distance at around a 15-20 minute walk. They quote the desirable walking distances however these are guidance. A 15-20 minute walk is not deemed unreasonable. Some other facilities are at a further distance however once in the village for other facilities the walk would not be excessive. Furthermore the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.' This development would support the main shopping hub in Cherry Willingham. There is also a bus service into Lincoln for which the bus stop is located on the main road not far from the development. This runs during core hours with 4 services to Lincoln and 5 returning journeys meaning residents working in Lincoln can take advantage of the bus service.

The parish are also concerned about the level of car parking however the layout of the scheme is a reserved and the plan submitted with the proposed parking is indicative at this stage.

The parish have raised that a youth shelter be provided. Whilst this may create a benefit to the site it is not felt to be a necessity to deem the application acceptable.

Overall Balance and Conclusion

The application is balanced and has been considered against the provisions of the development plan in the first instance, in accordance with planning law.

As development would take place on greenfield land outside the development boundary and in open countryside, it runs contrary to saved policies STRAT3, STRAT9 and STRAT12 of the development plan. Development falls to be refused unless there are material considerations to the contrary.

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 bulletpoint 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.*

Development would produce 19 dwellings in accordance with the principles of policy LP2 of the Central Lincolnshire Local Plan which can now be attached more weight.

25% of the units would comprise affordable housing, to meet a need, which can be attached weight as a benefit of the scheme. Plus a further off-site contribution.

The development would not be expected to adversely impact upon protected species or habitats and seeks to make biodiversity gains – a minor benefit of development.

Cherry Willingham is a primary rural settlement in the Local Plan and a Large Village in the Central Lincolnshire Local Plan. It is considered to be a sustainable location for new housing development. The site is within walking distance of the village centre.

It is considered that development of this greenfield land would have some impact on landscape character and visual amenity, however the development finishes at a natural boundary and from wider views would be seen in context with the settlement.

In conclusion, any adverse impacts arising are not considered to significantly and demonstrably outweigh the benefits of the proposals. Planning permission should therefore be granted in accordance with the NPPF presumption in favour of sustainable development.

Human Rights Implications:

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

Legal Implications:

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

Recommendation: Grant permission subject to S106

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters (as required by condition 2) to be approved.

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

2. Notwithstanding the plans submitted no development shall take place until, plans and particulars of the layout, access, landscaping, scale and appearance (hereinafter called "the reserved matters") have been submitted

to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission

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

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

3. No development shall take place until, a scheme for the provision and implementation of surface water attenuation and associated water storage works have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

4. No development shall take place until a scheme for the disposal of foul waters has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review.

5. The details to be submitted in accordance with reserved matters for landscaping shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes.

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

6. No development shall take place in a phase, including any works of demolition, until a Construction Method Statement has been submitted for that phase to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;

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

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

7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

9. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

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

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

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

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

11. No dwelling shall be occupied until the estate streets affording access to those dwellings has been completed in accordance with the Estate Street Development Plan.

Reason: - To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

12. The hedges to be planted on the easterly and southerly boundaries and all other boundary hedges shall be retained to a minimum height of 1.5m.

Reason: In the interests of the visual amenity of the area in accordance with West Lindsey Local Plan First Review 2006 saved policies STRAT 1 and CORE 10.



Officers Report

Planning Application No: 133693

PROPOSAL: Outline planning application for residential development of 29no. dwellings-all matters reserved

LOCATION: Site 3B Land adjacent to Wesley Road Cherry Willingham
Lincoln LN3 4GT

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Welburn, Cllr Darcel and Cllr Bridgewood

APPLICANT NAME: Mr Barnett

TARGET DECISION DATE: 07/03/2016

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION: That planning permission be granted subject to conditions stated below upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. 25% of the dwellings to be delivered on-site as affordable housing.
- b. Provision of Open Space to be managed in accordance with an open space management plan;
- c. A contribution of £13,319.25 towards the provision of affordable housing off site.
- d. A contribution of £56,382.00 towards primary education

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

Description:

The application has been referred to the committee as the application is balanced and requires members' consideration and interest.

The site is located to the south west of Franklin Way in the settlement of Hawthorn Road, which is situated approximately 1 mile from the edge of Lincoln and 1 mile from the main village of Cherry Willingham. The total site area is approximately 0.9ha. The site lies outside the settlement limit in open countryside. The site is proposed as phase 3b of development with phase 1b and 2b having already received planning permission.

The proposal seeks outline permission for a residential development of 29 dwellings – all matters of scale, layout, appearance, access and landscaping are reserved for subsequent approval (reserved matters).

Relevant history:

M01/P/0223 – Erection of 68 dwellings being the first phase of housing site HA1. Permission granted 15th March 2002

M02/P/0539 – Erection of 22 dwellings. Permission refused in the absence of a S106 or second access. Appeal allowed 22/12/03

M03/P/0120 – Erection of 22 dwellings. Permission granted 06/02/03

118413 – Planning application to erect 27 dwellings. Withdrawn 10/07/06

120493 – Planning application to erect 31 dwellings, construction of link road and provision of public open space. Permission granted 13/08/08

124343 – Planning application to vary condition 2 of planning permission 120493 granted 13th August 2008. Permission refused 27/07/09. Appeal allowed 05/10/09

126770 – Planning application for erection of 22 dwellings with associated parking, access and extension to existing public open space. Withdrawn 21/03/11

127688 – Planning application for erection of 22 semi-detached and terraced houses with associated housing. Re-submission. Permission granted 27/02/12

132089 – Planning application to erect 33no. semi-detached and terraced houses with associated highway – phase 2. Permission granted 13/07/15

132090 – Planning application for erection of 26 semi-detached and terraced houses with associated highway – phase 2. Permission granted 29/05/15

Representations:

Chairman/Ward member(s): No response received

Parish/Town Council/Meeting: Our principal objection is that this is a significant development which is NOT sustainable given its distance from the main Cherry Willingham settlement and from Lincoln, distances which mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within acceptable walking distance. Of particular concern is that transport will be required to access schools and medical services. Walking distance to village facilities is 2.4km (and over 3 km to the primary school) and it is noted that WLDC, in connection with the Carlton Centre application, has quoted 200 – 800m as being desirable walking distance (Ref: 'Providing for Journeys on Foot' -CIHT 2000). Councillors would also like to draw your attention to the recent appeal decision in respect of the site at Lodge Lane, Nettleham (132063), in which a maximum of 800m has been referenced as the appropriate distance for access to services etc. This application is far in excess of that.

There is a disconnect from access to the village and Carlton Centre facilities as the bus services are infrequent to the village and almost non-existent to the Carlton Centre, and cannot be relied on for year round needs. There is a need to also take into account the impact the currently planned road closure of Hawthorn Road to through traffic as part of the Lincoln Eastern Bypass scheme will have. Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road closure, thus lessening the argument for this being a sustainable development. The Hawthorn Road closure will put even more traffic onto the existing local roads with traffic from this development (together with traffic from previous adjacent sites with existing permission) being required to pass through Cherry Willingham and Reepham to access some destinations. This was acknowledged by WLDC in the recent Draft Local Plan allocations when allocation sites adjacent to Cherry Willingham accessed from Hawthorn Road were rejected in favour of sites elsewhere in Cherry Willingham due to potential access and highway issues caused by the closure of Hawthorn Road to through traffic. Evidence at the recent Lincoln Eastern Bypass Public Inquiry also showed that the left slip from Hawthorn Road (E) onto the LEB Southbound will be close to practical traffic capacity at year of opening of the LEB. This could potentially lead to delays for traffic from the area of the application site joining the LEB in order to access south Lincoln causing traffic to prefer alternative routes through Cherry Willingham village. The cumulative effects of this application and previous permissions at adjacent sites will only lead to more pressure on this slip road.

Concerns were also expressed in respect of access onto the development and the resultant impact on the existing residents. Too few car park spaces have been allocated per dwelling when many households today have more than one car, therefore the inevitable parking on the street which will ensue brings concerns about accessibility; particularly for emergency vehicles. We know from residents comments, including those submitted in response to this application, that parking is already an issue in this area, with a number of vehicles having to park on the roads causing difficulties for residents and potentially impeding emergency services. The lack of sufficient parking provision on this application will only increase the pressure on the roads.

Finally, it was noted that this development will push out into fields thereby, by this incursion; the development will have a detrimental effect on the landscape character by introducing an urbanising influence on the local open countryside. It was also noted by Members that there will be a negative impact on the local ecology. As more applications are received in this area the overall detrimental effect is cumulative. It is, to a degree, discordant with the village form.

Given this is a growing site we request that, to balance out the existing play equipment for young children that a Youth Shelter be provided within the development plans to give the older children a focal point.

Local residents: No response received

LCC Highways: Following further information submitted with regards to the drainage of the site, highways have no objections – They state that the application is acceptable in principle. The applicant has demonstrated the site can be drained via SUDs techniques in the submitted FRA. Access and layout have not been considered by the Highway Authority as they are a reserved matter.

Environment Agency: Does not wish to make any comments on this application.

Natural England: Has no comments to make on this application.

Housing and Communities Officer: The affordable housing requirement will be for 25% of the dwellings to be delivered as affordable housing. This equates to 7.25 units of which 7 will be required to be delivered on site and 0.25 to be delivered as an off site contribution which based on the West Lindsey SPG Off Site Contributions in Lieu of Affordable Housing (2010 Update) will equate to £13,319.25. House type and tenure to be agreed with the Housing and Communities team at reserved matters.

Lincolnshire Police: No objections, advice given for the reserved matters application.

LCC Education: At present projections show that, excluding the effect of the development in question, Cherry Willingham Primary School will have no by 2018 when it is reasonable to presume this development would be complete or well on the way. Seeks a capital contribution of £56,382 to provide an additional 5 primary places. The calculation of the contribution is therefore:

NHS England: Will not be commenting on the application.

Tree Officer: I have no objections to *most* of the proposed layout in terms of its impact on existing trees and hedges, but there is insufficient information provided to determine the impact plots 11 and 12, and the road and 2 parking spaces between plots 11 & 12 are likely to have on trees along the westerly hedge line.

If the development gains planning permission; Additional tree planting should be required, mainly for along the southerly boundary for screening and softening of the development next to open countryside.

A condition should be included on any consent notice for boundary hedgerows to be infilled along any gaps and sparse areas. The hedgerows should be retained, preferably with a specified minimum height so people don't cut the boundary hedge down to stumps then argue that it has still been retained.

The tree survey recommends the existing tree near the southerly end of the easterly boundary is removed due to its tight forks, included bark and various decay cavities, but the layout plan shows it as to be retained and incorporated into the POS. If it is retained then it should have protective fencing erected at the outer extents of its RPA of 7.2m radius to avoid ground compaction and damage to roots or branches.

Archaeology: No archaeological input required

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012

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

National Planning Practice Guidance

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

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>

STRAT 9 – Phasing of Housing Development and Release of Land

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

STRAT12: Development in Open Countryside

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

RES1: Housing Layout and Design

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

RES6: Affordable Housing

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

NBE14: Waste Water Disposal

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

NBE 20 Developments on the Edge of Settlements

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

SPG West Lindsey Character Assessment

[http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG Adopted Countryside Design Summary.pdf](http://www.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf)

Central Lincolnshire Local Plan 2012-2036

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

In terms of the proposed development, the following policies are considered relevant:

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

<https://nkdc.moderngov.co.uk/documents/s67741/Appendix%201%20-%20Local%20Plan.pdf>

Main issues

- Principle
 - Provisions of the West Lindsey Local Plan First Review
 - National Policy
 - Emerging Local Plan
- Effect on the Open Countryside
- Affordable Housing
- Local Infrastructure
- Highways and Drainage
- Trees and Landscaping
- Ecology

Assessment:

Principle

- (i) *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 detached from the main settlement of Cherry Willingham and is classed as the area of Hawthorn Avenue which is defined as a small rural settlement in the WLLP (STRAT 3).

The site is classed as open countryside. Policies STRAT9, STRAT 12 and NBE 20 are applicable in this case.

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.”*

Policy NBE 20 seeks to protect landscape character and the rural character of the settlement edge.

Development is proposed on previously undeveloped land ('green field') – it therefore falls on the bottom rung of STRAT9's sequential hierarchy.

A residential development of this scale would not be in compliance with policies STRAT 9, STRAT 12 and STRAT 3 but has the potential to accord with NBE 20.

The principle of development as proposed on the site is not strictly in accordance with the provisions of the statutory development plan and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

(i) *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 requires 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 (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 Guidance³ 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 the 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 development, which for decision-taking means:

- *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.*

(i) *Emerging Local Plan*

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.

The Submission Draft Local Plan 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.

Emerging Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Hawthorn Avenue is not defined separately from Cherry Willingham as in the WLLP.

Cherry Willingham is categorised as a large village in the draft Central Lincolnshire Local Plan (policy LP2). Most of the growth will be via sites allocated in the plan. The draft policy proposes that, where a site is demonstrably in a sustainable location additional growth on non-allocated sites might be considered favourably, though these are unlikely to be over a scale over 25 dwellings. This application is for 29 houses and although more than the suggested 25 this is by 4 dwellings which is not felt to be unacceptable.

The location itself can be deemed acceptable as the nearest facilities are 0.9 miles away which is approximately 15-20 minute walk from the main road down an unlit but designated cycle and pedestrian path. There is also a bus service into Lincoln and the surrounding villages.

The facilities in Cherry Willingham include a parade with a doctor's surgery, public library, a number of retail and take-away outlets and a pub. There is a primary school, community school and sporting clubs.

It is considered that the development proposed would not undermine the spatial strategy being promoted by the emerging plan.

Development in Open Countryside

The proposal sits in the Local Landscape Character Area of the Lincoln Fringe as defined by the West Lindsey Character Assessment (1999) and states that:

“The approaches to the settlements are generally dominated by buildings, which often form a hard edge against the arable fields”

The proposal will have some effect on the countryside but would be in the character of the landscape character area for which the proposal would sit.

Policy NBE 20 states

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

Where development on the edge of settlements is permitted the Council will require:

i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;

ii. An agreed scheme of landscape treatment and/or open space provision.”

The application site as viewed from the west and east when viewed from Hawthorn Road, would be seen in context of the village. The application site does stop at a natural boundary which is bounded by small trees, hedges and shrubs. Consequentially, it is not felt that the proposal would have such a significantly detrimental impact upon the open countryside that would outweigh the benefits of the site.

The proposal would be visible and have some impact but this is not felt to be unduly detrimental due to the location and siting of properties and form around the edge of the settlement. Adequate screening and landscaping would mitigate the effect. Landscaping is a reserved matter for subsequent approval.

Affordable Housing

For applications of this size within this location, there is a requirement for affordable housing. The affordable housing requirement will be for 25% of the total number of units to be delivered as affordable housing. This will equate to 7.25 units – 7 to be delivered on site and 0.25 of a unit as an off site contribution. Based on the West Lindsey SPG Off Site Contributions in lieu of Affordable Housing (2010 Update) the off site element will be £13,319.25.

The applicant has agreed to the contribution which will need to be secured through a S106 Planning Obligation.

Local 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.”

NHS England have raised no concerns with healthcare provision in the locality.

The Local Education Authority, Lincolnshire County Council, has advised that

the development would result in a direct impact on local schools. At present projections show that, excluding the effect of the development in question, Cherry Willingham Primary School will have no by 2018 when it is reasonable to presume this development would be complete or well on the way. A contribution is therefore requested to mitigate against the impact of the development at local level.

LCC Education request a contribution of £56,382 which is required for the creation of 5 primary school places at a Cherry Willingham School. No contribution was required to support 6th form or secondary education places. The primary school will be specified in the S106 to ensure the contribution can be used there.

It is considered, therefore, that with this contribution the impact on social infrastructure could be accommodated.

Highways and Drainage

The foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre that will have available capacity for these flows.

Anglian Water have requested a condition to be attached for a foul water drainage strategy.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) consider that the proposed development is acceptable and raise no objections.

The applicant has demonstrated the site can be drained via SUDs techniques in the submitted FRA. Final Surface water details can be secured by planning condition. Access and layout have not been considered by the Highway Authority as they are a reserved matter.

Concerns have been raised with parking by the Parish Council and local residents however parking is a matter of detail that would be considered at reserved matters.

Trees and Landscaping

There were no objections to most of the proposed layout in terms of its impact on existing trees and hedges, but there is insufficient information provided to determine the impact plots 11 and 12, and the road and 2 parking spaces between plots 11 & 12 are likely to have on trees along the westerly hedge line. However as the application is in outline the layout is subject to change.

Additional tree planting will be required, mainly for along the southerly boundary for screening and softening of the development next to open countryside.

A condition should be included on any consent notice for boundary hedgerows to be infilled along any gaps and sparse areas. The hedgerows are to be retained, with a specified minimum height so people don't cut the boundary hedge down to stumps then argue that it has still been retained. The tree survey recommends the existing tree near the southerly end of the easterly boundary is removed due to its tight forks, included bark and various decay cavities, but the layout plan shows it as to be retained and incorporated into the POS. If it is retained then it should have protective fencing erected at the outer extents of its RPA of 7.2m radius to avoid ground compaction and damage to roots or branches.

Ecology

'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, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'(NPPF paragraph 109).

A protected species survey has been submitted in support of the application. No evidence of protected species was found on the site. The report makes recommendations regarding the timing of the works in relation to nesting birds and the provision of bat and bird boxes to encourage species to the site. This can be secured by condition. Although the report is dated August 2014, works and clearance has been carried out along most of the phases therefore as there was no protected species on site initially it is felt that due to the construction work taking place it is unlikely that protected species would now be present on the site.

Other matters

Comments from the Parish Council

The Parish are concerned that the proposal is not in a sustainable location and that a car is a necessity however the facilities are within reasonable walking distance at around a 15-20 minute walk. They quote the desirable walking distances however these are guidance. A 15-20 minute walk is not deemed unreasonable. Some other facilities are at a further distance however once in the village for other facilities the walk would not be excessive. Furthermore the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.' This development would support the main shopping hub in Cherry Willingham. There is also a bus service into Lincoln for which the bus stop is located on the main road not far from the development. This runs during core hours with 4 services to Lincoln and 5 returning journeys meaning residents working in Lincoln can take advantage of the bus service.

The Parish are also concerned about the level of car parking however the layout of the scheme is a reserved and the plan submitted with the proposed parking is indicative at this stage.

The parish have raised that a youth shelter be provided. Whilst this may create a benefit to the site it is not felt to be a necessity to deem the application acceptable.

Overall Balance and Conclusion

The application is balanced and has been considered against the provisions of the development plan in the first instance, in accordance with planning law.

As development would take place on greenfield land outside the development boundary and in open countryside, it runs contrary to saved policies STRAT3, STRAT9 and STRAT12 of the development plan. Development falls to be refused unless there are material considerations to the contrary.

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 bulletpoint 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.*

Development would produce 29 dwellings broadly in accordance with the principles of policy LP2 of the Central Lincolnshire Local Plan which can now be attached more weight.

25% of the units would comprise affordable housing, to meet a need, which can be attached weight as a benefit of the scheme. Plus a further off-site contribution.

The development would not be expected to adversely impact upon protected species or habitats and seeks to make biodiversity gains – a minor benefit of development.

Cherry Willingham, a primary rural settlement in the Local Plan and a Large Village in the Further Draft Central Lincolnshire Local Plan. It is considered to be a sustainable location for new housing development. The site is within walking distance of the village centre.

It is considered that development of this greenfield land would have some impact on landscape character and visual amenity, however the development finishes at a natural boundary and from wider views would be seen in context with the settlement.

In conclusion, any adverse impacts arising are not considered to significantly and demonstrably outweigh the benefits of the proposals. Planning

permission should therefore be granted in accordance with the NPPF presumption in favour of sustainable development.

Human Rights Implications:

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

Legal Implications:

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

Recommendation: Grant permission subject to S106

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters (as required by condition 2) to be approved.

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

2. Notwithstanding the plans submitted no development shall take place until, plans and particulars of the layout, access, landscaping, scale and appearance (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission

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

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

3. No development shall take place until, a scheme for the provision and implementation of surface water attenuation and associated water storage

works have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

4. No development shall take place until a scheme for the disposal of foul waters has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review.

5. The details to be submitted in accordance with reserved matters for landscaping shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes.

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

6. No development shall take place in a phase, including any works of demolition, until a Construction Method Statement has been submitted for that phase to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework.

8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

9. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

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

10. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August),

unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

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

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

11. No dwelling shall be occupied until the estate streets affording access to those dwellings has been completed in accordance with the Estate Street Development Plan.

Reason: - To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework

12. The hedges to be planted on all boundaries shall be retained to a minimum height of 1.5m.

Reason: In the interests of the visual amenity of the area in accordance with West Lindsey Local Plan First Review 2006 saved policies STRAT 1 and CORE 10.

**Howson Care Centre Ltd, Howson Nursing And Residential Home, Marton Road, Willingham, DN21
5JU**



Site Plan shows area bounded by: 487172.02, 384272.63 487372.02, 384472.63 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Officers Report

Planning Application No: 133698

PROPOSAL: Planning application to erect single storey extension to form bedroom, two storey extension to form offices and stores, and change of use of bungalow to three self-contained units (C2).

LOCATION: Howson Nursing And Residential Home Marton Road
Willingham By Stow Gainsborough DN21 5JU

WARD: Stow

WARD MEMBER(S): Cllr R A Shore

APPLICANT NAME: Howson Nursing and Residential Home

TARGET DECISION DATE: 01/03/2016

DEVELOPMENT TYPE: Minor - all others

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a nursing and residential home (use class C2 – residential institution) located on the settlement edge of Willingham by Stow. The home is set back from the highway with garden area, driveway and staff/visitor parking to the front. The driveway is orientated in a u-shape with southern access as the entrance and the northern access as the exit. The main house is surrounded by a mix of two storey and single storey extensions plus portable cabins to the front which amongst other uses are used as staff office space. To the north of the main house is a large two storey brick extension with a front elevation which replicates the building line of the main dwellings front elevation.

In the front north east corner of the site is a detached bungalow which is slightly set back from and above Marton Road with driveway parking (2 vehicles) only. This is currently used as employee accommodation.

The application seeks permission to erect a single storey extension to form bedroom, two storey extension to form offices and stores, and change of use of bungalow to three self-contained units (C2).

The single storey extension is proposed to have a flat roof and be 2.8 metres high, 3.14 metres in length and 2.64 metres in width. The two storey extension will have a hipped roof and be 8 metres high. 10.45 metres in length and 7.62 metres in width.

The area proposed for the single storey extension is screened by the existing single storey and two storey nursing home buildings. The area proposed for the two storey extension is screened to the north by the existing main nursing home and open to the east. To the south is low fencing and high hedging. Low fencing screens the west boundary. The detached bungalow is screened

to the north by high hedging and to the south by high fencing. The east boundary is open with low fencing to the west.

Neighbouring dwellings are adjacent (to the north) or opposite (east) to the Nursing Home site with open fields to the south and west. An outdoor facility and recreational land also sits to the north.

This application has received a number of objections from residents and has been formally requested by Councillor Shore on planning grounds to be referred to the planning committee. The reasons given include that the two storey extension would have an adverse impact on the appearance of the site and a lack of infrastructure to support the growth of the nursing home.

Relevant history:

Main Nursing Home

M06/P/0581 - Planning Application to erect extension – 31/08/06 - Granted time limit and other conditions

127763 - Planning application for change of use of land to provide additional car parking – 08/11/11 - Granted time limit and other conditions

128620 - Planning application for single storey extensions to an existing flat roof single storey block to create additional bedrooms and access corridor – 18/06/12 - Granted time limit and other conditions

Nursing Home Bungalow

M06/P/0947 - Planning application to erect 7 close care retirement bungalows with attached family suite - 24/07/07 – Refused – Appeal Dismissed - 18/06/08

123626 - Planning Application for erection of 4no. close care retirement bungalows (Re-submission of M06-P-0947) - 14/04/09 - Refused

Representations

Ward Member Cllr R A Shore:

Considers there are a number of issues around this Home which will need to be highlighted to Members.

This is another one of many such applications at this site where buildings have been added in an arbitrary way with little or no reference to style or in keeping with the original building, creating concerns with the appearance. Would wish for them to redraw the buildings proposed with a view to echoing the more interesting original front of the main house.

Change of use for the bungalow could have a detrimental effect upon the street scene at this location. An interesting and quality change would be more acceptable.

There is an issue about growth appropriate to this small village, lack of infrastructure to support this growth, i.e. the effect that increased numbers of residents of the home would wander through the village with nothing to do.

Parish/Town Council/Meeting: Objections

Willingham Parish Councillors have concerns over the appearance of the new building plans as not in keeping with the original house features. Also, the change of use of the bungalow to 3 self-contained units – for what purpose/for whom to live in?

Local residents: Representations received from:

Purt ny Shee, Marton Road, Willingham by Stow
Springfield House, Marton Road, Willingham by Stow
The Hawthorns, Marton Road, Willingham by Stow
Esox House, Marton Road, Willingham by Stow
Kirkstone, Marton Road, Willingham by Stow
1 The Orchards, Marton Road, Willingham by Stow
2 The Orchards, Marton Road, Willingham by Stow

Objections (in summary):

- The scale of the business has increased over the years including an extension in 2009 to increase the home from 49 to 83 beds. This is not in keeping with the area and further increases would be even more disproportionate.
- The two storey extension may be an improvement on the portable cabins but is just a covert way of adding more rooms in the future and then adding more portable cabins and so it continues.
- The change of use will add four more rooms and will encroach on the residents of the street as it is the only remaining barrier.
- The bungalow is already accommodating patients with mental health/learning disability issues and not just for a staff member.
- The village has inadequate support infrastructure for the mental health and learning disability patients. I.e. There is no shop or post office and very few facilities for them.
- Disturbance from nursing home residents walking around the village knocking on residents doors reducing the quality of life and the street. Disturbance from screaming, foul language, anti-social behaviour and arguments from Nursing Home residents.
- Safety of children playing outside and using the recreational ground. Impacting on their social and emotional development.
- The road does not have the infrastructure to cope with yet more traffic and services.
- The spread of commercial use on this site and its attendant traffic from staff, visitors and delivery vehicles, noise etc. is inappropriate on a street which is primarily residential.
- A further increase in patient numbers will increase the risk of an accident. This is a busy road used often as a short cut for many people to get to

Willingham and surrounding villages by avoiding a longer run via the outskirts of Gainsborough.

- The Council have twice previously rejected proposals (M06/P/0947 and 123626) for commercial development of this residential site.
- Reducing value of properties.

Statement of support from letter received from Esox House, Marton Road, Willingham by Stow

- The two storey extension would in fact enhance the area which is now a collection of portable cabins.

LCC Highways/Local Lead Flood Authority: No objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

Archaeology: No objections

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This 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 the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

CRT 14 Residential and Nursing Homes

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm>

CORE 10 Open Space and Landscaping within Developments

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm>

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

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

NBE 14 Waste Water Disposal

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 20 Development on the Edge of Settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (CLLP) - March 2016

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

LP1 A presumption in Favour of Sustainable Development

LP5 Delivering Prosperity and Jobs (Expansion of Existing Businesses - p25)

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP26 Design and Amenity

<http://www.central-lincs.org.uk/>

National Guidance

National Planning Policy Framework (2012)

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

Planning Practice Guidance

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

Main issues:

- Principle of the Development
- Use
- Assessment of CRT 14 and LP5 (expansion of existing businesses)
- Archaeology
- Foul Drainage
- Surface Water Drainage
- Flood Risk

Assessment:

Principle of the Development

The proposal comprises three separate distinct parts. These are:

1. A modest single storey corner infill extension to a north elevation within the existing grounds to the rear.
2. A two storey office and store extension adjacent the south boundary.
3. The change of use of the bungalow from staff accommodation to three self-contained units. One for staff accommodation and two as a halfway house for residents with the intention to use all three units as a halfway house in the future.

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

Guidance within paragraph 19 of the NPPF promotes the need for local planning policy to encourage sustainable growth and support existing business sectors. Saved local policy CRT 14 of the WLLP and emerging Local Policy LP5 of the CLLP sets out the criteria for the acceptability of such proposals. Therefore growth of this established business and care home facility should, in principle, be supported subject to meeting all applicable environmental criteria.

Use

The single storey extension will be used as a new single occupant residents room attached to the main building.

The two storey extension will be used as a store, cleaners store, freezer room and lobby at ground floor level and training room, office and kitchen at first floor level. These uses are shown on plan HCC/03/03/3115 October 2015 and will be conditioned on the permission to be retained. This is due to the parking limitations of the site and any further residents rooms would require the home to find more spaces for employees/visitors.

The bungalow will be changed from an employee dwelling to three units used by the current occupying employee and two residents in the transition stage between the Nursing Home and being re-integrated into the general population. Long term it is intended that when the employee retires all three units will accommodate residents at the transition stage. The bungalow is currently owned by the Nursing Home as a C3 dwelling use and is part of the entire site as indicated by the red line on site plan HCC/03/03/3115 October 2015. The bungalow will change to use class C2 (residential institution) use and will become an incidental use which is part and parcel of the overall C2 use of the site.

The principle of the change of use is considered to be compatible with the established C2 use of the site and is considered to be acceptable providing all other material considerations are satisfied.

Assessment of CRT 14 and LP5

This assessment will initially assess the criteria set out in CRT 14. Some of the criteria in CRT 14 will be replicated in the expansion of existing businesses section of LP5. Any criteria not replicated in CRT 14 will be dealt with at the end of the assessment of CRT 14.

i. Not result in the loss of essential amenity open space or harm the general amenities or character of the locality.

The proposal will not result in the loss of essential amenity open spaces such as public recreational areas or outdoor sports facilities.

The single storey extension is not visible from outside the site due to the existing nursing home buildings which surround it and there are only very minor alterations to the appearance of the bungalow as part of the conversion work. The bungalow will not be extended in footprint or height. The single storey extension and change of use will not significantly harm the general

amenities or the character and appearance of the locality, the open countryside or the edge of the settlement.

The position of the two storey extension is currently occupied by a small group of flat roofed portable cabins which are out of character with the existing site and are primarily visible from the highway to the front. The two storey extension will have a hipped design to match the two storey original nursing home building and the existing two storey extension to the north. The two storey extension will be positioned in a similar position in relation to the front elevation building line of the main house to the built two storey north extension but on the south side and adjacent the south boundary. The two storey extension will screen a section of the south side of the original building from the south and the front elevation of the original building from a small area to the south east.

The two storey extension will be clearly in view from areas of the open countryside but not readily or widely from any public vantage points such as a highway or a public right of way. It will only be visible from the highway to the front and limited areas of the highway to the south east. In fact the site is not readily visible from public areas to the south of the cemetery. Apart from the highway the only other local public vantage points are public rights of way wlgm/976/1 wlgm/976/2, wlgm/64/1 and wlgm/64/2 to the south east. However these are at least 95 metres away and will not be affected by the proposal. The two storey extension will not be visible from the recreational area to the north or highway to the north east due to the existing built form of the site and Willingham by Stow.

The two storey extension will therefore not be expected to significantly harm the general amenities or the character and appearance of the locality, the open countryside or the edge of settlement.

The proposal is therefore deemed to conform to saved Local Policy STRAT 1, NBE 10 and NBE 20 of the WLLP and emerging Policy LP17 of the CLLP.

ii. Be located close to existing services and facilities, including public transport and health services

The care home is already established and is situated in Willingham by Stow. Willingham by Stow comprises a Doctors, two public houses, children's playground, football pitch, church and a chapel. It additionally has a regular bus service between Lincoln and Gainsborough. Although it is considered that Willingham by Stow is a generally unsustainable location for larger development due to its lack of services it does comprise good public transport links and a healthcare facility (along with care provision in the nursing home) within the village.

It has to be considered that the site has an established business use which can accommodate up to 83 residents in this location. In an email dated the 13th April 2016 from the agent the Manager of the Nursing Home has stated that the proposal will not lead to an increase in residents as some residents are currently sharing a room and as a result of the proposal will move into

their own private accommodation. The proposal will therefore not increase the capacity of the nursing home, however the proposal has the potential to lead to an increase of 4 residents which is not considered as a significant increase.

iii. Not, where appropriate, harm the existing character of the premises by conversion or extension

As stated above in criteria i the single storey extension and bungalow will not have an adverse impact on the existing character of the premises. The two storey extension will be designed with reference to the existing two storey hipped buildings on the site and will be constructed from materials similar to the two store extension to the north. The two storey extension will have some impact on the views of the original building from the south and will install a larger mass to the south of the site but not to an extent which will have a significant impact on the character of the site. The main front elevation will still be visible from the front of the site. It is therefore considered that the proposal will not have a significant harm on the character of the premises.

iv. Provide suitable and adequate amenity open space and landscaping

The existing site has a reasonable sized front amenity space which can be enjoyed by the residents and this area will not be reduced in size by the proposal. The existing boundary treatments and landscaping within the site will remain the same. Therefore adequate amenity open space and landscaping will remain for the existing and future residents.

v. Not harm the amenities of adjoining properties or residents

There are a number of dwellings to the north east and east of the site. Esox House is the closest dwelling to the north east approximately 70 metres from the main building and approximately 9 metres from the detached bungalow. Esox House shares a boundary with the detached bungalow. Newton Place is the closest dwelling to the east approximately 85 metres from the main building and 60 metres from the detached bungalow. There have been a number of objections received from the neighbouring residents.

The single storey and two storey extension will not harm living conditions of the neighbouring dwellings due to the screening and considerable separation distance.

The detached bungalow is of a scale to have at least three bedrooms meaning it could accommodate at least three employees or a family of four if it was sold to private domestic use. Only very minor alterations will be made to the bungalow in the form of small alterations to two of the windows. All existing openings will be utilised to stop any new openings from being introduced. Therefore the change of use to the bungalow will not harm the living conditions of the neighbouring dwellings due to the boundary screening, the separation distance and the acceptable amount of people which could live in the bungalow.

There have been objections from residents in the form of noise and disturbance from the site in general including shouting, arguments,

inappropriate language and inappropriate behaviour. However, the use of the site as a C2 residential institution is already established – this application considers only the changes currently being proposed.

The proposed division of the detached bungalow into three units will accommodate one employee in unit 1 and one resident in unit 2 and 3. At some point this will change to each unit being accommodated by one resident. This will be unlikely in itself to result in a significant increase in noise, than if 3-4 employees or a family of four were living in the detached bungalow and using the garden space. It is therefore considered that the proposed use of the detached bungalow will not cause significant noise disturbance to the neighbouring residents that would justify refusal of planning permission.

Any future noise disturbance reports could be dealt with by the Council under the provisions of the Environmental Protection Act 1990. Any inappropriate language or behaviour would need to be taken up with the Nursing Home Management, the police or as civil matter through legal proceedings.

The criteria set out in LP5 (expansion of existing businesses) of the CLLP is as follows:

- The existing buildings are re-used where possible
- **They do not conflict with neighbouring land uses**
- They will not impact unacceptably on the local/ and/or strategic highway network
- **The proposal would not have an adverse impact on the character and appearance of the area.**

It is considered that the criteria shown above in black bold text has already been assessed as part of CRT14.

- *The existing buildings are re-used where possible*

The proposal includes two new extensions which cannot be dealt through the re-use of existing buildings. The single storey extension is a very modest infill extension and the two storey extension will replace existing portable cabins which will be removed from the site. The change of use part of the proposal will carry on using the detached bungalow. Therefore where possible the proposal has made use of existing buildings on the site.

- *They will not impact unacceptably on the local/ and/or strategic highway network*

As previously stated the proposal will not increase the amount of residents, but there is potential to increase the capacity of the Nursing Home by 3 to 4 residents. The two storey extension will include a training room to be used internally and for occasional conferences. To counteract the potential increase in residents some additional parking spaces will be installed in an area currently covered by some of the portable cabins as shown on site plan HCC/01/03/3115/A dated October 2015.

The use of the training room for conferences will be very occasional but could have a strain on the car parking resources at the Nursing Home dependant on the amount of people attending. This though would be unlikely to be a regular occurrence. No new vehicular accesses have been proposed from the Nursing Home or the detached bungalow. The Local Highways Authority has not objected to the proposal. It is therefore considered that the proposal will not have an adverse impact on highway safety.

It is therefore considered that the proposal will conform to the criteria in CRT14 and LP5.

Archaeology

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

Foul Drainage

Foul water from each of the proposals will be disposed of to the existing mains system as shown plan HCC/01/03/3115/A, HCC/02/03/3115 and HCC/03/03/3115 dated October 2015. This is considered as acceptable.

Surface Water Drainage

Surface water from the single storey extension and the detached bungalow will utilise the existing surface water system. Surface water from the two storey extension will be dealt with through one or more soakaways. No percolation tests or soakaway details have been submitted with the application. Therefore a pre-commencement condition will be attached to the permission to ensure an appropriate soakaway is installed.

Flood Risk

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

Conclusion and reasons for decision:

The decision has been considered against saved policies STRAT 1: Development Requiring Planning Permission, CRT 14 Residential and Nursing Homes, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE 20 Development on the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 and emerging policies LP1 A presumption in Favour of Sustainable Development, LP5 Delivering Prosperity and Jobs, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the benefits of the proposal will outweigh any harm.

The proposal will expand the business by modestly increasing its capacity by 4 residents and improving the employee facilities on the site. It will not harm

the character and appearance of the street-scene, the existing care home, the open countryside or the edge of the settlement, nor the living conditions of neighbouring occupiers. The site is served by some services in the village including good public transport links and a doctor's surgery. It will provide some additional parking spaces and will retain enough amenity space to serve the residents. Furthermore the proposal will not have an adverse impact on highway safety or increase the risk of flooding.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Recommendation: Grant planning permission subject to the following conditions;

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

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

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

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

2. No development shall take place until details of the external facing materials listed below to construct the two storey extension have been submitted and agreed in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the agreed details.
 - Brick type
 - Roof materials

Reason: To ensure the use of appropriate materials in the interests of visual amenity to accord with the National Planning Policy Framework and

saved Policies STRAT 1 and NBE 20 of the West Lindsey Local Plan First Review 2006 and emerging policies LP17 and LP26 of the Central Lincolnshire Local plan 2012-2036.

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

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and emerging policies LP14 of the Central Lincolnshire Local plan 2012-2036.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: HCC/01/03/3115/A, HCC/02/03/3115 and HCC/03/03/3115 dated October 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. Before the proposals are occupied the foul and surface water methods shall be completed in accordance with the details approved in condition 3 or shown on the plans listed in condition 4 of this permission.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006 and emerging policies LP14 of the Central Lincolnshire Local plan 2012-2036.

7. Prior to the use of the development the additional parking spaces shall be marked out as shown on plan HCC/03/03/3115 dated October 2015.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

8. All three portable cabins shown to be replaced on plan HCC/01/03/3115/A dated October 2015 shall be removed from the site on completion of the two storey extension.

Reason: In the interests of visual amenity and to ensure that the portable cabins are not re-positioned within the site taking up valuable parking spaces to accord with the National Planning Policy Framework and saved policies STRAT 1, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review 2006 and emerging policy LP17 of the Central Lincolnshire Local plan 2012-2036.

9. The two storey extension shall only be used for the purposes identified on plan HCC/03/03/3115 dated October 2015.

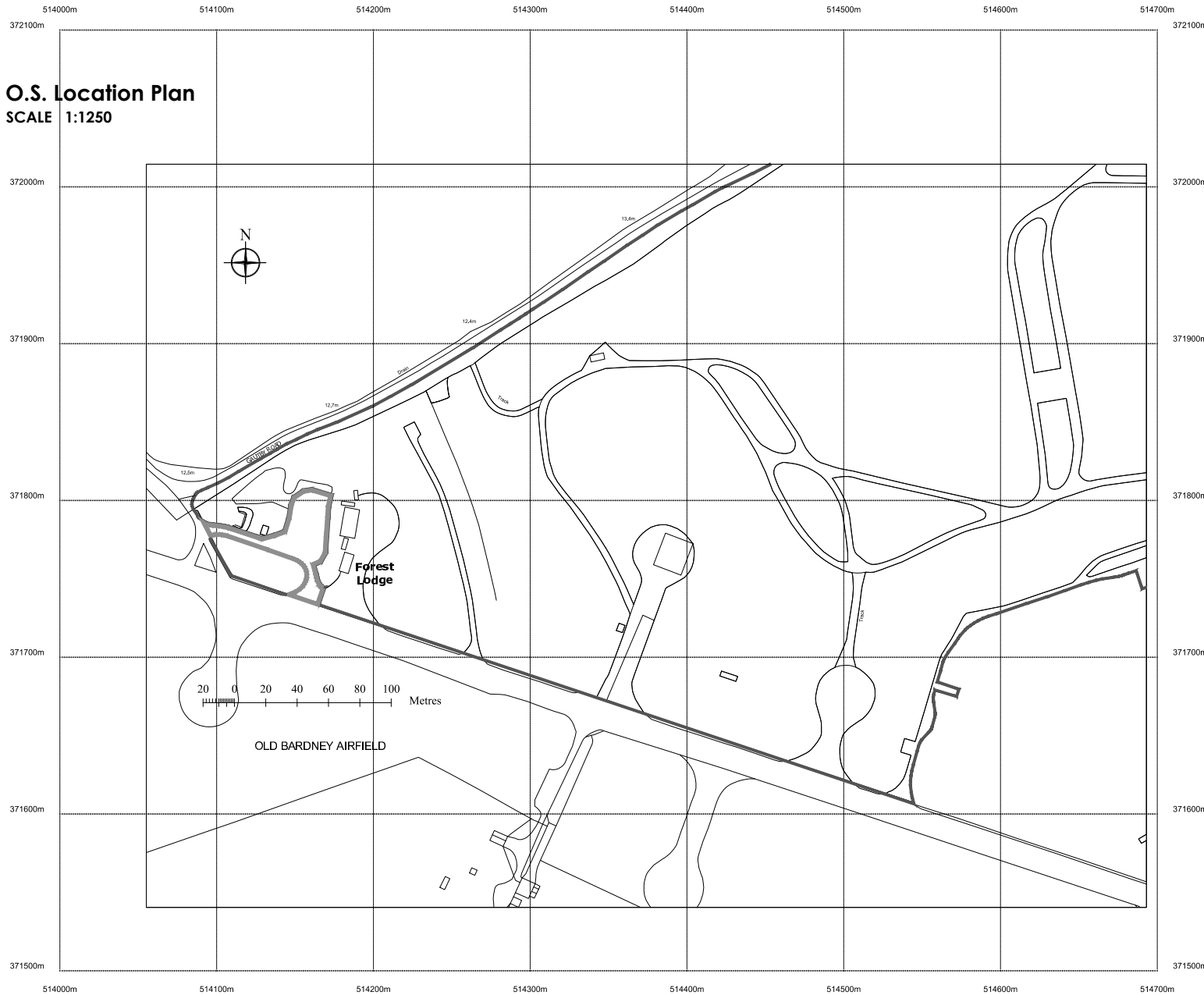
Reason: To restrict the use of the two storey extension as further resident bedrooms cannot be served by the existing car parking facilities on the site to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. Occupation of Units 1-3 shown on plan HCC/01/03/3115/A dated October 2015 shall be limited only to employees or residents of the business known as Howson Nursing and Residential Home.


Reason: To restrict the use of the units to protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

NOTES:
 1. All measurements are in mm unless otherwise specified
 2. Do not scale from drawings - dimensions are approximate only. Contractors must check measurements prior to ordering materials etc.

O.S. Location Plan
 SCALE 1:1250



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EXISTING PROJECT INFORMATION	AF Architecture 65 Robin Hoods Walk, Boston, Lincolnshire PE21 9EX Tel: 07956656436 E-mail: A_Fox1982@hotmail.com		
	APPLICANT NAME: Mr. & Mrs. F. Wootton DATE: March 2015		
	PROPOSAL: PROPOSED NEW MANAGERS ACCOMMODATION / DWELLING		
	SITE ADDRESS: Forest Lodge, Austacre Wood, Old Bardney Airfield, Wragby, Lincolnshire LN8 5JN		
	DRAWING TITLE: O.S. Location Plan		
DRAWING NO: 15/121 / OS Map	SCALE: As shown	REVISION: .	A1

Officers Report
Planning Application No: 133371

PROPOSAL: Proposed new manager's dwelling to replace temporary mobile home

LOCATION: Bardney Airfield Gautby Road Bardney Dairies Bardney LN8 5JN
WARD: Bardney
WARD MEMBER(S): Cllr Fleetwood
APPLICANT NAME: Mr and Mrs F Wootton

TARGET DECISION DATE: 14/10/2015
DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Refuse Planning Permission.

Description:

The site is located to the north-east of Bardney on part of the Old Bardney Airfield.

It is located approximately 1.8 miles to the northeast of Bardney and 2.1 miles to the west of Gautby. The site is located within the open country side and outside of Bardney village. The site is not within a flood risk zone. Current accommodation on the site includes a mobile home for which temporary planning permission was granted. The site is partially screened by a two metre wooden fence to the front which partially screens the site from public view with a wooded area surrounding the rest.

The current proposal is seeking approval to construct a new permanent building. The drawings show that the building would be two storeys in height and would have a lounge, office, kitchen /dining area and living area on the ground floor. The first floor level would accommodate 3 bedrooms (including a master bedroom with en-suite and dressing room), a study and a bathroom. A pitched roof is proposed along with traditional brick and roof tiles.

Relevant history:

126341 – Retrospective planning application to site mobile home and treatment plant. Temporary planning permission was granted in February 2011 (expiring 30/04/2015).

Representations:

Chairman/Ward member(s): No representations received to date.
Parish/Town Council/Meeting: No objection.
Local residents: None received

Relevant Planning Policies:

National Guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in Open Countryside

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

RES 1 Housing Layout and Design

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

RES10 – Agricultural and Forestry Housing Requirements.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res10>

CORE 10 Open Space and Landscaping Within Developments.

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

NBE10 Protection of Landscape Character in Development Proposals

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

NBE 11 – Development Affecting Sites of Special Scientific Interest

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe11>

NBE 12 – Development affecting locally designated nature conservation sites and ancient woodlands

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe12>

NBE 14 Waste Water Disposal

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

Central Lincolnshire Local plan 2012-2036

<http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

In terms of the proposed development, the following policies are considered relevant:

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP11: Meeting Housing Needs

LP17: Landscape, Townscape and Views

LP14: Managing Water Resources and Flood Risk

LP22: Local Green Spaces

LP25: Design and Amenity

Main issues:

- Principle of a dwelling in this location
- Effect on the Open Countryside
- Residential Amenity
- Foul and Surface Water Drainage
- Highway Safety

Appraisal

Principle of a dwelling in this location

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.

STRAT 12 states that planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, 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.

The application site lies in open countryside in the rural area of West Lindsey and therefore there is no policy support for the erection of a two storey detached dwelling in this location unless the applicant can prove that it is essential to the needs of the enterprise.

Planning policy at a national level seeks to prevent the establishment of isolated dwellings in open countryside except where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

PPS7 was used previously to assess agricultural workers dwellings and whilst this was revoked with the introduction of the NPPF, in the appeal decision ref no. APP/N2535/A/12/2186890 the Inspector stated that: "Various appeal decisions made since the Framework was published suggest that the PPS7 tests could be a material

consideration when determining whether a worker's dwelling would meet an essential need."

Saved Policy RES10 which follows the tests set out in PPS7 is therefore considered relevant in considering this application particularly in that a proposed agricultural or forestry dwelling should be 'essential' to the efficient and operational running of the enterprise. This is also broadly consistent with the Framework.

RES 10 is the Local Plan policy for agricultural and forestry housing and within this there are certain criteria for which the proposal needs to be assessed on.

i. A dwelling, and its proposed siting on an agricultural or forestry holding are essential to the efficient and operational running of the enterprise;

The need was assessed in the previous application 126341. The business is predominantly in the forestry industry but has expanded into rearing of woodland pigs and chickens.

The forestry process includes felling, extracting and transporting timber to the existing on site sawmill. The breeding sows on the site has increased from 47 to 70. Contracts have been secured to provide goods to local markets.

The need for the dwelling on site is due to the need to be on hand to care for the welfare of the pigs and chickens throughout the day and night.

The need was established in the application 126341 and with an increased number of animals need for a permanent dwelling is accepted.

ii. The need is for accommodation for a full-time worker;

The dwelling would be the main residence for Mr and Mrs Wootton (the applicants) and two of their sons, all of which are employed by the business.

iii. The unit and the agricultural or forestry activity concerned have been established for a minimum of 3 years and profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;

Since the previous planning permission was granted in 2011, the business has been profitable and financially viable every year since trading began. Projections also indicate that there is a clear prospect of this continuing to be the case. Financial figures have been provided to corroborate this.

iv. No other housing accommodation is already available locally, whether occupied or not, to meet the need;

The site is sufficiently far away from the nearest village to mean that as it has been established that there is an essential need for workers accommodation it would not be reasonable to live so far away. The village of Bardney is over 3000m away.

v. The necessary accommodation cannot be provided by the conversion of a building on the holding;

There are no existing buildings within the unit that can be converted as these buildings play an integral part of the enterprise.

vi. The new dwelling is sited with any farmstead or other group of rural buildings on the holding;

The siting of the new dwelling is adjacent to an existing grouping of buildings and is suitable in terms of close proximity to the business operations.

vii. The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain;

Paragraph 9 of Annex A to PPS7 states "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding."

Agricultural dwellings are not normally granted consent if they exceed 185 square metres (2000 square feet) gross floor area on large agricultural holdings i.e. 200 hectares (500 acres) plus, which can be seen in numerous appeal decisions. In addition, this can threaten the retention of the agricultural occupancy condition. Therefore, the Local Planning Authority would not expect a dwelling on a holding of less than 40 hectares (100 acres) to exceed 160 square metres (1725 square feet) gross floor area.

The site is approximately 0.15 hectares and the proposed floor area equates to approximately 332.5 square metres. This is more than double the size for a dwelling with a holding of less than 40 hectares and therefore unacceptable.

Whilst the applicants have submitted financial information and which indicate that the business is in profit, it is considered that the case for a dwelling of the size proposed has not been made.

Effect on the Open Countryside

It is not felt that the proposal would have a detrimental impact on the open countryside. The site is significantly screened and would be sited along the other existing buildings. The proposal would not impact upon the SSSI or the nature conservation area.

Residential Amenity

In this case there are no residential properties within close proximity to the site and therefore the proposed dwelling will not result in any detrimental impact in terms residential amenity.

Foul and Surface Water Drainage

The application plans do not provide full surface water drainage details, however these could be secured by way of planning condition requiring that full drainage details are provided and approved prior to commencement of works.

Highway Safety

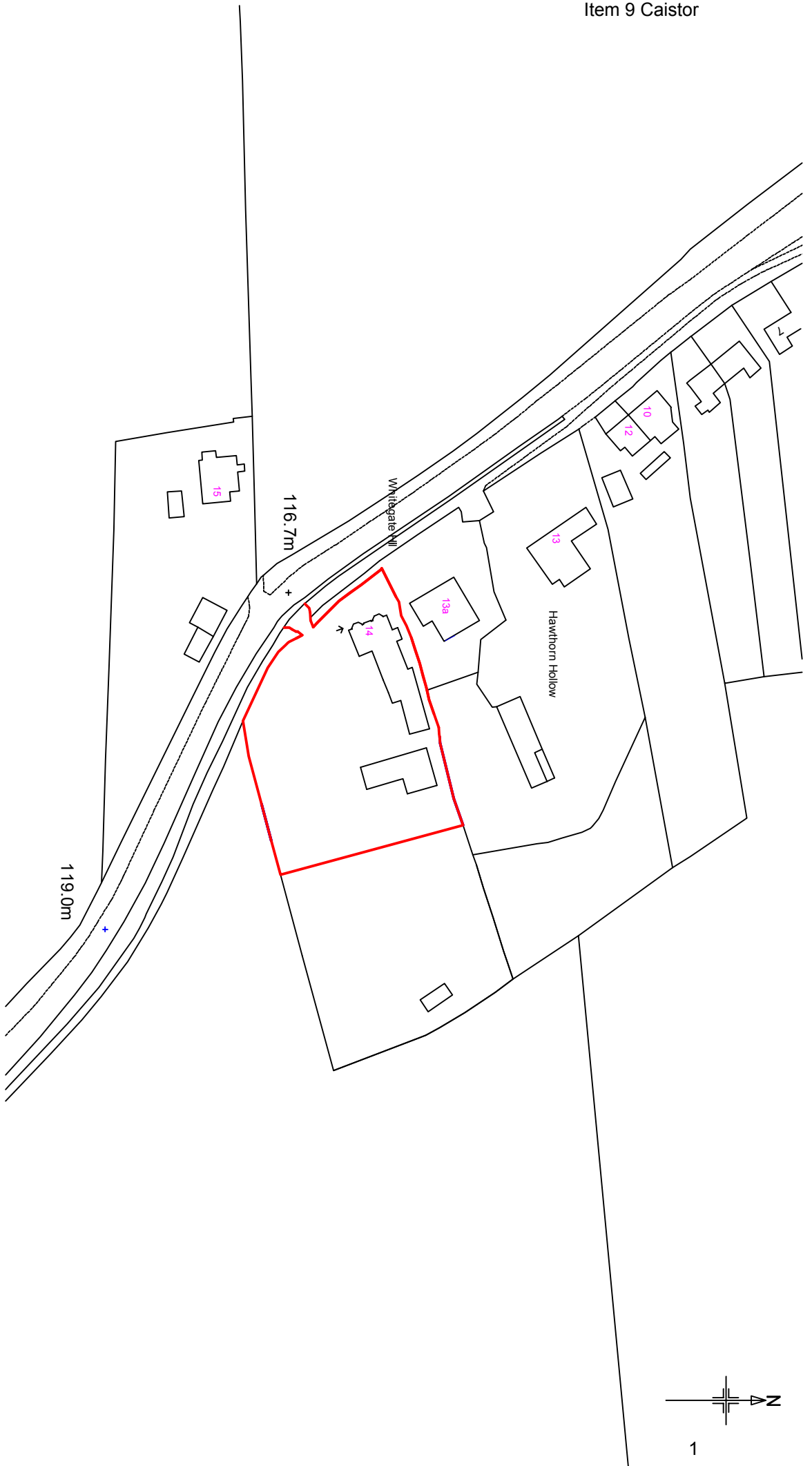
There are no concerns with regards to highway safety, the dwelling proposed would use the existing access.

Conclusion:

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT1: Development Requiring Planning Permission, STRAT12: Development in the Open Countryside and RES10: Agricultural and Forestry Housing Requirements of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, whilst it has been established that there is an essential need for a worker to live on site but the size of the dwelling proposed is not considered acceptable on a holding of such a small size with no sufficient justification. The proposal is therefore contrary to policy RES 10 of the West Lindsey Local Plan First review and the sustainability principles of the NPPF.

Recommendation: Refuse permission for the follow reason:

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT1: Development Requiring Planning Permission, STRAT12: Development in the Open Countryside and RES10: Agricultural and Forestry Housing Requirements of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, whilst it has been established that there is an essential need for a worker to live on site but the size of the dwelling proposed is not considered acceptable on a holding of such a small size with no sufficient justification. The proposal is therefore contrary to policy RES 10 of the West Lindsey Local Plan First review and the sustainability principles of the NPPF.



Client:	Mr O Lawrence		
Project title:	14 Whitegate Hill, Caistor		
Drawing title:	Location Plan		
Drawn by:	HM	Checked by:	KK
Scale:	1:1250@A4	Revision:	
		Date:	Jan/2016
		Status:	Planning
		Drawing number:	192.02

Officers Report

Planning Application No: 133882

PROPOSAL: Planning application for alterations to existing dwelling and erection of 2no. detached dwellings

LOCATION: 14 Whitegate Hill Caistor LN7 6SW

WARD: Caistor and Yarborough

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

APPLICANT NAME: Mr Oliver Lawrence

TARGET DECISION DATE: 08/03/2016

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Planning Permission

Introduction:

This application is presented to the committee as the applicant is related to the Ward Councillor for Caistor.

Site: This is located to the south east of Caistor at the end of a ribbon of housing enclosed by open countryside on three sides. 14 Whitegate Hill is a large detached two storey dwelling which extends rearwards in a number of stepped wings, including a garage with utility room with a bedroom in the roof space and a former stable building at its eastern end. The land rises gradually to east. To the east is a portable wooden classroom building and beyond this work has commenced on a new dwelling approved in 2014 (Ref: 131713). To the west across Whitegate Hill is a detached dwelling and open fields. To the south are agricultural fields which rise up to beyond the site boundary. To the immediate north is 13A Whitegate Hill, a detached house, which sits at a much lower level approximately 5 metres below that of 14 Whitegate Hill. It is set back a minimum distance of 1.6 metres from its southern boundary with the application site rising to a distance of 6 metres. Number 13 Whitegate Hill is located approximately 20 metres to the north west of 13A which separates it from the application site.

Proposal: Alterations to the existing house and the erection of two detached dwellings.

Relevant history:

132698: Alterations and extensions to existing dwelling to create 3 dwellings. Approved at planning committee 29th July 2015.

131713: Detached house and garage to the east of the application site. Approved at planning committee 12th November 2014.

128427: Change of use of agricultural field car park and play area and formation of new field access. Approved June 2012

W18/418/84: Change of use of one room to nursery classroom. Approved 20 Jun 1984

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

Caistor Town Council: No objections.

Local residents: One representation has been received from 13 Whitegate Hill: 2

We have concerns that the two new dwellings proposed in the plan will be very close to our property, and will deter from the enjoyment, privacy and light afforded currently to our garden. Our garden falls well below the ground level of the new dwellings (by some 35 feet). Any additional height built on the land of no. 14 would heavily influence light to our garden and properties would have a direct line of sight into our garden. We have no objection to the development of the land but ask that the development is placed further away from our boundary and lower in height.

LCC Highways: Requests that any permission given by the Local Planning Authority shall include the conditions below.

HP17 - Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 192.02 dated Dec/2015 and retained for that use thereafter.

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

HP22 - Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 192.02 dated Dec/2015.

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

The Development Plan

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

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

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

STRAT 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in Open Countryside

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

MT1: Market Towns

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

RES 1: Housing layout and design.

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

CORE10: Open space and landscaping in developments

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

NBE10: Protection of landscape character and areas of landscape value
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

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

Central Lincolnshire Local plan 2012-2036

The Submission Draft Local Plan 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 and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

In terms of the proposed development, the following policies are considered relevant:

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

National guidance

National Planning Policy Framework 2012 (NPPF)

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

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Planning Practice Guidance 2014

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

Main issues

- Principle
- Residential Amenity
- Effect on the Open Countryside
- Highways
- Drainage

Assessment:

- Principle of development in this location

The principle of development has been previously accepted by the granting of planning permissions in 2015 for two new dwellings in this location. The current proposals would be a replacement and not an addition to these dwellings as it would only be possible to physically implement a single approval on the site.

- Impact on adjoining residents

It is important to note that the difference in ground levels between 13 and 13A Whitegate Hill and the application site is a function of existing and not proposed topography. The footprint of what is now 14 Whitegate Hill can be seen on old ordnance survey plans covering the period from 1888 to 1913. The land to the immediate north had no houses and is annotated as “Old Quarry”. This explains the difference in levels. It also demonstrates that the siting of 13 and 13A Whitegate Hill was established and considered acceptable within the context of 14 Whitegate Hill. This is important as it is accepted that there will be an impact on 13A, however, it is considered that refusal could only be substantiated if the impacts are judged to be significantly adverse in their own right.

“House 2” is the dwelling closest to 13A and is a one and a half storey dwelling with an eaves height of 4.5 metres rising to a ridge of 6.5 metres. The rooflights primarily provide illumination to the proposed landing area and not habitable rooms. Following the submission of amended plans it will now be set back 4 metres to the rear (south) of the line of the existing buildings that are closer to 13A and are to be demolished to facilitate the proposal, and, the northern wall of 14 Whitegate Hill (House 1). This will ensure a minimum distance of 5.9 metres from the boundary and the dwelling will be partly screened by the existing house. A 1.8 metre brick wall is proposed to run along the rear of the site to prevent overlooking from ground floor windows and openings. Consequently no adverse impacts are considered to arise in respect of overlooking and loss of privacy from the proposed dwelling. In terms of potential loss of light the existing buildings which are closer to the nearest neighbour will be demolished and the new building set further back into the site. Given this it is not considered to be a reason to withhold consent.

“House 3” is further to the east and on higher land that is located further away from 13 and 13A. It is two storey with a pitched roof that slopes away from the north. Eaves height is 5.2 metres rising to a ridge of 8 metres. There are two bedroom windows at first floor level. It is to be set back a minimum of 7.7 metres from the boundary rising to 7.9 metres. Due to the large size of the existing gardens to the north and the placement of the windows serving bedrooms at the furthest end of the house from the neighbours this is not considered to arise in a significant impact in terms of loss of privacy. It is inevitable that there will be some loss of light and overshadowing that will arise although it is not considered to be sufficiently injurious to withhold permission.

It will be necessary to remove permitted development rights for the creation of new openings, extensions and alterations to the roof to avoid potential overlooking and increased loss of light.

- Impacts on the open countryside

The site is located at the very edge of the settlement and within a designated AGLV. The impact of the proposal on the character of the area is therefore critical. Saved Policy NBE10 notes that “high priority will be given to the distinctiveness to conserving distinct landscaped features, landscape character and the landscaped amenity of the District.” Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas and defined within the Landscape Character Assessment.

As the site adjoins open fields and ground levels rise to the south and east the site is particularly prominent from Whitegate Hill. The West Lindsey Landscape Character Assessment notes the site to fall within the North West Wolds Escarpment. The document notes that it is the highly visible ridgeline of the escarpment and its western face which is the most sensitive.

“House 2” is located to the rear of the existing house and as a one and a half storey building will have a ridge that will sit 100 mm below that of 14 Whitegate Hill and will also partially occupy an area that had existing buildings on it up to one and a half storeys in height. Given this the visual impact of the proposal is not considered to detract from the character or appearance of the AGLV.

“House 3” which is to the east of “House 2” would be located towards the top of the escarpment. From the east the views would be limited by the mature trees to the rear of the site and the general fall in ground levels. The main impact, therefore, would be the immediate views to the south along Whitegate Hill. Whilst the change would be significant, the dwelling as a structure would be seen in the context of the host dwelling, “House 2” and the recently approved dwelling to its east which will have a higher ridge height. Views would also be framed by the significant tree copse to the north. Additional landscaping will be required by condition to help assimilate the dwellings within the wider landscape. The design of the houses which includes flat roofed dormer windows, extensive vertical glazing and balconies is contemporary and not unattractive. This together with the back drop of a significant number of mature trees and the mature hedging to the southern boundary would maintain the character of this entrance to Caistor and that of the wider escarpment. Due to the sensitive nature of the location it is considered necessary to remove permitted development rights for extensions and other alterations to the houses including buildings incidental to the enjoyment of the dwellinghouse that could detract from the existing design and increase the impact on the AGLV.

- Highways

There are no objections from Highways subject to the imposition of conditions.

- Drainage

The site is not located in an area at risk of flooding and it is considered possible for a sustainable system of drainage to be utilized. Details will be secured by way of an appropriate condition. A package treatment plant is proposed to deal with foul sewerage, details of which will also be conditioned.

Conclusion

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policies STRAT 1 – Development

Requiring Planning Permission, RES 1 Housing Layout and Design, and NBE 10 Protection of landscape character and areas of landscape value Landscaping of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These other considerations include the National Planning Policy Framework (NPPF) 2012 and the National Planning Practice Guidance 2014. The development was therefore assessed against the advice detailed in the NPPF as well as the policies relating to design, highway safety and amenity from the Local Plan Review such as STRAT 1 and RES1. Having assessed the application it is considered on balance acceptable, subject to the imposition of the conditions above.

Recommendation: Approval subject to conditions.

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

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

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

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

2. No development shall commence until a scheme detailing the disposal of surface water drainage and foul waters from the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent water pollution in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006

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

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10, NBE10 and NBE20.

4. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the buildings and its surroundings and in accordance with West Lindsey Local Plan First Review Policies STRAT 1, NBE10 and NBE 20.

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

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

192.03A, 192.04A and 192.05

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, RES3, NBE10, NBE20 and CORE 10 of the West Lindsey Local Plan First Review 2006

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

6. The arrangements shown on the approved plan 192.02 dated Dec 2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Whitegate Hill and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on drawing number 192.02 dated Dec 2015.

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

8 All planting, seeding or turfing comprised in the approved details of landscaping referred to in condition 3 above shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants within the whole site which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, RES3, NBE10, NBE20 and CORE 10.

9. Notwithstanding the provisions of Classes A, B, C and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, there shall be no external alterations to the dwelling including the insertion of new windows or dormer windows, extensions or outbuildings, other than as authorized by this permission.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings/ and to safeguard the character and appearance of the building and its surroundings and in accordance with West Lindsey Local Plan First Review Policies STRAT1, RES3, NBE10, NBE20 and CORE10.

10. The occupation of the dwellings hereby approved shall not occur until the drainage scheme approved under condition 2 has been fully implemented and ready to use.

Reason: To ensure proper drainage of the site and to prevent pollution of the water environment in accordance with saved Policies STRAT1 of the West Lindsey Local Plan First Review.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(Highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by: George Backovic **Date:**

Signed:

Authorising Office **Date:**

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee