

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

This meeting will be recorded and the video archive published on our website

Planning Committee

Wednesday, 29th June, 2016 at 6.00 pm
The Council Chamber - The Guildhall, ,

Members:

Councillor Owen Bierley
Councillor Michael Devine
Councillor David Cotton
Councillor Matthew Boles
Councillor Ian Fleetwood (Vice-Chairman)
Councillor Thomas Smith
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Hugo Marfleet
Councillor Mrs Jessie Milne
Councillor Stuart Curtis (Chairman)
Councillor Giles McNeill

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each
3. **Minutes of previous meeting**
Meeting of the Planning Committee held on 1 June 2016, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/local Changes in Planning Policy**

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

6. Planning Applications for Determination

a) 134027 - Nettleham

PROPOSAL: Planning application to erect single storey extension to dwelling, demolition of new garage and new access at 2 Greenfields, Nettleham. (PAGES 1 - 6)

RECOMMENDED DECISION: Grant permission subject to conditions

b) 134115 - Fenton

PROPOSAL: Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-amendments to appearance, size and scale and repositioning of garages of plots 1 and 2 only at 40 Lincoln Road, Fenton. (PAGES 7 - 14)

RECOMMENDED DECISION: Grant with conditions.

c) 133156 - Market Rasen

PROPOSAL: Outline planning application for proposed residential development of up to 150 dwellings with associated amenity space, estate roads and surface water attenuation-all matters reserved on land South of The Ridings, Market Rasen. (PAGES 15 - 40)

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:-

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

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.

d) 133946 - Claxby

PROPOSAL: Application to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from 4 per calendar month to 48 per calendar year at Willowbanks Stables, Pelham Road, Claxby. (PAGES 41 - 54)

RECOMMENDED DECISION: Grant permission subject to

conditions

7. **Review of Planning Application 133815**

(PAGES 55 -
104)

8. **To note the following determination of appeals**

- i) Appeal by Mr Tom Pickering against the decision of West Lindsey District Council to refuse planning permission for demolition of existing dwelling and agricultural buildings and construct proposed residential development of 9 no dwellings on Land at Northview Farm, Gainsborough Road, Middle Rasen.

Appeal Allowed - See copy letter attached as Appendix Bi.

Costs Refused

Officer Decision – Refuse.

- ii) Appeal by Mr Gibson against the decision of West Lindsey District Council to refuse planning permission for the erection of 2no dwellings and demolition of host property and outbuildings at 11 Front Street, Grasby.

Appeal Allowed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse.

- iii) Appeal by Mr Dennis Armstrong against the decision of West Lindsey District Council to refuse planning permission for hybrid application for a change of use of the former Red Lion Public House from a drinking establishment (A4) to a single dwelling house (C3); Partial demolition of single storey extensions and further external alterations; Outline application for residential development of up to five dwellings (All Matters Reserved) at the Red Lion Tavern, 1 Marton Road, Sturton by Stow.

Appeal Allowed - See copy letter attached as Appendix Biii.

Officer recommendation – Grant permission. Committee overturn.

- iv) Appeal by Mr Neil Bennett against the decision of West Lindsey District Council to refuse planning permission for outline application for residential dwelling infill on Main Street between two existing bungalows at The Paddock, Main St, Osgodby.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer decision – Refuse.

- v) Appeal by Mr David Boyles against the decision of West Lindsey District Council to refuse planning permission for a detached two bedroom bungalow on Land adjacent to The Willows, Low Road, Osgodby.

Appeal Dismissed - See copy letter attached as Appendix Bv.

Officer decision – Refuse.

- vi) Appeal by Ms Andrea Oliver against the decision of West Lindsey District Council to refuse outline planning permission for removal of derelict clinic and construction of 4 semi-detached houses at Saxilby Health Clinic, Highfield Road, Saxilby.

Appeal Dismissed - See copy letter attached as Appendix Bvi.

Officer decision – Refuse.

- vii) Appeal by TWD Developments Ltd against West Lindsey District Council's failure to give notice within the prescribed period of a decision on an application for outline planning permission for the erection of up to 40 dwellings at Lancaster Green, Hemswell Court, Hemswell Cliff.

Appeal Allowed - See copy letter attached as Appendix Bvii.

Officer decision – Would have been Refuse.

- viii) Appeal by Mr Charles Pickering against the decision of West Lindsey District Council to refuse planning permission for the erection of 12 dwellings with access from Dunholme Close on land adjacent to Dunholme Close, Welton.

Appeal 133064 Dismissed Appeal B 132426 Allowed - See copy letters attached as Appendix Bviii.

Officer recommendation – Refuse.

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 21 June 2016

This page is intentionally left blank

Gas Governor

134027 Nettleham

31.0m



Existing Hedge Retained

1100

2318

Proposed 1800mm High Close boarded fence

7551

1067

New Vehicle access

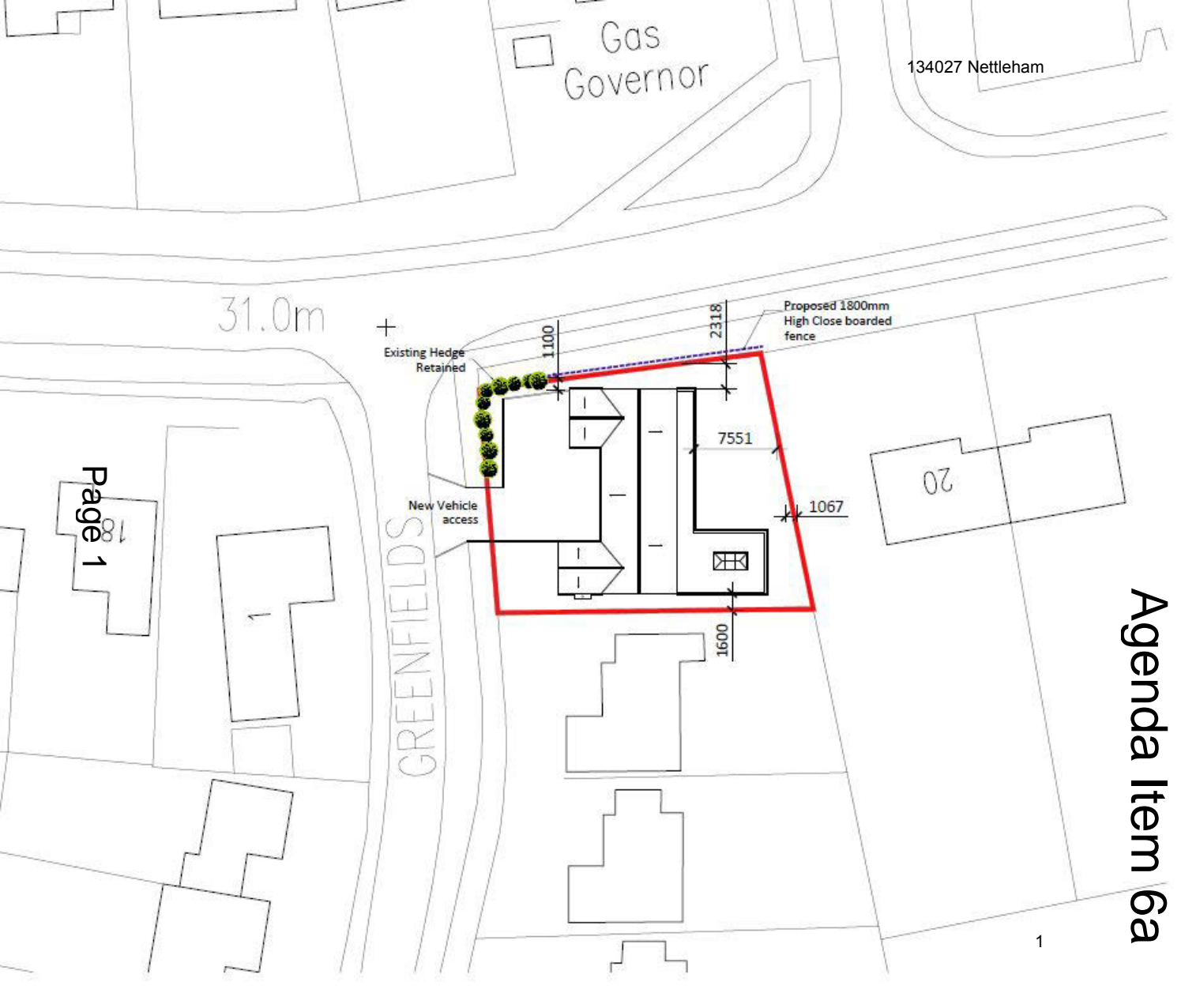
1600

GREENFIELDS

Page 1

20

Agenda Item 6a



Officer's Report

Planning Application No: 134027

PROPOSAL: Planning application to erect single storey extension to dwelling, demolition of new garage and new access.

LOCATION: 2 Greenfields Nettleham Lincoln LN2 2RT
WARD: Nettleham

TARGET DECISION DATE: 08/04/2016
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Charles Winnett

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

This application was brought to the planning committee on the 1st of June as the planning considerations are finely balanced, it was then deferred to the planning committee on the 29th of June as the report did not assess the proposal against policies set out within the Nettleham Neighbourhood Plan.

The application site is a single storey bungalow with a detached single garage, the dwelling is set back from the highway and is located in the settlement of Nettleham. The dwelling is located on a corner plot and has a small front garden to the north and west and a small driveway to the east. The sites southern boundary is a wooden fence, whilst the boundaries to the north, west and east is hedging. The sites adjoining land uses to the south and east is residential, whilst Sudbrooke Lane lies the north, and Greenfields (road) to the west.

The application seeks permission to erect single storey extension to dwelling, demolition of new garage and access.

Relevant history:

133437 - Planning application to erect rear ground floor and first floor Extensions – refused on 22/10/2015.

Representations:

Chairman/Ward member(s):	No representations received to date
Parish/Town Council/Meeting:	<p>Strong objections for the following reasons:</p> <ul style="list-style-type: none"> • Size and scale of proposal • Over dominate • Internal layout • Inadequate off street parking • Inadequate amenity space • Will result in a loss of smaller more affordable homes in

	<p>the area.</p> <ul style="list-style-type: none"> • Contrary to policies RES1 and RES11 • Contrary to Nettleham Neighbourhood Plan • Impact on the street scene
Local residents:	No representations received to date
Highways Authority	<p>Request conditions :</p> <ul style="list-style-type: none"> • request the applicant submit a drawing to demonstrate the proximity of the highway tree to the proposed access. • request the applicant submit a root protection area and written permission from the area highways team with regards to the proposed access' proximity to the tree.
Archaeology:	No objections
IDOX:	Checked 11/03/2016

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework (2012) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>National Planning Practice Guidance http://planningguidance.communities.gov.uk/</p>
Local Guidance	<p>West Lindsey Local Plan First Review (2006) Saved Policies</p>
	<p>STRAT 1 Development requiring Planning Permission http://www.west-lindsey.gov.uk/localplan/written/cpt3a.htm</p>
	<p>RES 11 Extensions to Dwellings Located within Settlements http://www.west-lindsey.gov.uk/localplan/written/cpt6.htm</p>
	<p>Nettleham Neighbourhood Plan http://parishes.lincolnshire.gov.uk/Nettleham/section.asp?catId=34497 Policy D-3 Parking Provision Policy D-6 Design of new development</p>

POLICY RES 11 – Extensions to dwellings located within settlements
i. Does the proposal introduce a terracing effect in the street-scene?
No
ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?
<p>Planning permission was previously refused on this site (application 133437) for a large extension, since this refusal, the design and scale of the proposal has seen significant alterations which is a result of cooperation between the agent and planning officers,</p> <p><i>Policy D-6 of the Nettleham Neighbourhood Plan states that:</i></p> <p><i>New development, including infill development and residential extension, should preserve and enhance the village of Nettleham by:</i></p> <p><i>a) Recognising and reinforcing the district local character (as set out in the character</i></p>

assessment and the Village Design Statement) in relation to height, scale, density, spacing, layout orientation, features and materials of buildings.

- b) Designing housing proposals to reflect existing residential densities in the locality of the scheme.*
- c) Respecting and protecting local heritage assets and their settings, including Scheduled Ancient Monuments and Conservation Areas.*
- d) Protecting natural assets, enhancing the natural environment and biodiversity.*
- e) Incorporating adequate landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing rural village context and respond to the wider countryside setting.*
- f) Seeking to retain mature or important trees. Development that damages or results in the loss of ancient tree or trees of good arboricultural and/or amenity value, will not normally be permitted unless justified by a professional tree survey and arboricultural statement. Where removal of a tree(s) of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site.*
- g) Ensuring boundary treatments reflects the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and garden are unenclosed, new developments should seek to replicate this openness.*
- h) Incorporation of appropriate methods of energy generation and conservation in all new builds.*

New development should provide sufficient external amenity spaces, refuse and recycling storage facilities and car parking. The appearance and location of such features should be considered early in the design process to ensure that they are well integrated into development proposals and form part of a cohesive and visually appealing environment.

Criteria (a) and (g) are most relevant to the proposal as the application is not for a new dwelling nor is it within a conservation area or in close proximity to a heritage asset, no protected trees or important natural features will be affected by the proposal.

The proposal is considered to meet the relevant requirements of Policy D-6 in that the proposal will reinforce local character through the use of appropriate materials and will still be in keeping with the building lines along the street, and whilst the dwelling will be larger, screening in the form of hedges and proposed fences which are common boundary treatments will help to soften the extensions visual impact on the street scene. It is considered that although the proposal will result in a significant increase to the size of the dwelling, the extensions overall impact on the street scene and its impact on surrounding area, including neighbouring properties will not be so significant as to warrant the refusal of the application. The proposal is therefore considered to meet the requirements of Policy D-6 of the Nettleham Neighbourhood Plan and saved Policy Res 11 – Extension to dwellings located within settlements of the West Lindsey Local Plan First Review (2006).

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

The dimensions of the extension have been revised since the submission of application 133437 which was considered to have a poor relationship with 20 Sudbrooke Lane due to its proximity to the dwelling and the arrangement of its rear windows. Revisions to the

extension now position it further away from no.20 Sudbrooke Lane at a distance of 11 metres. The extension is now considered to be suitably positioned as to not significantly harm the amenity or privacy of neighbouring dwellings.
iv. Does the proposal prejudice the retention of any significant trees or other important features?
There are no protected trees or important features that the proposal will affect.
v. Does the proposal enable adequate off-street parking space to remain for at least one vehicle to park?
Policy D-3 (Parking Provision) of the adopted Nettleham Neighbourhood Plan, requires that new housing provides sufficient levels of off street car parking spaces, however as the policy applies to new housing only, it is not applicable to this application. Parking details provided with the application show that the proposal will retain parking spaces for 5 cars, which is considered a sufficient number considering the size of the proposal.
vi. Does the proposal enable an adequate amount of private garden space to remain?
A suitable amount of garden space will still remain on the application site.
vii. Does the proposal have a significant impact on the supply, availability and subsequent affordability of smaller properties as part of the overall mix of properties within the locality?
This part of the policy is not compliant with the NPPF and has not formed part of the assessment.

Other considerations:
None.

Conclusion and reasons for decision:
The decision has been considered against the policies STRAT1 Development Requiring Planning Permission and RES11 Extensions to Dwellings located Within Settlements of the adopted West Lindsey Local Plan Review 2006 in the first instance and guidance contained within the National Planning Policy framework 2012 and the National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

Recommendation: Permission be granted, 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. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

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

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

3. 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: 1001 Rev F dated 19/08/2015 and 1002 Rev G dated 19/08/2015 .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.

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

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

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

None.



Officers Report

Planning Application No: 134115

PROPOSAL: Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-amendments to appearance, size and scale and repositioning of garages of plots 1 and 2 only.

LOCATION: 40 Lincoln Road Fenton Lincoln LN1 2EP

WARD: Torksey

WARD MEMBER: Councillor S F Kinch

APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 29/04/2016 (Extension of Time: 30/06/2016)

DEVELOPMENT TYPE: Minor - all others

RECOMMENDED DECISION: Grant with conditions.

Description:

This application has been referred to the Planning Committee as the applicant is an elected Member of the Council.

The site is at 40 Lincoln Road, Fenton. It is on the southern side of the road, on the eastern edge of the village. In January 2015, planning permission was granted to redevelop the site for four dwellings (application 131784). In July 2015 the scheme was amended to accommodate an improved drainage scheme (application 133055).

The application seeks not to comply with condition 4 (approved drawings) of planning application 133055.

Condition 4 reads as follows:

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:

2624-L Location Plan;

2624-105 Revision A House Type 4 Plans;

2624-106 Revision B Block Plan;

2624-107 Revision A House Type 1 Plans;

2624-108 House Type 2 Plans;

2624-109 House Type 3 Plans; and

TDI169 001 Foul and Surface Water Drainage

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 West Lindsey Local Plan First Review 2006 Policy STRAT1.

The application seeks that a new permission is issued with condition 4 varied to read as follows:

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:

- 2624-L Location Plan;
- ~~2624-105 Revision A House Type 4 Plans;~~
- **tma/1122/05 Plot 2 Dwelling Plans and Elevations;**
- **tma/1122/07 Plot 2 Garage Plans and Elevations;**
- ~~2624-106 Revision B Block Plan;~~
- **tma/1122/08 Proposed Block Plan;**
- 2624-107 Revision A House Type 1 Plans;
- 2624-108 House Type 2 Plans;
- ~~2624-109 House Type 3 Plans – now superseded;~~
- **tma/1122/04 Plot 1 Dwelling Plans and Elevations**
- **tma/1122/06 Plot 1 Garage Plans and Elevations ;** and
- *TDi169 001 Foul and Surface Water Drainage*

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 West Lindsey Local Plan First Review 2006 Policy STRAT1.

The effect of the amendments would be to change the house type proposed for plots 1 and 2 on the western half of the site.

Plot 1 - House type 3 (drawing 2624-109) was previously proposed. It was for a two storey 4-bedroom detached dwelling with a footprint measuring 14.76m x 7.88m and approximately 8.60m to the roof ridge. Now the revised house type (drawing TMA/1122/04) proposes a 15.64m x 9.64m dwelling with a second storey within the roof space – creating six bedrooms in total. A single storey sun lounge is proposed along the eastern elevation. The double garage would be re-orientated to the west side of the dwelling, bounding the site entrance.

Plot 2 – House Type 4 (drawing 2624-105 rev A) was proposed, a four bedroom detached property with 8.10m x 17.75m footprint and 8.80m high roof ridge. Now (drawing TMA/1122/05) a 13.72m x 13.75m footprint house is proposed with six bedrooms (including a second storey) and 9.41m roof ridge. The detached garage would be relocated from the eastern side of the house to the western side.

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

The development proposed would not fall within either schedule 1 or schedule 2 and is not 'EIA Development' for the purpose of the regulations.

Relevant history:

131784 - Planning application for change of use from B1 business and B8 storage to housing with the erection of four new houses. **Approved 22/01/2015.**

133055 - Planning application to vary condition 4 of planning permission 131784 granted 22 January 2015-revised surface water drainage details. **Approved 30/07/2015.**

134112 - Application for a non-material amendment to planning permission 131784 granted 22 January 2015-changes to plot 3 appearance/fenestration. **Approved 21/03/2016.**

Representations:

Archaeology: No objections / comments.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

STRAT1: Development Requiring Planning Permission

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

RES1: Housing Layout and Design

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

Assessment:

S73(2) of the 1990 Act states that for any applications made in order not to comply with a condition, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. In other words, it should consider only the changes being sought, and not revisit the principle of the development.

The effect of the amendment, would be to substitute the house types on plots 1 and 2. The proposed houses will be larger than that previously approved

and would introduce second storeys to the dwellings. Nonetheless, for each, the second storey would be retained within the roof and served by skylights.

The new buildings would not be dramatically different in scale or style to that previously approved. The changes would not be expected to introduce an adverse impact to the character and appearance of the development or result in harm to the neighbouring dwelling (38 Lincoln Road) to the west.

It is concluded that the development would still be compliant with the provisions of the West Lindsey Local Plan First Review, particularly policies STRAT1 and RES1.

As a s73 application forms a new planning permission, it is relevant to repeat the previous conditions attached to planning permission 133055. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Recommendation

To grant planning permission, with condition 4 varied to include the amended plans.

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

1. The development hereby permitted shall be begun before 22 January 2018.

REASON: To conform with section 73(5) and 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 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 surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

3. No development shall take place until, a final scheme of landscaping including details of the size, species and position or density of all trees and hedgerows 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. The scheme shall include details of management and maintenance arrangements for the proposed swale.

REASON: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1, CORE 10 and RES1.

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:

- 2624-L Location Plan;
- tma/1122/05 Plot 2 Dwelling Plans and Elevations;
- tma/1122/07 Plot 2 Garage Plans and Elevations;
- tma/1122/08 Proposed Block Plan;
- 2624-107 Revision A House Type 1 Plans;
- 2624-108 House Type 2 Plans;
- tma/1122/04 Plot 1 Dwelling Plans and Elevations
- tma/1122/06 Plot 1 Garage Plans and Elevations ; and
- TDi169 001 Foul and Surface Water Drainage

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 West Lindsey Local Plan First Review 2006 Policy STRAT1.

5. The development shall be carried out in accordance with the approved Supplement to Flood Risk Assessment Report by George Shuttleworth Ltd, dated October 2014. Finished floor levels shall be set no lower than 7.5m above Ordnance Datum.

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

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number tma/1122/08 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.

7. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on drawing number tma/1122/08.

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

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

8. All planting, seeding or turfing comprised in the approved details of landscaping required by condition 3 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, 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, CORE 10 and RES1).

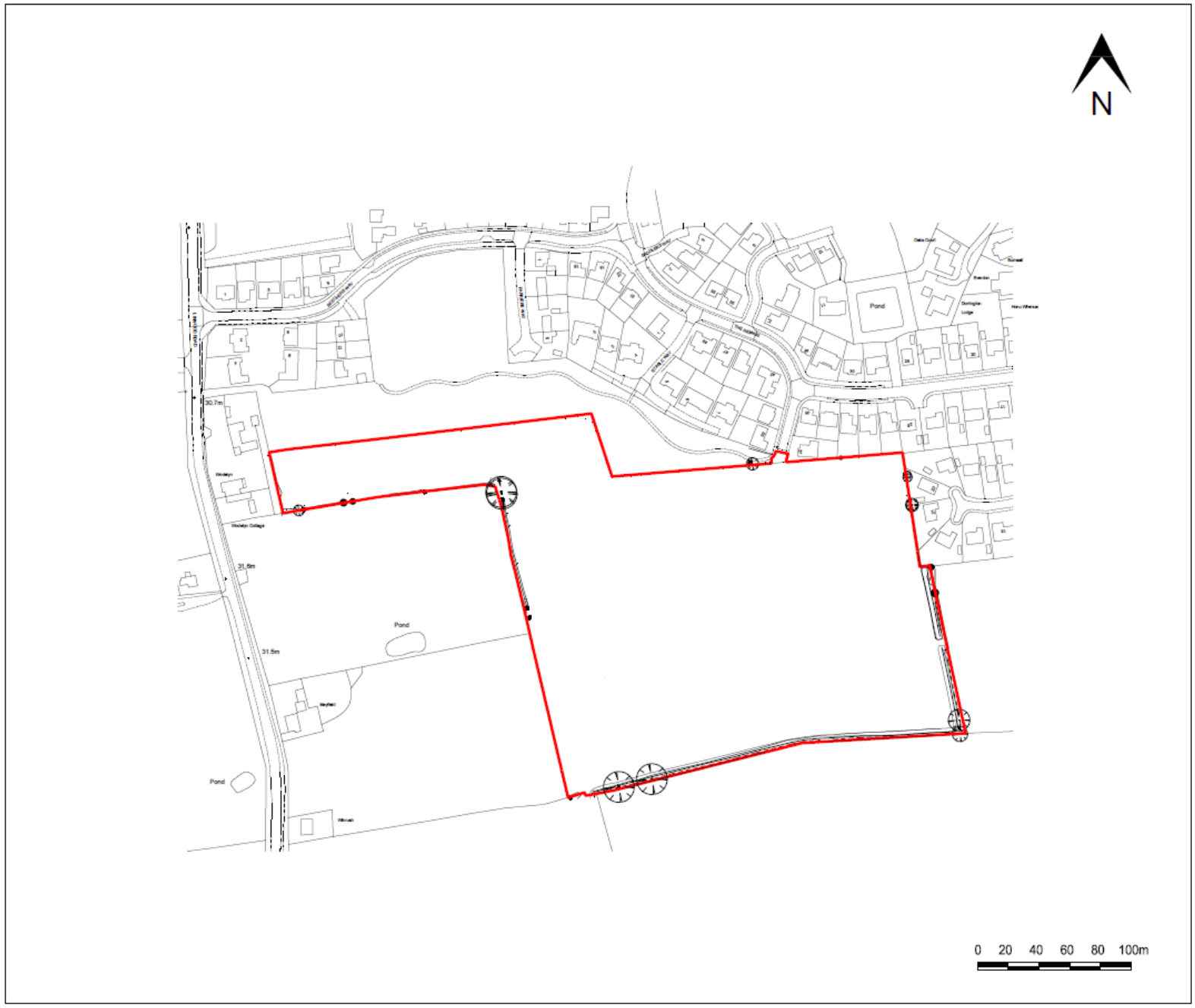
Human Rights Implications:

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

This page is intentionally left blank



Officers Report

Planning Application No: 133156

PROPOSAL: Outline planning application for proposed residential development of up to 150 no. dwellings with associated amenity space, estate roads and surface water attenuation-all matters reserved

LOCATION: Land South of The Ridings Market Rasen Lincolnshire LN8 3EE

WARD: Market Rasen

WARD MEMBERS: Cllr H Marfleet, Cllr J McNeill and Cllr T Smith

APPLICANT NAME: Prospect Place Ltd

TARGET DECISION DATE: 14/09/2015 (Extension of time agreed until 01/07/2016)

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:-

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

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 a residential development of up to 150 dwellings, with associated development including public open space. All matters of scale, appearance, layout, landscape and access are reserved for subsequent approval (reserved matters).

An illustrative masterplan (drawing 1102-02-MP02 rev A) submitted with the application, indicates that the main pedestrian and vehicular access would be taken from The Ridings, to the north. 'Possible future access' is indicated to the east, south, and two access points to the west.

It suggests a balancing pond in the north-eastern corner, as part of a sustainable drainage system (SUDS), and indicates a number of single storey properties within the northern part of the site. Public Open Space (POS) is indicated along the northern boundary adjacent to the POS on the existing housing site.

The application site is to the immediate south of Market Rasen, measures 5.84 hectares in area, and is an agricultural field in active arable use.

Bungalows within The Ridings and Wells Drive, part of a fairly recent housing development, adjoin the site to the north-east. Agricultural fields adjoin the site to the south-east and south. Private land to the west separates the site from Linwood Road. Public Open Space serving The Ridings Estate adjoins the site to the north-west.

The site lies outside of Market Rasen's settlement boundary as defined in the West Lindsey Local Plan First Review.

It lies within Flood Zone 1 (low probability) on the Environment Agency's Flood Maps.

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

The development of 150 dwellings on a 5.84ha site would qualify as Schedule 2 development (paragraph 10(b)) based on the site area (more than 5ha). It is however far below the indicative threshold within Planning Practice Guidance¹ which considers development which "would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)". 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:

None applicable.

Representations:

Market Rasen Town Council:

Comments on 8th July 2015:

Infrastructure will suffer i.e. doctors, dentists and schools etc. There are no job opportunities in the area and we have poor public transport. There are not many leisure facilities in the area. Car parks and roads will suffer. Car parks

¹ [Paragraph: 058 Reference ID: 4-058-20150326](#)

are already getting full and people are parking down narrow roads. The estate will become extremely busy with traffic, especially on race days.

In the past there has been flooding in the area and the drainage struggles to cope. With additional properties, drainage will need to be investigated.

Main concern raised was the one access point. It is not practical to use existing access for this proposal. These additional houses will need its own access road. Can this be considered? With only having one access road, this will become very difficult for residents, emergency services and bin collections.

This estate is currently lovely and quiet so this proposal will affect many residents. Some residents will see an increase in their home insurance; some will lose their lawns and many properties views will change. Social housing may increase the crime rate in the area.

Comments on 1st December 2015:

Concerns were stated over drainage and the main point. The water will be backed up and could possibly cause flooding in the town. What happens when the water goes to the main point, where does it go then? If the water builds up it could flood the school field along with other areas of the town.

Whilst we note that some improvements have been made to the plans in respect of the flood risk assessment and drainage strategy, however the Council are still not satisfied and feel that this work is still incomplete, further investigation work is needed. What calculations have been made to manage the system? We find this of great importance as properties will be in great danger if this system is not properly managed.

Further distress was expressed on the sewerage system. There is still a lot of additional foul water in the town. Councillors conveyed the need of extra sewerage which needs to be maintained on a regular basis.

We note from the plans that a foul pumping station is to be installed alongside existing properties. What impact will it have on residents? What will the noise level be?

In addition the Committee expressed concerns over the impact on health services/schools, poor public transport, no job opportunities, possible increase in crime, access (only access being Beechers Way) and very narrow roads for emergency services/bin collections, and the problems it could cause with traffic flow in the town, especially on race days. Have schools and health services been approached? What consultation has been done?

Environment Agency: The site is in Flood Zone 1 so the submitted flood risk assessment will address mainly surface water runoff management. Responsibility for advising on this has moved from the Environment Agency to

the Lead Local Flood Authority (Lincolnshire County Council) so we do not wish to comment.

Local Highways and Lead Local Flood Authority:

Request that any permission has a condition for details of 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, to be submitted to and approved in writing by the Local Planning Authority.

Application is outline with all matters reserved, therefore the Highway Authority (HA) have only considered the drainage principles as part this consultation. Access and layout will be considered by the HA as part of a reserved matters application.

Regarding submitted Transport Assessment, acknowledge the capacity issues relating to the Oxford Street / Willingham Road junction. Considering the two mitigation options proposed, consider that a right turn lane is not feasible due to restricted widths and the right turn ban would not be a practical solution. The junction currently operates MOVA to counter the capacity issues suffered at this junction and although the proposed development will have additional impact it would not be severe enough to warrant refusal. It is therefore considered that no mitigation measures will be required at this junction.

Natural England: Satisfied that the development, being carried out in strict accordance with submitted details, will not damage or destroy the interest features of the nearby Linwood Warren Site of Special Scientific Interest (SSSI). Council should consider impact on local sites, local landscape character and local or national biodiversity priority habitats and species.

Welcome the provision of Green infrastructure (GI), particularly the incorporation of the pond and surrounding amenity space and the retention of existing trees.

The Council should consider securing measures to enhance the biodiversity of the site.

Lincolnshire Wildlife Trust: Satisfied that, provided the consultant's recommendations are followed, there should not be significant negative impacts on protected species. Support suggestions for enhancement including provision of a range of bird nest boxes, retention / strengthening of existing hedgerows and native tree and shrub planting.

Recommend species-rich grassland is incorporated into areas of open space. Habitat links should be provided where possible.

Strongly support inclusion of SUDS. Pond ideally should always be wet to maximise wildlife benefits.

Recommend inclusion of features within built environment for biodiversity, for example provision of nesting boxes/cups.

Trees and Woodlands Officer: Has no objections to the outline application. Consideration should be given to moving properties further away from the existing trees in the westerly half of the site, unless tree survey indicates they are of poor quality and should be removed.

Archaeology: The results of the archaeological evaluation were very decisive, the majority of the site appears to have very little archaeological merit, but there is a small section where trenches 1 and 2 were excavated which are of great interest.

These trenches relate directly to the already well know Roman pottery industry in Market Rasen which is on both sides of Linwood Road and to the north where the Riding housing estate now stands. The evaluation confirms that pottery production was taking place on this part of the development site and a kiln was recorded. There is a high potential for more kilns and associated finds and features associated with the pottery production on this site.

Recommend that should planning permission be forthcoming for this site that it should be subject to set piece archaeological excavation, limited to the western strip where archaeological trenches 1 and 2 were excavated. This excavation should be subject to the relevant planning condition and that it should be completed in advance of any work beginning on this part of the site. Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2012)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. This should consist of set piece archaeological excavation.

Housing and Communities Project Officer: The affordable housing requirement will be for 25% of the total units to be delivered on site. Type and tenure to be agreed through discussion. It's likely that a 70/30 split affordable rent to shared ownership will be acceptable in this location.

NHS England: Market Rasen Surgery practice population is just above 10,000. Currently up to capacity with the ratio of GPs to patients above the national average. An additional 345 new patients means level of patient care may be compromised and could become unsafe. The building no longer lends itself to further expansion. Has potential for some internal reconfiguration by reducing the main waiting room area to accommodate extra consulting and treatment rooms. Seek capital contribution of £425 per dwelling (up to £63,750).

Local Education Authority: The Market Rasen Primary School has insufficient capacity to accommodate the pupils generated by development.

Seek a capital contribution (£338,293) to enable 30 additional primary school places.

Anglian Water: Foul drainage is in catchment of Market Rasen Water Recycling Centre that has limited available capacity for these flows. Sewerage system at present has available capacity for these flows.

Lincolnshire Fire and Rescue: Object on the grounds of inadequate water supply. Can be overcome with the installation of two fire hydrants.

Lincolnshire Police: Well-designed development making good use of a cul-de-sac layout. Offers guidance on safety including ensuring public areas are overlooked, car parking, clearly defined space, low boundary treatments.

Local Residents:

Letters of support from **41 Anglian Way, Garnetts (45 Queen St), Spring Market Rasen Ltd / The March Hare Market Rasen Ltd (14 Market Place), Stoves of Market Rasen Ltd (3 Queen St)**. In summary:

- Town's retail offer is in decline – new homes and families will support local businesses/jobs and increase town centre footfall;
- Allow this application to save our town;
- Contributions from development will benefit local schools, doctors etc.

Objections from **2, 4, 5, 6, 7, 11, 14, 15, 27, 37, 39 Beechers Way, 4, 5 Farriers Way, 22 Haydock Way, 1, 11, 17, 21 Horseshoe Way, Linwood Road (Winrush, Wodelyn Cottage), 2, 3 Saddlers Way, 4, 5, 6, 7 Stable Way, 12, 29, 30, 31, 32, 35, 37, 43, 45, 46, 47, 51 The Ridings, 16, 21 Wells Drive**. In summary:

- Concerns with flood risk within site and to adjacent properties (including 29, 31, 37 The Ridings, 21 Wells Drive which already experience flooding);
- Concerned surface water will be discharged into existing balancing pond alongside Horseshoe Drive properties, which has a history of flooding;
- Surface water will flood lagoon and the local river through De Aston School;
- Revised Flood and Drainage Risk Assessment along with its recommendations do not satisfy the potential of further flooding or the disposal of sewage through existing drainage systems;
- Concerned with potential noise / nuisance from pumping station;
- Proposed open water will attract mosquitoes;
- Existing drainage and traffic problems on Linwood Chase will be exacerbated;
- Should consider further access/egress. One access is insufficient;
- There is only access for emergency services;
- Proposed access using Beechers Way is inadequate;
- Add to existing highway safety concerns on The Ridings which has inadequate passing;
- Increase congestion at Linwood Road / Beechers Way junction;

- Disruption during construction. Residents have already had to endure many years of disruption during building of Linwood Chase. The Ridings is insufficient for construction traffic;
- Detrimental impact on 43 The Ridings;
- No demand or need for new housing in Market Rasen;
- Market Rasen does not have traffic capacity, services or infrastructure capacity (health, education) to accommodate further development;
- Lack of car parking within Market Rasen;
- The scale of the proposed development is huge, out of proportion and outside the natural town envelope, to be built on existing farm land, which is or should have been within the green belt;
- Loss of agricultural land and greenfield site;
- Development in the open countryside ultimately has adverse landscape and visual impacts;
- Extra light and noise pollution;
- Development will block long views enjoyed by existing residents;
- Will affect the setting of a historic roman settlement;
- Site was a haven for wildlife until used for arable farming in last four years. Its potential for ecology will forever be lost;
- Dedicated footpath to existing public Open Space will be required;
- Concerns with level of publicity of the planning application.

Relevant Planning Policies:

- **National policy and guidance**
National Planning Policy Framework (2012)
<http://planningguidance.communities.gov.uk/>
Planning Practice Guidance
<http://planningguidance.communities.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>
 - STRAT5 Windfall and Infill Housing – Development in Market Rasen and Caistor
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat5>
 - 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 subject to public consultation between Friday 15th April and Thursday 26 May. Following consultation, it will soon be formally submitted to the Secretary of State for examination. The plan is available to view 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 greater than for previous stages, though the 'starting point' for decision makers remains with the extant plan.

Market Rasen is allocated as a Market Town (draft policy LP2), 'the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area.'

The emerging CLLP allocates the site for residential development (draft policy LP51). Site CL1359 'Land off Linwood Road & The Ridings' is allocated for

133 dwellings. The Council have not raised any objections to development in this location or made any formal comments against the suitability of this site for a residential land allocation within the CLLP. The site has been considered by the Council, for local plans purposes and in order to meet the objectively assessed need for housing, to be a necessary and suitable part of the future growth of Market Rasen.

Main issues

- Principle of Residential Development (WLLP policies STRAT3, STRAT5, STRAT9 and STRAT12)
- Landscape and Visual Impact (CORE10, NBE10, NBE20)
- Highways Access and Safety (STRAT1, SUS4)
- Flood Risk and Drainage (STRAT1)
- Ecology (NPPF Chapter 11)
- Archaeology (NPPF Chapter 12)
- Local Infrastructure and Services (STRAT19)
- Affordable Housing (RES2, RES6)
- Indicative layout and Residential Amenities (STRAT1, RES1, RES2, RES5, CORE10)

Assessment:

(i) Principle of Residential Development

The site is an undeveloped site on the southern edge of the market town of Market Rasen. It is previously undeveloped, or 'greenfield', land currently being used for agricultural purposes, growing crops.

The site is not allocated for residential development in the WLLP, and falls immediately outside the settlement boundary. At the time of the Plan (2006), the Beechers Way / The Ridings development to the immediate north was allocated as having an existing permission.

Policy STRAT5 (Windfall and Infill Housing Development in Market Rasen...) states that permission will be granted for new residential development on previously developed land within the settlement boundary of Market Rasen subject to meeting criteria including a limit of no more than 20 dwellings. As a 'greenfield' site outside the defined settlement boundary and at the scale proposed here, STRAT5 does not apply.

As a 'greenfield' site, it falls at the bottom rung of STRAT9's sequential approach towards prioritising previously developed land.

Land not within the built footprint of settlements is treated as 'open countryside' (WLLP paragraph A99) and policy STRAT12 applies. STRAT12 does not support the grant of permission "*unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location*".

In view of the above, the planning proposal would be a departure from the WLLP 2006. In accordance with planning law, permission should be refused unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a significant material consideration. A core principle (paragraph 17) is that *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area”*.

Paragraph 49 states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”*

For decision-taking this means (paragraph 14):

- 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 NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Because the spatial application of the WLLP can be considered to be out of date as it no longer meets the objectively assessed housing needs of the area, then the second bullet point of the NPPF presumption test can be applied.

Another material consideration is the emerging Central Lincolnshire Local Plan (CLLP). The 3rd Draft of the Plan, the Proposed Submission Draft, has been subject to public consultation and will imminently be submitted to the Secretary of State for public examination. In accordance with the NPPF (paragraph 216), it can be attached some weight in the decision making process. The CLLP proposes (policy LP2) that Market Rasen is *“the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan...”*

The application site is allocated for residential development within the emerging CLLP. Under policy LP51, the site is given reference ‘CL1359’ and is allocated for 133 dwellings.

The Plan has been through three rounds of consultation. It must be noted that the Council have not raised any objections to development in this location or made any formal comments against the suitability of the site for inclusion as a residential land allocation.

The NPPF (paragraph 49) 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.”

The Latest (May 2016) Central Lincolnshire Five Year Land Supply Report² demonstrates a 5.33 year supply (12,283 dwellings) based on a five year housing land requirement of 11,531 dwellings (incorporating a 20% buffer and previous shortfall).

A number of sites within the emerging CLLP are included towards achieving the five year supply. Notably, this includes the application site, reference CL1359, which is calculated to deliver 133 houses overall, and which includes 90 towards the five year supply.

Overall, the site would be a departure from the WLLP 2006. Nonetheless, the Plan no longer meets the objectively assessed housing needs of the area. Market Rasen is proposed as a focus for significant but proportionate growth in the emerging CLLP, and the application site is proposed for residential development in order to contribute towards this. The site is also expected to contribute 90 dwellings towards the five year housing requirements for the area.

It is considered that development should be supported where it would meet the NPPF presumption in favour of sustainable development.

(ii) Landscape and Visual Impact

WLLP policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment”*.

Policy NBE20 states that *“Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.”*

A Landscape and Visual Impact Assessment (LVIA) was requested from the applicant but was not forthcoming.

The site lies within the Heathland Belt Local Landscape Character Area (LLCA) in the West Lindsey Landscape Character Assessment 1999, a background document to the Local Plan.

A key characteristic is that *“the fringes of Market Rasen and Caistor have a relatively wide range of land uses.”* It states that *“the landscape on the outskirts of Market Rasen has a particularly diverse pattern and a variety of uses including agriculture, light industry, kennels, nurseries, a race course,*

² See <https://www.lincolnshire.gov.uk/central-lincolnshire/planning-policy-library/126952.article>

golf course and camping areas. The blocks of woodland, hedgerows and trees help to accommodate this varied range of land uses in a predominantly flat agricultural landscape.”

The approaches to Caistor and Market Rasen are considered to be one of the more sensitive parts of the landscape. Considering principles of accommodating new development, it says *“any new development on the fringes of Market Rasen or Caistor should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees (predominantly oaks).*

The site is a relatively flat arable field positioned alongside a new housing estate, on the southern edge of this Market Town. It is enclosed by traditional hedgerows and trees. The indicative layout would suggest these can be retained without compromise, and the masterplan suggests the boundary treatment could be improved with new planting.

It is not a particularly sensitive landscape, and it is considered that, with a suitable layout and landscaping scheme (‘reserved matters’) development could be assimilated into the landscape without significant harm occurring.

In terms of visual impact, the site would be visible from Linwood Road (B1202) the main road approaching the town from the south. It would nevertheless be set back some 180 metres from the road, and would not be considered to be a significant visual impact.

Public Footpath MaRA/162/6, runs approximately 250 metres to the east of the site. Whilst the development may be visible from the footpath, this would be when approaching the town and it is not considered that the development would result in having a significant visual impact in this respect.

A more significant visual effect would be from the adjoining residential estate and its area of public open space. The proposed development would enclose this space. This is nonetheless part of an already established residential environment.

The landscape and visual impacts of the development are not expected to be substantial or lead to a significant adverse effect. Subject to reserved matters, development would not be expected to be contrary to saved policies NBE10 and NBE20.

The NPPF (paragraph 112) states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

The applicant has not provided details of the Agricultural Land Classification of the site. The ‘high-level’ Natural England maps, indicate the site is grade 3

(good to moderate). The loss of agricultural land is an adverse impact of development, although it is not in the highest land classifications.

(iii) Highways Access and Safety

WLLP policy STRAT1 requires development to be satisfactory in regard to: *“The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems”*

The NPPF (paragraph 32) states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Access is a reserved matter. Nonetheless, access is indicated to be taken from The Ridings, to the north.

The Town Council and local residents have raised concerns with the amount of generated traffic (particularly on race days), highway safety and that only one vehicular access is proposed.

It anticipates the following trip generation:

Traffic Generation (no. of vehicles)	Arrive	Depart	Two-way
0800-0900	36	74	110
1700-1800	72	37	109

Table 1: Anticipated Vehicle Trip Generation

The Transport Assessment (TA) finds that there is sufficient capacity at the following junctions to comfortably accommodate the development:

- The Ridings / site access junction;
- B1202 Linwood Road / Beechers Way priority controlled T-junction;
- Legsby Road/The Ridings priority controlled T-junction.

The TA picks up that the A631 Willingham Road / B1202 Oxford Street traffic signal controlled crossroads operates over capacity. Additional traffic from the development will increase delays. The TA proposes two possible mitigation solutions:

- Firstly, that dedicated narrow right-turn lanes from Queens Street and Willingham Road could improve flow and capacity;
- Secondly, to ban right hand turns and direct right turning traffic elsewhere.

The Local Highways Authority have reviewed the proposals and advise that a dedicated right turn lane would not be feasible due to restricted widths, and that the right-hand turn ban would not be practical. The traffic junction

currently operates MOVA³ to manage capacity and queuing. Whilst the additional traffic generated by the development will have an additional impact, the cumulative impact of development would not be severe under NPPF paragraph 32. No mitigation measures will be required at the junction.

Whilst the Town Council and residents have raised concerns with additional traffic on race days, these events are infrequent and do not typically clash with peak travel hours.

Residents have requested that an alternative, or second access is sought to serve the development. Nor the Local Highways Authority, or emergency services, have sought an additional access.

The Local Highways Authority has raised no objections on highway safety grounds and it is considered that the residual cumulative traffic effects of the development would not be severe.

WLLP Policy STRAT1 seeks that development is suitable in terms of:

- iii. The scope for providing access to public transport;*
- iv. The scope for reducing the length and number of car journeys;*
- v. The provision of vehicular and cycle parking facilities;*

Paragraph 34 of the NPPF states that:

'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. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.'

Development is located on the edge of a Market Town, giving access to services, and public transport connections. The Institute of Highways and Transportation make the following suggested acceptable walking distances⁴:

	Town Centres (m)	Commuting/School (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Maximum	800	2000	1200

Table 2: Suggested Acceptable Walking Distances (IHT)

The TA shows that the entire town is within 2000m walking distance of the site, covering the preferred maximum for commuting to work and school. The edge of the town centre can be reached with an approximate 1km walk from the site entrance.

The Tesco Superstore on Linwood Road is an approximate 700m walk.

³ Microprocessor Optimised Vehicle Actuation (MOVA)

⁴ Guidelines for Providing for Journeys on Foot, The Institute of Highways and Transportation (2000)

The De Aston School is a 1km walk. The Market Rasen Church of England Primary School is a 1.3km walk.

The Railway Station is an approximate 1.2km walk, with services to Grimsby and Lincoln (broadly one every two hours). The nearest active bus stop (service 3/3a/3b Lincoln to Grimsby, hourly service) is approximately 630m walk, at the Tesco Superstore.

Located on the edge of an established Market Town, it is considered to be a sustainable location for new residential development, with accessible services and public transport connections within reasonable walking distances.

A Travel Plan has been submitted, in accordance with NPPF paragraph 36, to promote alternatives to using private vehicles. This can be secured by a planning condition.

(iv) Flood Risk and Drainage

A Flood Risk Assessment has been submitted, in accordance with the requirements of the NPPF⁵.

The site lies within Flood Zone 1 (low probability - <0.1% annual probability of river or sea flooding) on the Environment Agency's flood maps. Development of the site will therefore accord with the NPPF's⁶ sequential approach to locating development to those areas at lowest risk of flooding.

Planning Practice Guidance⁷ states that when considering major development, sustainable drainage systems (SUDS) should be provided unless demonstrated to be inappropriate.

The FRA explains that trial holes across the site reveal the depth to standing water to be around 1.2m. Because design guidance recommends that infiltration drainage should be sited at least 1m above groundwater levels, infiltration is not considered to be feasible.

The development had initially proposed to discharge, at an attenuated rate, into the existing drainage channel on the eastern boundary. Water flows northward into a culvert underneath the gardens of Well Drive properties into the adjoining estate. The bank tops were proposed to be raised.

Nonetheless, neighbours have cited that the watercourse is prone to overflowing and Well Drive and The Ridings properties on the north-eastern corner have been subjected to local flooding. Photographs have been provided to support their claims.

The applicant has surveyed the culvert and find that it is silted, and that when cleaned its capacity is still estimated to be less than the 1 in 100 year (plus

⁵ Footnote 20 states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1.

⁶ Paragraph 100 onwards.

⁷ [Paragraph: 079 Reference ID: 7-079-20150415](#)

climate change) greenfield runoff from the upstream catchment. It is therefore concluded that it is not possible to attenuate runoff from the site to a flow which could be discharged into the culverted watercourse without a risk of flooding to either the site itself or adjoining land. The FRA calculates that the development site represents 22% of the total area upstream of the culvert inlet. The preferred method is therefore to direct surface runoff away from the culvert and thereby reduce the existing risk of flooding.

As sewers serving The Ridings are not adopted by Anglian Water, a new outfall sewer designed to adoptable standards is proposed to discharge surface water flows from the proposed development to the watercourse downstream of Legsby Road (to the east).

The revised drainage strategy now proposes the use of permeable paving and discharge into a swale and wet/dry attenuation basin in the north east corner of the site. This would then be discharged at an attenuated rate into the new outfall.

The revised drainage strategy follows months of discussions with the Lead Local Flood Authority to address concerns with localised flooding. By directing surface water away from the existing drainage channel and culvert, betterment is achieved.

Because the application is only in outline, the drainage strategy is indicative, and on the advice of the Lead Local Flood Authority, a condition will be required to secure the final drainage details.

(v) Ecology

The NPPF (paragraph 109) states that *'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible...'*

An Ecology and Protected Species Survey has been submitted with the application.

Great Crested Newts - The report considers the majority of the site has very limited potential for use by Great Crested Newts. The boundary ditch would offer sub-optimal aquatic habitat and the rough grassland field edges and hedgerow bases would offer some limited potential. As a precautionary measure, the report recommends that a Method Statement is prepared immediately ahead of development which can be secured by planning condition.

Bats - The report identifies four mature trees on the southern boundary and western part of the site with the potential to support bats. It concludes that as the trees are likely to be retained, further survey work or large scale mitigation is not required.

Badgers - No signs of badger were found on site. Mitigation is not proposed.

Water voles - The Report advises no signs of use by water vole were noted, although the ditches would offer sub-optimal habitat. No further survey work or mitigation is recommended.

Birds - A 'typical assemblage of common birds were noted on site. Trees and hedgerows were noted as having high potential for use by nesting birds. A condition is recommended, to secure works outside the active nesting season (March to late August) unless a survey has taken place. A Barn Owl box was noted within a tree on the southern boundary, but appeared to be unused. The Report recommends it is repositioned to face over the adjacent fields.

Biodiversity enhancement - The report proposes measures to enhance biodiversity which include:

- Retention and enhancement of existing hedgerows/trees on the boundaries where possible;
- Use of native and locally appropriate species within landscaping scheme including provision of berry bearing species;
- Provision of a small number of mixed design bird nesting boxes within the development.

It is considered that biodiversity enhancement measures can be secured by planning condition.

(vi) Archaeology

The NPPF (paragraph 128) states that *“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

The applicant has provided a Desk-based Assessment and Geophysical Survey, followed by a field evaluation comprising trenching.

The Assessments find that the site has the potential to include heritage assets, as it lies within an area demarcated in the Lincolnshire Historic Environment Record as the boundary of monument 52736, indicating the neighbourhood of the Roman pottery production industry.

Fifteen trenches were opened up and several of these contained archaeological deposits and remains, predominantly related to the Roman pottery industry. In particular, a number of finds were made in trenches 1 and 2, in the north-western strip, including a kiln and associated deposits from the mid-2nd Century into the 3rd Century.

The County Archaeology team found the excavations to be of great interest and recommend that any planning permission should be subject to set piece archaeological excavation, limited to the western strip where archaeological trenches 1 and 2 were excavated. This excavation should be subject to the

relevant planning condition and that it should be completed in advance of any work beginning on this part of the site.

(vii) Local Infrastructure and Services

The Town Council and local residents have questioned whether Market Rasen has the capacity or infrastructure to support further residential development.

Market Rasen is allocated as a Town in the WLLP 2006 (the top of policy STRAT3's settlement hierarchy) and as a Market Town in the emerging CLLP (policy LP2).

As draft policy LP2 states, Market Rasen can be expected to be the focus of significant, but proportionate, growth in housing, employment, retail and wider service provision, across the lifetime of the emerging plan. It is notable that some local businesses have written in support of the additional benefits that would arise from increased footfall from an increased population.

The Local Education Authority, Lincolnshire County Council, has advised that the Market Rasen Primary School will not have the capacity to accommodate the proposed development. A capital contribution to enable up to 30 additional primary school places (£338,293) is sought. The applicant has confirmed they will meet this in full, which will need to be secured through a S106 legal planning obligation.

NHS England has advised that the ratio of GPs to patients at the Market Rasen Surgery (Mill Road) is above the national average, and are concerned with the possibility of patient care and safety being compromised by an additional 345 new patients. They seek a capital contribution of £425 per dwelling (up to £63,750) in order to reconfigure the building more efficiently to enable extra consulting and treatment rooms. The applicant has confirmed they will meet this in full, which will need to be secured through a S106 legal planning obligation.

It is considered that, subject to a S106 planning obligation to mitigate the impact on Health and Education capacity, development would be compliant with WLLP saved policy STRAT19 which states that *“Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.”*

(viii) Affordable Housing

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 applicant had submitted a Viability Assessment (December 2015) which indicated that the provision of affordable housing would not be viable. A number of the assumptions made in the report have been questioned by Officers. Through negotiation, the applicant has now proposed a 10% (15 affordable dwellings) on-site contribution. The provision of affordable housing can be attached positive weight in the overall balance.

Nonetheless, it has not yet been satisfactorily demonstrated that more than 10% would render the scheme unviable and Officers would aim to continue to negotiate with the applicant, through preparation of the S106 planning obligation required to secure this provision.

(ix) Indicative layout and Residential Amenities

All matters of scale, appearance, layout and landscape are reserved for subsequent approval (reserved matters).

Nonetheless, an indicative masterplan (drawing 1102-02-MP02 rev A) submitted with the application shows how the site could readily accommodate up to 150 dwellings incorporating a mix of housing (including single storey development) public open space and water features. The plan would indicate that development can be achieved without overlooking or having an overbearing impact upon existing residential properties.

Taking access from The Ridings will result in traffic flow through what is presently a cul-de-sac. Residents at 37, 39 and 41 The Ridings in particular will experience passing traffic which they are not usually subjected to. This will result in some harm to their amenities compared with their current experiences. Nonetheless, the level of traffic envisaged (see table 1), would not be considered extraordinary for a residential estate and it is not considered that a substantial level of harm would be likely to occur.

Whilst consideration of reserved matters would be subject to a separate application, there is no evidence to suggest at this outline permission stage that residential development could not be achieved on the site without unduly compromising existing amenities or that the development would be otherwise unable to accord with existing WLLP policies STRAT1, RES1, RES2, RES5 and CORE10.

Other matters

Lincolnshire Fire and Rescue have objected on the grounds of inadequate water supply and state that this can be overcome with the installation of two fire hydrants. The application is in outline only, with layout yet to be determined, but there is nothing to indicate that this could not be achieved, and accordingly is not considered to be a reason for withholding planning permission.

Overall balance and conclusions

Development is proposed on a green field site, outside the settlement boundary of Market Rasen. Development is contrary to the provisions of the development Plan, chiefly policies STRAT3, STRAT9 and STRAT12 of the West Lindsey Local Plan First Review 2006. It therefore falls to be refused unless there are material considerations which indicate otherwise.

The NPPF, a significant material consideration, states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”*

Because the Local Plan no longer meets the objectively assessed housing needs of the area, the test should be applied as follows:

- 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 NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

The emerging CLLP, which can be attached some weight at this stage having completed its third round of public consultation, proposes that Market Rasen is a Market Town and is *“is ‘the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan...’”*

The site is allocated within the draft CLLP and is expected to deliver 133 dwellings. The Council have not raised any previous objections to development in this location or made any formal comments against the suitability of this site for a residential land allocation within the emerging Plan. The site has been considered by the Council, for local plans purposes and in order to meet the objectively assessed need for housing, to be a necessary and suitable part of the future growth of Market Rasen.

The site is also included in the latest five year housing land assessment. The ability of the site to contribute 150 dwellings towards an identified housing need (90 dwellings anticipated towards the five year supply) can be attached significant weight in the overall balance.

The applicant proposes on-site affordable housing (at least 10%) which can be attached significant weight.

A positive drainage scheme, incorporating SUDS principles has been shown to be feasible. By directing surface water runoff away from the existing drainage channel – a benefit of development is deemed to occur.

The site would be well located on the edge of the Market Town, within walking and cycling distance of its facilities. An increased population will be likely to support local businesses and services – a benefit of development.

Development would not be expected to affect any protected species or priority habitats and has the potential to lead to a biodiversity enhancement – a benefit of development.

The local Primary School and Health Clinic do not have capacity to accommodate the new development. However, the applicant has agreed to make capital contributions to expand capacity. This is a neutral effect.

Assessment has found areas of archaeological interest. This can be addressed through planning conditions to secure further archaeological evaluation, but is not considered to be a restriction on development.

The Highway capacity and safety implications of the development would not be expected to be severe.

Landscape and visual impacts would be fairly limited, and would not be expected to amount to substantial harm.

All traffic movements serving the site will be off a cul-de-sac within The Ridings. The introduction of such traffic movements will adversely affect the amenities enjoyed at the neighbouring properties. Nonetheless, the traffic generated by the development is not considered unusual for an established residential area and the adverse impacts would be considered to be less than substantial.

Overall it is considered that any adverse impacts identified do not significantly and demonstrably outweigh the benefits of the development. Development would accord with the NPPF presumption in favour of sustainable development. This is a significant material consideration which is deemed to outweigh the development being a departure from the current Local Plan.

Accordingly, it is recommended that planning permission is granted, subject to planning conditions and a S106 planning obligation to secure contributions towards, health, education and affordable housing provision.

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:-

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be

reported back to the next available Committee meeting following the expiration of the 6 months.

Conditions requiring reserved matters and 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, the means of **access** to the site and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.
REASON: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter 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:

4. 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 **8** 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: In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

5. 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.

6. No development shall take place, 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 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;
 - (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) Measures for tree and hedgerow protection;
 - (xii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species, to

include a Great Crested Newt Method Survey as recommended at section 5.1.2 of the Ecology and Protected Species Survey.

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

7. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out at Section 5.3.2 of the Ecology and Protected Species Survey. Development shall thereafter proceed in accordance with the approved details.

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

8. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This should provide details of methodology, which should comprise set piece archaeological excavation limited to the western strip where archaeological trenches 1 and 2 were excavated as reported the Archaeological Evaluation Report, and a timetable of site investigation and recording. The archaeological site work shall be undertaken in full accordance with the approved written scheme. The Local Planning authority shall be notified at least 14 days before the commencement of the on site investigation.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

9. 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.

10. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework.

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

11. Development shall proceed in accordance with the Travel Plan by BWB. Prior to the occupation of any dwelling, details of the Travel Plan Coordinator shall be submitted to the Local Planning Authority. Copies of the annual monitoring reports shall be supplied to the Local Planning Authority.

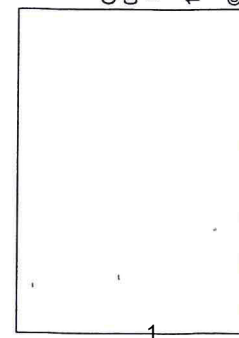
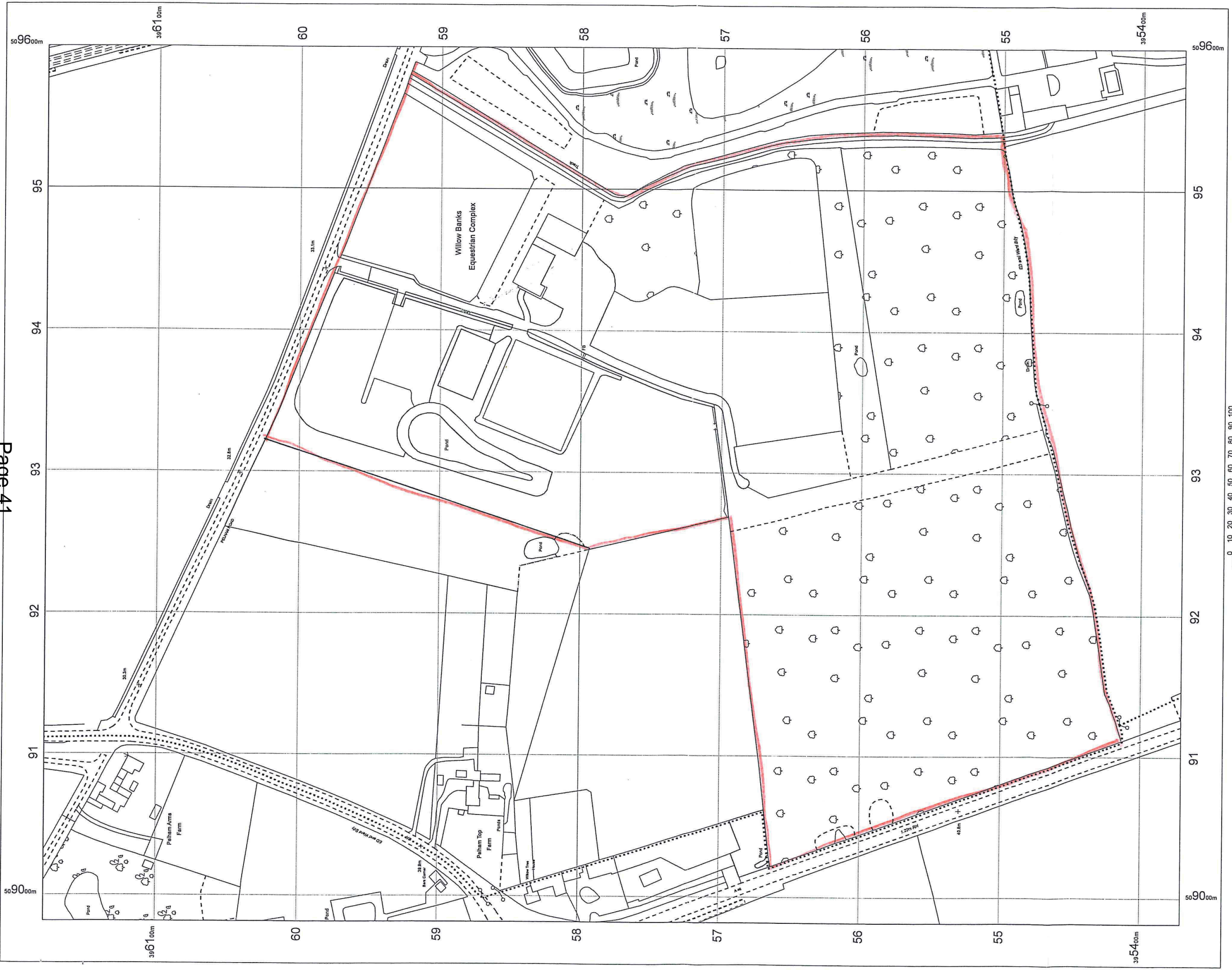
Reason: In order to promote sustainable modes of transport, in accordance with the provisions of the National Planning Policy Framework.

Human Rights Implications:

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

Legal Implications:

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

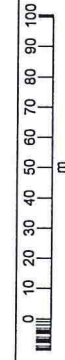
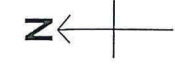


OS MasterMap 1250/2500/10000 scale
 03 June 2015, ID: JEW-00434447
 maps.johnwright.com

1:2500 scale print at A3, Centre: 509290 E, 395775 N

©Crown Copyright Ordnance Survey, Licence no. 100025568

Agenda Item 6d



2335/8
 Plan 4 Claxby

Officers Report

Planning Application No: 133946

PROPOSAL: Application to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from 4 per calendar month to 48 per calendar year

LOCATION: Willowbanks Stables Pelham Road Claxby Market Rasen LN8 3YR
WARD: Wold View
WARD MEMBER(S): Cllr T Regis
APPLICANT NAME: Willowbanks Equestrian Ltd

TARGET DECISION DATE: 27/04/2016
DEVELOPMENT TYPE: Major - Other
CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a relatively new but established equestrian business located in the open countryside to the north west of Claxby. The main part of the site is set back from the highway with an access road leading to the main facilities of the site. These facilities include two large stable/storage buildings and a log cabin which all sit close together to the northern section of the site. One of the large buildings includes toilet and shower facilities. To the west of these buildings is a competition manege with a commentary box and a smaller warm up manege. To the north of the warm up manege is an area of vehicle parking. The proposal affects the entire site but mainly impacts on the use of the existing facilities.

To the north of the site is primarily open countryside and a small site formerly used as a former fuel distribution depot which gained planning permission as a coach depot in 2010 (planning permission 126173). To the east is Wolds View Fisheries and to the immediate south and west is open countryside. Further to the west is a number of residential dwellings

The outer site boundaries are screened to the north, east, south and west by high trees and hedging. The onsite buildings provide further screening to the east. An Area of Great Landscape Value and an Area of Outstanding Natural Beauty sits opposite the north boundary close to the railway line. The site is a natural and semi-natural green space.

The application seeks permission to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from 4 per calendar month to 48 per calendar year.

This has amended the initial proposal which wanted to increase the event days from 4 days to 12 days a month. Following communication with the agent the proposal was altered to the 48 days a year and subsequently started a re-consultation process.

Relevant history:

128298 - Planning Application for change of use from woodland to Equestrian Centre inclusive of ancillary buildings – 06/08/12 - Granted time limit and other conditions

131962 - Planning application to vary conditions 10 and 11 of planning permission 128298 granted 6 August 2012-increase events from 2 to 4 per month and increase opening hours - 28/01/15 - Granted time limit and other conditions

132062 - Planning application to erect 1no. log cabin - 15/05/15 - Granted time limit and other conditions

132807 - Planning application to retain and complete parking areas – No Decision Yet

133170 - Planning application to retain and complete shower block adjacent to stables - 10/09/15 - Granted time limit and other conditions

133502 - Retrospective planning application for proposed manege – 11/12/08 - Granted without conditions

Representations

Chairman: No representations received to date

Cllr T Regis: Comments

I would like to call in application no. 133946 for the following reasons:

1. The current state of Pelham Road connecting the Equestrian Centre to the A46
2. I would like the increase from 4 to 12 days per month in daily activity to be debated by the Planning Committee
3. Likewise I would like the additional increase in noise and disturbance to be considered as well.

Other Ward Members: No representations received to date

Claxby Parish Council: Objections

- The state of the road is dangerous. The passing places installed as a condition of previous planning permissions are inadequate and not fit for purpose for large vehicles.
- An increase from 4 days to 12 days is excessive. An increase on this scale will impact greatly on the quality of life of both those residents living close by the site and the rest of the village, as current access is gained to the equestrian centre via the village rather than via Pelham crossroads. This is despite a weight restriction on Normanby Rise.
- There will also be an increase in noise and disturbance.

Local residents: Representation received

Supporting

Fieldhead, Canada Lane, Caistor

- The proposal will encourage horse riding and stop inappropriate provision in residential areas.

Objects

Pelham Top Farm, Claxby Moor
Pelham House, Pelham Road
Claxby Grange, Pelham Road
Gatehouse Cottage, Pelham Road
The Birches, Mulberry Road, Claxby
Moat Farm, Claxby Road
2 Ash Grove
103 Yarborough Road, Caistor

Summary of comments:

Highway Safety

- Highway cannot cater for two large vehicles including all day farm vehicles. It is inadequate.
- Lead to a large volume of traffic and rapid deterioration of the highway.
- There have been examples of vehicles stuck on the verge and verge erosion due to width of highway.
- Passing places alright for cars but not large vehicles.
- Degrades amenity provided by Pelham Road as pedestrian access to The Wolds.
- Transport statement lacks detail.
- Claxby Grange would support if highway widened.

Residential Amenity

- Noise nuisance from amplified music, voices, klaxon and temporary equipment. Additionally a loud public address/tannoy system at weekends performing commentary.
- All above are against condition 1 of 131962.
- Impact of noise on enjoyment of garden space and dwelling (Pelham House).
- Impact on peace and quiet of area (Gatehouse Cottage)
- Unacceptable concentration of multiple events over the weekends (Friday to Sunday).
- Noise assessment not representative and misleading as previous occasions when commentary, music and klaxons have been clearly audible.
- Noise levels in condition to be managed as assessed therefore there will be no nuisance (Pelham Top Farm).

Other

- Proposal will lead to job losses at existing equestrian business venues

LCC Highways: No objection

Response received 26th February 2016:

The Highway Authority (HA) considers the primary access route to the development as being via the A46 and the C251 (Pelham Road/Moor Road) and in order to assess the impact on these junctions/carriageways the HA require the following information:

A Transport Statement outlining the existing number of vehicle trips by type and number accessing the site currently (broken down into average daily numbers along with numbers on event days) along with trip generation by type and number following the proposal (net level of change).

A drawing showing maximum achievable forward visibility for a vehicle placed in the right turn lane on the A46 waiting to turn right into the C251 (Pelham Road).

Pelham Road is currently sub-standard in terms of physical layout (width/geometry) and condition to carry large volumes of two way vehicular traffic and subsequently may require improvements should the above application be acceptable to the HA.

Revised response received 25th May 2016:

The application has changed to the point that essentially there is no change in operations from the previous application supported by the Highway Authority, therefore we would have no objection to the proposal as it stands.

Public Protection: Comments

Response received 19th February 2016: I have serious reservations as regards the 'excess' apparent in this application to vary. Fact that there is already increase to four event days per month already gives rise to potential for most weekends to be disrupted. An increase to twelve event days would make this more or less inevitable; aside this is a desire to run three day events which in their own right are likely to be disruptive to whole weekends and ought perhaps therefore to be regulated so that they are few and far between.

Online comment & consultee response, and now noise complaint albeit as yet unsubstantiated, suggests that there is offsite disruption to this otherwise 'peaceful' neighbourhood and an impact assessment ought to be required to demonstrate no untoward further disruption.

Revised response received 5th and 6th May 2016:

On the whole I don't see any major issues with the noise report and am accepting of it (excepting at table 4.2.1 which is to be corrected) and in respect of understatement of road noise which is persistent and likely to be significant in terms of contributing to background noise especially at NSR2 & 3. The following (outside of 4.2.1) could be raised as points of potential contention however:

Remit apparently was to assess noise in relation to Klaxon and Public Address systems whereas recommendation expressed at the site meeting was for all potential sources of noise to be identified and assessed, however it is likely that all noise generated on site will have been captured in the brief taken on.

Noise is stated to have been measured East and West of the ménage, 1m away from associated PA speakers, and at the 'existing' car park.

Whereas noise impact in relation to car parking at the new proposed car park would have been more relevant to the overall impact of events on nearest sensitive property, noise has been measured at the car park currently in use. The measurement at this location is assumed therefore to take account of noise generated on that car park as

well as noise attenuated over distance from the ménage and as such can be discounted in terms of potential for Statutory Nuisance in terms of level when further extrapolated over the correct distancing. The measurement is also indicative of discounting in terms of nuisance levels for the proposed new car park by virtue of location, using same levels as attenuated over distance from nearest sensitive premises. Levels at the East of the ménage can be similarly discounted as levels at the West of the ménage are most relevant to impact. Level at this location is given as 73.8dB L_{Aeq} 15 mins which attenuated over distance (without consideration of other factors) would indicate levels well below background and as such again in its right not a Statutory Nuisance.

Overall the noise is 'new noise' and sounds of Klaxons and Public Address systems are likely to be regarded to be foreign, intrusive and unwanted, albeit that the underlying and persisting sound in the area is traffic, and as such consideration ought to be given to limiting event occurrence so as not to be repetitively intrusive at times when others will be wanting to enjoy the general tranquillity of the area, their homes and their gardens.

Environment Agency: No comments

Archaeology: No objections

Lincolnshire Police: No objections

Natural England: No comments

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 (saved policies)

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the Open Countryside

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

CRT 11 Equestrian Facilities

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm>

NBE 9 The Lincolnshire Wolds Area of Outstanding Natural Beauty

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

NBE 18 Light Pollution

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

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

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 substantial 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

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 Design and Amenity

LP55 Development in Hamlets and the Countryside

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

National Guidance

National Planning Policy Framework 2012 (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Main issues:

- Principle of the Development
- Residential Amenity
- Highway Safety
- Assessment of condition 1, 3, 4, 5, 6, 7, 8, 9 and 10 of 131962

Assessment:

Principle of the Development

The principle of using the site as an equestrian business has already been accepted and established through the implementation of planning permission 128298 and subsequently 131962 to increase events from two to four per month and increase opening hours.

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly states that *'planning policies should support economic growth in rural areas in order to create jobs and prosperity'*. Additionally it supports the *'sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'*.

The application has been submitted to provide greater flexibility to the business and give more control to the owner on when events can take place. This allows more events to take place during the months of better weather and lighter evenings from the middle of spring (April-June), the whole of summer (June-September) and early autumn (September).

In an email dated 10th June 2016 the agent has provided some background information on the use of the site. The site is used to purely hold horse showjumping, showing and dressage competitions which are attended by competitors nationally ranging from Devon to Scotland. The events are primarily attended by competitors with one show

a year attracting extra spectators with this year attracting around fifty extra spectators. At all other events the spectator level is very close to zero. Normally most events run from 9am to 4pm but they never start before 9am. The site does not provide any accommodation and normally competitors use local bed and breakfast or hotel places. The odd competitor may sleep in their horse box on site and use the toilet and shower facilities on the site. There is no evening entertainment is provided at the shows or as part of overnight stays.

The principle of the proposal is acceptable providing all other material consideration are satisfied.

Residential Amenity

The proposed increased flexibility for staging of events during the year has the potential to have a noise nuisance on the day(s) of the event and cumulatively over continuous weekends. There have been a number of objections received from residents in relation to noise nuisance from the staging of events and the use of a tannoy system (commentary /announcements), speakers (amplified music), a klaxon, general noise including voices and temporary equipment. The nearest residential dwellings are the following distances from the centre of the competition manege:

- Pelham House and Pelham Top Farm are is approximately 263 metres to the west.
- Gatehouse Cottage is approximately 323 metres to the east.
- Gatehouse Bungalow is approximately 327 metres to the north east.
- Willow Tree is approximately 342 metres to the west.
- Pelham Arms Farm is approximately 362 metres to the north west.

The West Lindsey Public Protection Officer has stated in his 19th February 2016 comments that a *'noise complaint albeit as yet unsubstantiated, suggests that there is offsite disruption to this otherwise 'peaceful' neighbourhood and an impact assessment ought to be required to demonstrate no untoward further disruption'*.

On request by the Local Planning Authority (LPA) the applicant commissioned an independent professional noise impact assessment to be carried out by Peak Acoustics during an event day which took place on Sunday 24th April 2016. This report was issued by Peak Acoustics and submitted to the LPA on 5th May 2016. In summary the assessment took noise readings from three different noise receptor (NSR) locations. These were (see appendix A):

NSR1 – east boundary of Pelham Arms Farm (yellow circle)

NSR2 – east boundary of Willow Tree (purple circle)

NSR3 – east boundary of Pelham House and Pelham Top Farm (orange circle)

Taking into consideration all noise correction factors described in sections 4.2.1 and 4.2.2 of the Noise Assessment the below table lists the noise readings in decibels (dB) and compares them to the levels of impact:

		NSR1	NSR2	NSR3
Acceptability Levels	Significant Adverse Impact	58.7	59.5	58.7
	Adverse Impact	53.7	54.5	53.7

	Low Impact	48.7	49.5	48.7
	Actual Reading (see #)	21.4	22.3	24.6

- Taking all variants into consideration

Therefore the noise reading at NSR1 is **27.3dB**, at NSR2 is **27.2dB** and **24.1dB** below the low impact reading.

Following review of the Noise Assessment the West Lindsey Public Protection Officer (PPO) made the following comments:

'On the whole I don't see any major issues with the noise report and am accepting of it'

'Overall however the noise is 'new noise' and sounds of Klaxons and Public Address systems are likely to be regarded to be foreign, intrusive and unwanted, albeit that the underlying and persisting sound in the area is traffic, and as such consideration ought to be given to limiting event occurrence so as not to be repetitively intrusive at times when others will be wanting to enjoy the general tranquillity of the area, their homes and their gardens.'

The independent professional noise report has provided evidence that the noise impact of the event on the 24th April 2016 was extremely low on the three NSR's. In fact after discussion with the PPO the noise levels at each NSR were compared to the noise of breathing.

After consideration of the results and comments from the PPO it has been suggested that it would be preferred if at least one weekend a month is left free from any event activity to limit the cumulative impact of foreign noises on the nearby residents. This will still allow greater flexibility for event staging than what currently exists through condition 2 of 131962 and permit more event days to occur during times of better weather and lighter nights. This suggestion has been declined by the applicant and given the evidence provided by the noise assessment it is not reasonable to restrict the amount of weekends used in a month and the adverse cumulative impact through noise is not a significant enough reason to refuse the application

Having taken advice from the Public Protection Officer It is therefore considered that the proposed alteration to condition 2 will not cause a significant noise nuisance on the living conditions of the nearby dwellings.

Highway Safety

There have been a number of objections received from residents in relation to the impact of the use and the change on the highway particularly along Pelham Road to the north/north east of the site. The original planning permission (condition 5 of 128298) included the need for two passing places along Pelham Road which were observed as being installed during the site visit. Objections have been received on the inadequate nature of the passing places and the impact on the grass verges, however these passing places were accepted by the Highways Department at Lincolnshire County Council.

The applicant on request of the Highways Department has submitted a transport statement to support the altered proposal for 48 days a year. The statement states that *'The amount of traffic would not be increased each 'event day' by holding events on 48 days per year in lieu of 4 per month'*.

In response to the transport statement the Highways Department have agreed with this conclusion stating that *'The application has changed to the point that essentially there is no change in operations from the previous application supported by the Highway Authority'*.

It is considered that the proposed change to condition 2 will not increase the number of events days during a single year than what is already permitted and will therefore not cause a further adverse significant impact on highway safety.

Some objections have been made in relation to traffic accessing the site via the village of Claxby. The route taken by event day visitors cannot be controlled by the Local Planning Authority and the best route off the A46 cross roads junction has been improved by the installation of passing places along Pelham Road.

Assessment of condition 1, 3, 4, 5, 6, 7, 8, 9 and 10 of 131962

As a variation of condition application will create a brand new permission in itself a review of conditions originally imposed on 131962 needs to be undertaken without this any new permission would be unrestricted.

Condition 1

Details have recently (13th April 2016) been submitted (including the same noise assessment used in this application) to discharge condition 1 of 131962 in condition discharge application 134324.

1. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land, unless details have been submitted to and agreed in writing with the local planning authority.

Reason: To protect the amenities of the area in accordance with policies STRAT1, STRAT12 and CRT11 of the West Lindsey Local Plan First Review 2006.

This is currently under consideration by a colleague and has a determination date of 6th June 2016. This condition will remain on this new permission as a pre-commencement condition. If the details within condition discharge application 134324 is approved then a pragmatic approach will be taken and these details will be used to additionally discharge this same condition attached to 133946.

Condition 3-10

Condition 3:

Times of operation of external lighting.

Condition 4:

Maximum amount of horses allowed to be kept on the site.

Condition 5:

Replacement of planted trees or plants in the original landscaping scheme which have died within 5 years of the completion of the development.

Condition 6:

Adhere to Badger Mitigation Strategy and Method Statement

Condition 7:

Method of dealing with the collection, storage and disposal of manure

Condition 8:

The colour and finish of the stable block and barn

Condition 9:

The colour and finish of the floodlighting support posts

Condition 10:

The details relating to the vehicular access

All of these conditions are still relevant, reasonable and necessary and shall be added to a new permission if this application to vary condition 2 is approved.

Other considerations:

None

Conclusion and reasons for decision:

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the Open Countryside and CRT 11 Equestrian Facilities of the adopted West Lindsey Local Plan First Review 2006 and LP1 A Presumption in Favour of Sustainable Development, LP17 Landscape, Townscape and Views, LP26 Design and Amenity and LP55 Development in Hamlets and the Countryside 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 proposal will be beneficial to the business by providing greater flexibility in staging events. On evidence the proposal will not significantly harm the living conditions of neighbouring occupiers through noise disturbance or have an adverse impact on highway safety. Apart from some minor alterations most of the conditions attached to 131962 are still applicable.

Recommendation: Grant planning permission subject to the following conditions;

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

NONE

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

1. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land, unless details have been submitted to and agreed in writing with the local planning authority.

Reason: To protect the amenities of the area to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12 and CRT 11 of the West Lindsey Local Plan First Review 2006 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

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

NONE

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

2. The use of the site for events is limited to no more than 48 days per calendar year (being 1st January to 31st December).

Reason: To ensure that the use of the site for equestrian purposes is maintained at an acceptable level and does not cause harm to the amenities of the area to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12 and CRT 11 of the West Lindsey Local Plan First Review 2006 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

3. The external lighting, approved under application 131962, shall only be used between the hours of 7am – 9pm April to September and 9am – 8pm October to March.

Reason: To protect the amenity of neighbouring properties and the character of the sites rural setting to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12, CRT 11, NBE 9 and NBE 18 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

4. No more than 18 horses shall be kept at the site at any one time.

Reason: To ensure that the proposal does not materially detract from the amenities of neighbouring properties or appearance of the surrounding area by reason of noise, smell, traffic generation or visual intrusion to accord with the National Planning Policy Framework and saved policies STRAT1, STRAT 12, CRT 11 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

5. Any trees or plants, comprised in the landscaping scheme approved in application 129208, 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 give written consent to any variation.

Reason: To ensure that the 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 STRAT 12 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036..

6. The Badger Mitigation Strategy and Method Statement dated June 2012 approved under application 128298 shall be strictly adhered to.

Reason: To safeguard wildlife in the interests of nature conservation to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 with policy LP21 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

7. The development shall be operated in accordance with the details contained within the scheme for the collection, storage and disposal of manure approved in application 129208.

Reason: To safeguard the residential amenities of nearby residents and to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

8. The colour and finish of the stable block and barn approved in application 129208 shall be retained as such thereafter.

Reason: To ensure that the external appearance of the building is acceptable in this countryside location to accord with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

9. The colour and finish of the floodlighting support posts approved in application 129208 shall be retained as such thereafter.

Reason: To ensure that the external appearance of the posts are acceptable in this countryside location to accord with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

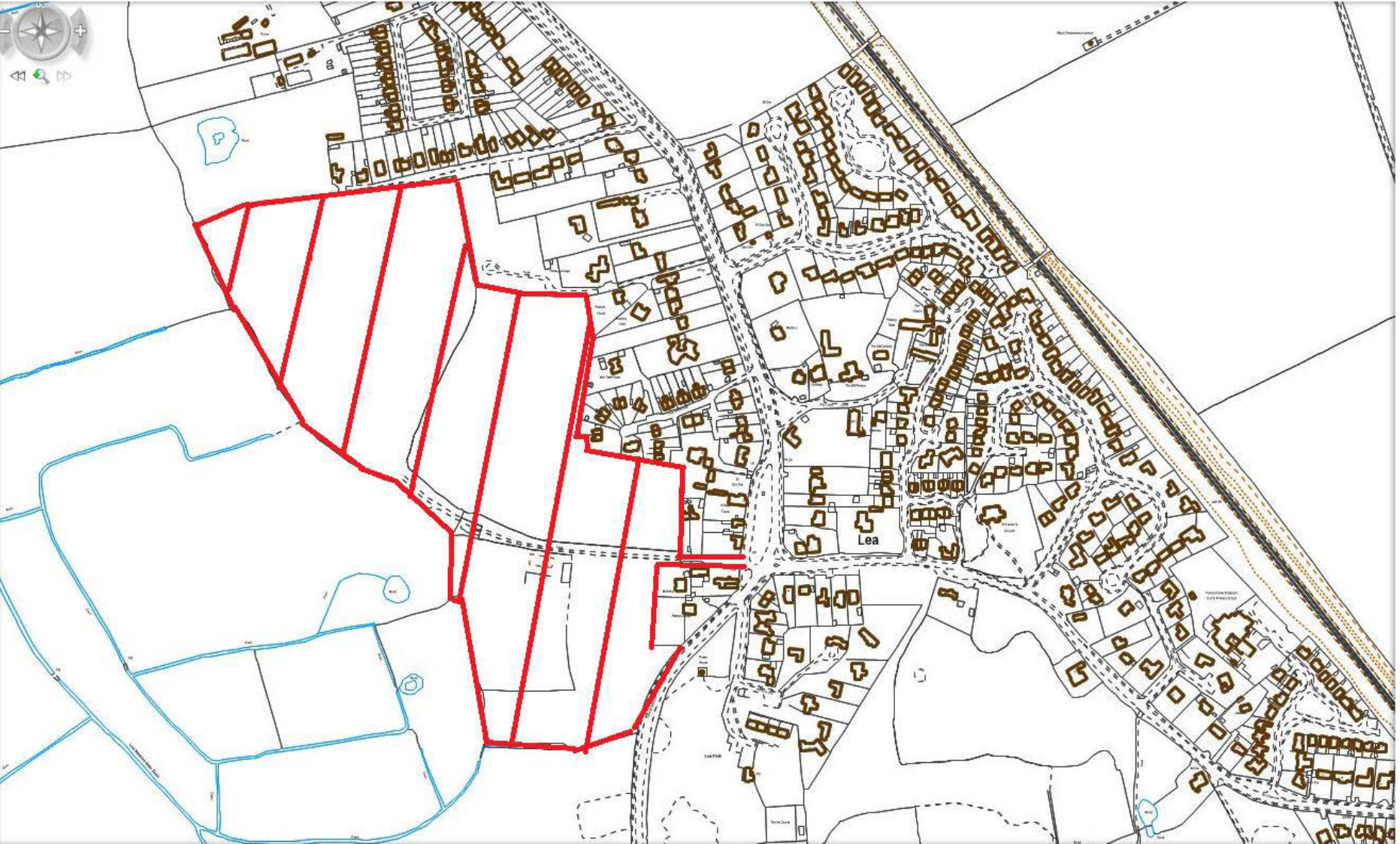
10. The details relating to the vehicular access to the public highway approved in application 129208 shall be retained at all times.

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 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

Appendix A – NSR Location and Measurement Locations



- Ambient & Background Noise Measurement Location
- Background Noise Measurement Location
- ◆ PA Measurement East Manège
- ◆ PA Measurement West Manège
- ◆ Car Park Measurement location
- NSR₁ Location
- NSR₂ Location
- NSR₃ Location





PL03 16/17

Planning Committee

29 June 2016

Subject: Review of planning application 133815

Report by:

Chief Operating Officer

Contact Officer:

Jonathan Cadd: Principal Development
Management Officer

Purpose / Summary:

To assess planning application 133815 (Outline application for the erection of 135 dwellings, a community hub comprising of up to 200sq.m shop use- class A1, 300sq.m restaurant café – Class A3 and 300 sq.m community hall – Class D1, ancillary public open space, landscaping, drainage and access) Land off Gainsborough Road Lea; and ascertain the views of the Committee in advance of a planning appeal against the non-determination of the application.

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

1. The development proposed within an Area of Great Landscape Value (AGLV) alongside a subsidiary rural settlement. Development at the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels in view of its limited facilities, being heavily dependent on private vehicles to access employment, retail and other basic facilities. It would adversely harm the sensitive landscape setting and character of this rural village. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable

development. Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1, STRAT9, STRAT12, STRAT19, NBE10 and NBE20.

2. Insufficient information has been provided to show that the development could be accommodated without undue harm to the ecology of the locally important designated nature area (Local Wildlife Site contrary to saved policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1 and NBE12.
3. Insufficient information has been provided to show that the development could be accommodated without undue harm to the archaeology of the area contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review (2006).

IMPLICATIONS

Legal: N/a

Financial: FIN/45/17 The applicant could apply for an award of costs against the Council if they consider unreasonable behaviour has occurred.

Staffing : N/a

Equality and Diversity including Human Rights :

N/a

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

Climate Related Risks and Opportunities : N/a

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

National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607

[7/2116950.pdf](#)

National Planning Practice Guidance (NPPG)

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Introduction

The Planning Inspectorate (PINS) has given notice that they have received an appeal against the failure of the Authority to give notice of its decision for planning application 133815 within the appropriate period, and in the absence of the written agreement of the parties to extend the decision making period (a 'non-determination' appeal).

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

Description:

The application site is located to the south western edge of the village of Lea. It has an area of 11.88ha and is currently in use for agriculture. Ground levels rise significantly from the south and west to the north east.

Within the south western section of the site is a large modern agricultural barn of concrete and metal construction. A large pile of aggregate and straw is located within this area too. The majority of the site, however, is used for grazing with hedging dividing the site into fields although most boundaries area formed from wire fencing with sporadic trees and hedging. More significant trees and hedging to the boundaries are found to the south of the site. The main access to the site is from Gainsborough Road (A156) to the south eastern corner of the site. This is a fully formed tarmac access junction with gates set back into the site. A further pedestrian access to the site is between 1 and 9 Lea Road. The tarmac access is shared with a number of other dwellings in the area as their main entrances but remains private. Gates divide the application site from the shared drive with the formalised tarmac pathway petering out to a rough track within the site.

Within the adopted Local Plan the whole site falls within an Area of Great Landscape Value whilst a small section falls within a SSSI Track on Lea Marshes. This crosses the site from the pedestrian access from between 1 and 9 Lea Road past the barns to the west.

To the north of the site are residential dwellings fronting Green Lane a private driveway. No access is available to this lane. To the east is a variety of residential properties ranging from detached low density housing in significant grounds to more suburban type properties which form The Crescent. To the south and west of the site are agricultural fields.

This outline application seeks permission for up to 135 dwellings, a community hub comprising up to 200 sq. m hub, a 300 sq.m restaurant-café and a 300 sq.m community hall, ancillary public open space, landscaping, drainage and access. All matters are reserved.

Despite the outline nature of the application an indicative plan is provided showing that the access would be via the existing junction with Gainsborough Road. The access would lead to the community hub, open space and sheltered housing whilst the housing areas would be created to the north west extending up the side of the hill. Further open space would be provided to the west of the site.

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

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

Relevant history:

128957 Erection of building for housing of livestock Approved 17 Sept 2012

Representations:

Chairman/Ward member(s): None

Parish/Town Council/Meeting: The proposed development is inappropriate, contrary to existing national planning policy guidance, existing and emerging Local Planning policies and should be refused planning permission for the reasons elaborated below.

1. National Planning Policy is set out in the National Planning Policy Framework (NPPF). At the heart of these policies is the need to achieve sustainable development - "The purpose of the planning

system is to contribute to the achievement of sustainable development." (para.6).

The substantial housing development proposed is within an area of open countryside remote from employment opportunities and other necessary social facilities, of a scale unrelated to the achievement of a more natural and acceptable form of organic growth and in a location not well served by public transport infrastructure. Furthermore it is considered that if approved the development would prejudice the achievement of more appropriate, properly planned and sustainable development within the nearby urban area of Gainsborough.

2. In the West Lindsey Local Plan First Review (June 2006) Lea is identified as a Subsidiary Rural Settlement (policy STRA T3) wherein new housing development is limited to infill housing provided it meets a local need. (policy STRAT7).

The development proposed is clearly completely contrary to the spirit, terms and objectives of adopted West Lindsey Local Plan First Review policy STRAT7.

3. In the Central Lincolnshire Local Plan Preliminary Draft (October 2014) Gainsborough is defined as a main urban area wherein it is proposed to accommodate around 15% of Central Lincolnshire's new housing growth. Most of this growth is proposed within large scale sustainable urban extensions (SUEs) "that can be master-planned and integrated into the town". Emerging policy LP33: A Growing Gainsborough proposes the consideration of three such SUEs which have been well researched on a comprehensive basis and one of which already has the benefit of planning permission. Some West Lindsey Members will well recall 'Gainsborough Regained – The Masterplan' and the concurrent success in achieving Growth Point Status, in July 2008. In addition, more recently, West Lindsey has been selected as a potential housing Zone, which initiative is seen as an opportunity to get some momentum behind plans to increase housing opportunities in Gainsborough. These initiatives were as a consequence of a recognition of the need to address Gainsborough's relative lack of prosperity and continuing deprivation. The solution was seen as a need to grow the town to a point where it could be self-sustaining in social and economic terms, as well as being environmentally renewed and regenerated. The proposed development can only prejudice and frustrate these objectives.

The development proposed will result in a substantial housing development inappropriately attached to a small village, which is lacking in the necessary supporting services and facilities to enable a sustainable development to be achieved. Furthermore, the development has not been properly master-planned and cannot realistically be properly integrated into the nearby Gainsborough urban area. As such the development is contrary to, and would be likely to prejudice the implementation of the

emerging Central Lincolnshire Local Plan Preliminary Draft (Oct 2014) core policy LP33 which has evolved as a consequence of a number of master-planning initiatives over the last ten years or so.

4. Lea village is defined in the Central Lincolnshire Local Plan Preliminary Draft as a 'small village' (policy LP2) "where development will normally be of a very limited nature and normally limited in scale to residential infilling on small sites (3 dwellings/O.1 hectares maximum)".

The proposed development is clearly contrary to Central Lincolnshire Local Plan Preliminary Draft (Oct 2014) emerging policy LP2 and if approved would thus prejudice the fundamental provisions of an emerging Local Plan.

5. Traffic. Households have an average of 2 vehicles owned at the moment which would mean a possible 250 vehicles coming and going from the site. The junction of Willingham Road and Gainsborough Road (A156) currently suffers major congestion at peak periods with several accidents over recent times (unreported due to no injuries) and agitated and irate drivers a regular feature. The increased volume of traffic will only add to this problem. For those that choose to leave the area by other routes this will lead to congestion and increased potential for accidents in neighbouring villages (part of the Lea Ward). The single vehicular entry/exit for the development will create a potential blockage point as vehicles attempt to pull out onto the A156 or pull off the A156 into the development, particularly at peak periods. It is easily foreseen that this will lead to accidents which will serve to block what is a major trunk route between Lincoln and Gainsborough creating mayhem for local residents, commuters, commercial users and the emergency services. We note that the traffic figures used in the applicants' documentation come from various areas, but none of them are near Gainsborough nor do they seem to be from comparable areas.
6. Drainage. The village is currently served by two main sewage lines both of which are only 150mm (6 inch) in diameter. These lines are currently inadequate for the existing housing, with regular 'outflows' occurring causing damage to property and possessions. If the development is allowed to proceed it intends, according to the available plans, to tap into the current sewage lines. We fail to see how the sewage lines will cope with 135 extra homes (anticipated approximately 135 - 450 people) discharging into the system on the A156. The plans submitted do not make adequate provision for the disposal of the extra sewage created by the development
7. Schooling. The current schools are at capacity (save for 20 year 5 places) and could not cope with a possible extra 300 children moving to the area. The proposals do not allow for an extra school or expansion of the existing one. It would appear that no account has been made for the increase in traffic and therefore congestion around

the existing school, putting the children in increased danger of being hit by vehicles, particularly as tempers fray while trying to get in and out of the area of the school.

8. Surface water clearance. The village suffers flooding on a regular basis at all times of the year. The building of a development on this particular piece of land will only serve to send rainwater downhill to add to the existing problem at the bottom of Willingham Road. In times of flooding and/or high river levels the excess water could cause flooding problems to homes on the site, particularly the sheltered accommodation as this seems to be the lowest lying.
9. Need. The developers would have us believe that there is a need for this quantity of new homes in the area. The homes that are currently for sale in Lea are not selling quickly, in fact are remaining on the market for some considerable time. If there were a need for housing, those that came up for sale would sell quickly. Furthermore, there is a site nearer Gainsborough that has current planning permission for 2000 odd houses that has not been developed. If the need existed then this site would surely have been developed.
10. Medical facilities. The applicants met with the Practice Manager and two GPs from Willingham Medical Practice and were informed in no uncertain terms that: 1) The practice is currently at capacity and 2) If there were to be a further influx of people requiring registration at a medical practice then Willingham Medical Practice would not cope and would therefore be seen as a failing practice and be subject to closure. Even if the developers had proposed to build a new facility, we are informed that there is a national shortage of GPs and there is a distinct possibility that the new facility would not be able to recruit GPs to staff it.
11. Woodland and Wildlife. There is believed to be a considerable amount of wildlife that inhabits the proposed site, ranging from snakes (including at least one Grass Snake) through several protected/threatened species of birds, badgers and Deer. We feel it would not be desirable to 'evict' the wildlife that inhabits this area.
12. Access. The proposed access to the site is on Gainsborough Road in a "National Speed Limit" area. We feel that this is inviting an increase in accidents due to vehicles pulling out onto fast moving stretch of road, both northbound and southbound, and queues of traffic trying to get onto the site. We also have concern over the potential access (or lack of) for emergency vehicles as there is only one vehicular access route into the development. Should this be blocked by residents/visitors vehicles at any time the access to those needing of any of the 3 services will be severely hindered.
13. Flooding. The proposed site is regularly subject to flooding from the River Trent and surface water. Should the site proceed, and flooding

similar to that seen as recent as in 2000 in which the A156 and the proposed access road was totally submerged, we feel very strongly that this would put peoples' lives at unnecessary risk due to the inability of the Emergency Services vehicles to access the site

We hope that the above points will be taken into account in the decision making process and feel that we must re-iterate in the strongest possible terms that this development should not be allowed to proceed in any form.

Local residents: Objections have been received from 10 Cavendish Drive; 5 Mayflower Close & a potential purchaser of dwelling in Mayflower Close; 1, 2, 4(x4), 5 (x2), 6, 11, 12(x2), 13, 14 (x2), 14A(x2), 15(x2), 16 & 17 Green Lane; Pasture House Crowgarth Lane; Beech Lodge(x4) 9, 15A, 21, 24 (x2), 39, 41, 51 & 57A Gainsborough Road; Mayflower Close; Cowsland Fam; 11 Priory Way, 2, 6, 10, 14, 26, 28, 36 & Yew Tree House (x2) The Crescent (x2); Yew Tree House (x2); The Old School House Lea Park; 29 The Grove; 5 & 22 Meadow Rise; 2A, 3d, 5, 17(x2) & 27b Willingham Road; 13 Causeway; The Beeches Rectory Lane; 21(x2) Priory Way; 5 & 6 Churchill Way and; 24 Cromwell Avenue. In summary:

This development and indeed that at Willingham Road cannot be divorced from each other as the impact would totally change Lea (an additional 652 dwellings).

Individually the impacts on the village would be severe. Many houses in Lea remain unsold so why are more needed? This particular development represents a 29% increase in the size of the village which is unacceptable. The proposal is therefore contrary to the Central Lincolnshire Local Plan for two reasons, firstly in terms of the scale of development proposed within Lea and secondly through the diversion of housing from Gainsborough. Growth levels for the village are for a 20 year period not straight away. The proposal in any case is significantly larger than even the Plan allocation.

How will this proposal assist to regenerate Gainsborough – more development should be focused on Gainsborough not Lea. Developing here will prevent Gainsborough from developing?

The school is oversubscribed and cannot cope, this proposal will make it worse, and the parking at the school is also very limited with parking spilling out onto surrounding roads making it very dangerous (indeed accident data showed a serious accident on a road used by school traffic. Most people choose to drive their children to school due to family/ work commitments. The school recently closed the second entrance which stopped parking on Stainton Close. The Grove is now heavily parked in the morning/ afternoon. Matters got heated with the police attending to ensure parking restrictions and the safety of all were up held. Also parents would have to walk down the hill then up the other side (Willingham Road) to the school and then back again. This makes it less attractive and less likely to be sustainable. Car use is more likely. The school has recently been extended with a new classroom to cope and there is no more room. Any further extensions (except for upwards) would

reduce the playing field to the detriment of the health of children. Children will also have to cross the busy A156 hardly ideal and safe. Limited visibility would preclude the creation of a crossing in this location.

The GP is the same, Caskgate cannot recruit GPs so how can it accommodate more people. Waiting time for the GP is three weeks. There are only two ambulances in Gainsborough so it will put further strain on these service, particular as it takes 90 minutes to get to Lincoln Hospital from Gainsborough. There are no jobs in Lea and not many in Gainsborough were will people work? There is already a village hall, a shop (Bankside) and open space in the form of Lea Park, what benefits would this development bring? Who would support such facilities, they would compete with the village hall, only one would prevail. Will supported housing actually be provided – what guarantees are there? Is this a good location for them or would they be better located on the edge of a town? The same is true for affordable housing.

Police are over stretched too.

The highway network is too busy, extra traffic will reduce safety and increase pollution and nuisance. The access is on a bend and will not allow safe access and exit to the site. Limited visibility to the north at the junction due to the “S” bend. The traffic is fast moving in this location (over the speed limit) and is opposite another junction further reducing safety. The speed limit will need to reduce. It will lead to significant conflicting traffic movements. Gainsborough Road is already very busy and it takes up to 5/6 minutes to access the road due to existing flows. This is the main southern access to Gainsborough. It will be the same for any occupiers of the main development. Within the last three years the main road past the site has closed due to being flooded. A pedestrian crossing to Gainsborough Road will be needed. Cars waiting to turn right into Knaith Park back up past the site entrance at peak periods making the situation dangerous. If there is repairs on the main road all these cars would be required to go through the villages which will reduce safety.

The traffic assessment under plays the traffic situation due to the period of time the road was assessed and the number of vehicles generated by a development of this size. Looking at the census figures residents on have between 1 and 4 vehicles. Apply this to the development would equal an additional 216 vehicles.

Whilst the transport assessment makes the most of buses and cycle routes into the town centre of Gainsborough many of the employment opportunities are located out of the centre making the use of sustainable forms of transport unlikely.

Green Lane is a private drive and the proposal would, even if informally, make this into a pedestrian access which is unacceptable and is not the will of owners in the lane. To stop this high 6ft fences would need to be built which would be very unattractive. Similarly, the proposed pedestrian access between 5 and 7 Gainsborough Road conflicts with the commercial vehicles,

cars and service vehicles which use access causing safety concerns. Is there a right of access across this land for the public?

Soon there will be no green spaces left, loss of agricultural land and areas for food production (including animal grazing)

The village will soon turn into a town, people moved here for the quiet not to be part of a bustling town. Lea is a retirement village. The proposal would lead to excessive light and noise from dwellings close to existing properties. Why do we need such development when so many developments are going ahead in Gainsborough? Gainsborough/ Saxilby are much more sustainable locations and should be the focus for development. Plenty of other sites elsewhere wholly outside of the flood zone. Intermediate housing will stay vacant for a considerable period. There are no facilities for the young in the village or the infirmed.

A lot of the site and village suffers from flooding, this scheme will make it worse. Parts of the site were flooded in 1932, 1947, 1977, 2000 (evidence supplied to planning web site) and in 2012 (lowest area). This seems to be at odds with the once in a 100 year event data or even once in a 1000 year. The report is therefore wrong. The site is used by the overflow waters from the Trent. The existing surface and foul sewerage systems are at capacity. 1 in 100 year events are now almost everyday events so any systems or protection measures should be constructed to 1 in 200 year standard. The land at the top of the development is actually sloping towards Green Lane increasing the risk of flooding to these properties. The surface water from many of the adjoining properties to the north and east flow into soak aways which then drain into the application site. How will this impacted upon if new building and foundations stop these flows? The land to the rear is regularly flooded blocking the proposed road. The suspected level of water at the entrance of the site was nearer 6.8m AODn above the road height. How will people get out or emergency vehicles access the site. The lower levels of the site would also flood which places the sheltered housing and the community hub at risk. The SUDs pond would also be in the flood zone. A sequential test should result in a refusal as there are other sites in the area which is out of the flood zone. Flooding has occurred previously to properties at Causeway Lane and the houses at the lower parts of Gainsborough Road. Flood water has also come up to garden boundaries at The Crescent. Some residents seek to remind decision makers that the Trent is tidal so it doesn't have to be heavy rain that causes flooding – water can come from the Newark direction or from the Humber.

Manhole 3001 has blown by sewer pressure three times recently with waste and other products being blown 6ft into the area and into garden of 15 Green Lane. On call Seven Trent engineers said it was lack of capacity. It will pollute fish ponds and field that animal's use (Llamas, geese and pigs). An additional 135 dwellings will make matters worse. This is not acceptable and it can't be right that Seven Trent has not objected. Waste water also been found at Causeway Lane.

Loss of privacy, light, sunlight and creation of an over dominant form of development when perceived from at Green Lane, Crowgarth Lane and The Crescent. This particularly true where dwellings (including dormer bungalows) overlook bungalows. Certain properties will also suffer from head lights shining into rooms. Additional noise from the development will be a significant nuisance to neighbours. Loss of view for adjoining occupiers and a loss of value. The proposed walk way around the edge of the site will lead to additional litter and anti – social behaviour for adjoining residents. In addition construction will take 4 – 6 years creating further nuisance. The Green is already having nuisance issues with people parking to catch the Lincoln bus. Additional people coming from the estate whether by car or foot would make it worse.

Cowland Farm owns the fields below the proposed site and there is concern that flooding will occur on these adjoining fields. Whilst accepting existing flooding occurs the water from the proposal will only come south into the adjoining fields making matters worse. The proposals to support drainage are not sufficient. All water goes via the Lea Marsh Main Drain to the River Trent. This outlet, however, is regularly blocked as the sluice gates cannot open in winter when the water table is high. Water will therefore end up on adjoining fields reducing their productivity. Scunthorpe Drainage Board are well aware of this.

The area is well known for wildlife including woodpeckers, barn owls, birds of prey, squirrels and foxes. Protected species of birds and badgers are found on site. Great crested newts have been found the garden of houses next to 14A Green Lane and on site.

The site is a historic battlefield and should be preserved. Loss of greenbelt land.

The Design and Access statement states para 6.28 that the site is bordered by existing houses on two sides. In looking at the proposed development in reality this is a large sweeping arc of dwellings and other buildings projecting outwards from the village in a westerly through easterly direction. It is not a case of the existing dwellings “wrapping around” this site implying a small enclosed development. It is a development that does project markedly into the open countryside. The proposal is outside the village boundary as defined by STRAT3 of the WLLP 2006 and should be resisted as it is in open countryside.

Upset to think that the village of Lea will be changed forever. The damage to the community would be unrepairable. There has never been a more inappropriate site for development.

LCC Highways: No formal response initially received but comments were received relating to the revised proposals – See below

Archaeology: The heritage section within the Design and Access Statement contains very little information regarding the impact on the heritage on and

around the proposed development site. Although it has some information regarding the built heritage there is no information regarding the impact on below ground archaeology.

The site lies within Lea Park and parkland features may survive; we also have archaeological records of quantities of Roman material, including coins being found within the site boundaries as well as medieval and post medieval finds.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site, dependant on site conditions as overhead lines crossing the site were mentioned in the design and access statement which could interfere with the results. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

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

Lincolnshire Police: No objection but provide guidance on reducing crime through design.

LCC Education: Both the primary and the school-based sixth forms at Lea and 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 mitigate against the impact of the development at local level. The level of contribution sought in this case equates to £292,088. 21 primary and 3 school-based sixth form places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity. At present projections show that, excluding the effect of the development in question, Lea Frances Olive Anderson CE Primary School will have no permanent surplus places and Gainsborough school-based sixth forms which serve Lea will have no surplus permanent places by 2018 when it is reasonable to presume this development would be complete or well on the way.

The funding could be held by the LPA or County Council and only spent by The County Council at Lea Schools and School-based Sixth Forms that serve

Lea. The appropriate school(s) will be specified in the requested S.106 Agreement to ensure the contribution can only be used there. We would suggest the S.106 monies are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developer's viability.

Lincolnshire Wildlife Trust: The Trust would wish to register a holding objection to this application until further information is submitted which can demonstrate that there will be no impacts on Track to Lea Marshes Local Wildlife Site or that any potential impacts will be mitigated or compensated for as appropriate.

The proposed development site includes the Track to Lea Marshes Local Wildlife Site (LWS). Whilst it appears from the block plan as though most of the LWS will be retained within the green infrastructure of the site, this plan does indicate that a road will cut through the LWS. Whilst the presence of the LWS has been recognised within the ecological report, no detailed plans were available at the time of writing and so no detailed recommendations could be made. Given the block plan indicates there will be impacts on the LWS, including loss of a section, we would expect further information to be supplied as to the avoidance, mitigation or compensatory measures which will be required.

The LWS was designated primarily for the presence of a population of subterranean clover (*Trifolium subterraneum*), a species which is known from only one other site in Lincolnshire. It will be essential to not only preserve the population within the LWS but also to ensure that appropriate management is established to allow its ongoing maintenance and spread where possible into the adjacent areas of green space. The plant requires sandy soils with an open short sward. This habitat can be maintained through informal 'management' by grazing rabbits or through a regime of light grazing by sheep. We would strongly recommend that the landscaping plans for the site include provision of acid grassland habitats where sandy soils are present. Provision of new areas suitable for subterranean clover and other species from the LWS to spread would help to provide compensation for the predicted loss of part of the LWS. Where loss of LWS quality habitat will occur, we would expect provision of at least double the area of habitat of equal quality. We are pleased that the plans indicate a large area of green space within the development, which could not only provide sufficient compensatory habitat but also provide significant net gains in biodiversity if designed appropriately. We would recommend that the consultant ecologists are involved in the design of the green spaces on site to ensure that the maximum benefits, appropriate to the site, can be achieved.

NHS England: NHS England will be requesting a contribution for the above planning application at £425 per dwelling X 135 = £57,373.

The development is proposing 135 dwellings which based on 2.3 per dwelling for the West Lindsey District Local Authority (WLDC) Area may result in an increased patient population of 311. Any future increase in practice population place constraints on existing premises, for example extra appointments lead

to additional consulting/treatment room requirements. There are three GP practices within Gainsborough, however, the surgery that will be directly affected by the increased population is the Caskgate Street surgery on Caskgate Street Gainsborough

The practice premise is an old listed building. The practice currently has capacity issues and no longer has the ability to meet the demands of the patients. The registered population is circa 10,500 and as at 1 April 2015 it held 44% of the total registration list for Gainsborough. The building is now inadequate for the current services required, it was not purpose built.

Due to patient choice patients can register at any practice if they live within the practice boundary. Any further increase in practice population will add additional pressure to the GPs and put the existing infrastructure and patients at risk.

Practices cannot normally close their patient list to new registrations unless there are extenuating circumstances; they have to apply to NHS England to do this.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities. The proposal for another 311 residents is untenable for this surgery and will place further pressure on existing clinicians. The lack of space will make difficult to engage extra clinical staff for the extra 10 hours per week required.

The s106 contribution would be pooled towards the plan for a specific solution to the problem. This plan is to relocate the practice premises, utilising funding towards the part refurbishment of an existing local authority building when a particular property comes on stream.

Environment Agency: We **object** to the grant of planning permission for the following reasons:

- Hydraulic modelling indicates that the SuDS detention basin is currently proposed within Flood Zone 3b (functional floodplain), defined by the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG) as being land where water has to flow or be stored in times of flood. This is not appropriate in accordance with the National Planning Policy Framework and Table 3 of the PPG. In the case of this application, the Environment Agency will not support any proposed development within the functional floodplain.
- Hydraulic modelling indicates that the principal access/egress route is currently proposed within Flood Zone 3b (functional floodplain), and that water depths of approximately 1.2 m would be experienced during a 1 in 100 annual probability flood event with allowance for climate change effects. Owing to the nature of the River Trent catchment, any flooding experienced would be likely to remain for an extended period of time, thus rendering the proposed access road non-operational and unsafe for users;

- The FRA does not propose an adequate finished flood level for the residential properties;
- The FRA does not propose an adequate finished flood level for the community hub buildings;
- The FRA does not address the need for compensatory floodplain storage for any land raising proposed below the 1 in 100 annual probability plus climate change modelled flood level (i.e. the community hub and access road);
- The FRA has not used a sequential approach to locate the car parking bays associated with the proposed community hub within a suitable flood zone.

Overcoming our objection

The applicant can overcome our objection by submitting a revised FRA which covers the deficiencies highlighted above and demonstrates that the development will be safe, not increase risk elsewhere and where possible will reduce flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. For the avoidance of any doubt, this would require:

- sequentially locating the proposed SuDS Detention Basin outside the areas at risk of flooding (i.e. above 6.95 mAOD).
- sequentially locating the principal access/egress route outside the areas at risk of flooding (i.e. above 6.95 mAOD);
- raising finished floor levels of the proposed residential properties to at least 600 mm above the 1 in 100 annual probability plus climate change modelled flood level (i.e. a minimum of 7.55 mAOD);
- raising finished floor levels of the proposed community hub buildings to at least 300 mm above the 1 in 100 annual probability plus climate change modelled flood level (i.e. a minimum of 7.25 mAOD);
- demonstrating how compensatory floodplain storage will be provided on a level-for level and volume-for-volume basis for any land raising proposed below the 1 in 100 year plus climate change modelled flood level;
- sequentially locating the car parking bays associated with the proposed community hub outside the areas at risk of flooding (i.e. above 6.95 mAOD).

Natural England: No objection subject to conditions

This application is in close proximity to Lea Marsh Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

The SSSI is notified as floodplain meadow and wet grassland and our main concern would be the water balance around the site. We would want to be assured that there was a clear understanding of the hydrology and drainage of the SSSI and how the proposed plan could impact on this. We would also be concerned about run-off from the site both volume and quality during in the construction phase and subsequently.

In addition there should be some planning for flooding events, particularly prevention of contamination of the site via flooding from the site onto the low-lying ground between the site and the SSSI. If you are minded to grant planning permission we would wish to see suitably worded conditions attached as follows:

- A construction management plan should be approved prior to any development including suitable mitigation measures to protect the SSSI against incidents of pollution, spill and sediment run-off while construction works are taking place.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Green Infrastructure

Natural England welcomes the green infrastructure (GI) element of the proposal as set out on the masterplan. This particularly includes the green corridor along the western boundary which includes a SUDs pond. Natural England would encourage these areas to be designed with maximum benefit to biodiversity and would allow linkage along green corridors through the application site and into the other open green spaces identified on the site masterplan. The linking of the green spaces through the site and into the wider locality would be of maximum benefit to people and biodiversity.

In order to secure a comprehensive scheme of green infrastructure creation, Natural England would advise the attaching of a suitably worded planning condition(s) which would allow further detail to be addressed through a subsequent full application. We would also support the use of method statements for working in close proximity to the most sensitive receptors and/or an overall landscape management plan which would allow any mitigation, compensation and enhancements measures to be successfully implemented.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Protected Species

Priority habitat creation

Another area which we would advise your authority to explore with the applicant is the potential for priority habitat (as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) creation. Recent publications such as the Government's "*Making space for nature*" highlights the importance of linking ecological assets and habitats on a landscape scale.

Natural England would therefore welcome any proposal on site which seeks to maximise the creation of this priority habitat and in accordance with local priorities such the Biodiversity Action Plan for Lincolnshire. The areas identified as 'public open space' would benefit from priority habitat creation.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for

bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*. We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Trees & Woodlands Officer: This site and surrounding area are locally designated as an AGLV – Area of Great Landscape Value). This is an area which has retained its old farmland character with remnant hedgerows and occasional hedgerow tree.

New planting would provide some screening and privacy and should help to lessen the impact any development would have on the existing properties which have previously enjoyed uninterrupted views over the pretty open countryside.

This is an outline application with all matters reserved, including the landscape details. The indicative layout shown on the outline plans shows a swath of landscaping and a SUDs' basin' along the Southwest/West sides of the proposed development, plus an area of Public Open Space in the SE area of the site. These are good sized areas for public access, amenity, and for screening and softening the site from outside views.

There is also a landscape area including tree planting shown along the easterly and northerly boundaries between the proposed development and the neighbouring existing properties. This will provide some screening and softening of any new properties for the existing dwellings, but the properties around the end of The Crescent might not appreciate the current views being obscured and the shade to their gardens that will be created by new tree planting as the trees grow larger.

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

The 1964 TPO trees no longer exist, but there are various non-protected trees within the site, some which would require protection measures during any development works, and some which would have to be removed with the current indicated layout.

A close inspection of trees within the site was not done due to livestock being on the land.

The existing hedgerow running NE to SW across the middle of the site is a sparse remnant hedge, but is typical of unmanaged old hedgerows between fields which are no longer required to act as a barrier/divide, and much of it has been left to grow into small trees. The individual hawthorns along the hedge line add to the character and feature of the landscapes which has retained its old character. If outline permission is granted, this hedgerow should be retained

where possible to provide existing green feature, and to break up the area of the development. Hedgerows are a BAP (Biodiversity Action Plan) priority habitat and should be retained and improved where possible.

There are a couple of trees which stands out as features along this hedge line, but the current layout shows these trees as to be removed to make way for a road. The habitat survey includes some information about the hedgerows and very few of the trees. TN1 photo shows the top half of the crown dying back, but the info in the report does not go into as much detail as a tree survey would, so does not clarify if there is a health issue causing the upper crown to thin, or if it is experiencing natural retrenchment due to old age. TN1 and TN2 do not look to be of good enough quality or prominence to insist of their retention for this application. Other trees within the site and along its borders are mainly proposed to be retained within the landscape areas.

The LWT have given a holding objection to the proposals, pending further information, due to the rare subterranean clover across an area designated as a LWS (Local Wildlife Site). I would just like to add, if permission is granted for development, how will the current positive management of grazing by sheep be recreated if the LWS is eventually incorporated into an open space area with public access, and how will the rare plants and their growing environment be affected by people digging holes and planting trees, people walking over it (probably with dogs), and probable expected mowing as part of the POS management?

Conclusion

If the application results in planning permission being issued, a detailed scheme of landscaping should be required in any subsequent application. It should be conditioned that existing hedge lines should be retained where possible, and infilled with locally characteristic native shrubs. Although these hedges are species poor, hedgerows are a BAP priority habitat, important as a wildlife habitat and as a wildlife corridor. Ideally, a condition should include a minimum hedgerow height to prevent new residents cutting the hedge down to a low level, or even to ground level.

Along with the Lincolnshire Wildlife Trust, I have concerns for the future and appropriate management of the LWS and its rare subterranean clover. If permission is granted, this area should have protective fencing around it prior to any work commencing, and be kept in place until completion. There should be no changes of existing ground level in this area.

Comments to revised plans

Environment Agency: Following the submission of the revised design the Agency's objection is **withdrawn** subject to the following conditions:

- 1) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by TD Infrastructure Ltd, Revision C: April 2016 including the following mitigation measures detailed within the FRA:
 - The proposed SuDS detention basin (swales and infiltration areas) to

be located above the 7.00 mAOD (above Ordnance Datum) level on the site, to lie outside the 100 year plus climate change potential flood areas

- Level for level and volume for volume compensatory flood storage to be provided, with at least 3000m³ of material to be excavated between the 5.50mAOD and 6.50mAOD contours
- Finished floor levels of the dwellings to be set no lower than 7.75 mAOD
- Finished floor levels of the community hub to be set no lower than 7.25 mAOD
- Levels for car parking and play areas around the community hub to be set no lower than 6.95 mAOD
- Level of the principal access/egress route to be set no lower than 6.95 mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding elsewhere, to reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

2) No building works which comprise the erection of a building requiring to be served by water services shall be undertaken in connection with any phase of the development until full details of a scheme, including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme

Reasons: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

Advice note

In order to satisfy the above condition, an adequate scheme will need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of the quantity and quality of water expected from the development.

Archaeology: The geophysical survey highlights several areas of potential archaeology, in particular an area which has been interpreted as a Romano-British enclosure. However we still have insufficient information regarding the exact nature of this potential archaeology and its significance.

Given this I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should consist of trial excavation.

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

I am aware that the current indicative layout excludes the Romano-British enclosure but that at this outline stage that the developer is trying to establish the principle of development rather than formalise the exact scheme which could mean that during the reserved matters a new layout could include development of this area.

If the planning department is minded to make approve this application without the benefit of further archaeological information we would like to suggest that the archaeological evaluation is secured by condition. We always prefer to have this information prior to determination but we do appreciate that on occasions this is not always possible. Should this be the case we would like to request that an evaluation, in the form of trial trenching (which should be agreed with this department) is undertaken prior to a reserved matters application being submitted. This will mean that any mitigation strategy that may be required that can be secured by condition on the reserved matters application.

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

"[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works.

Lincolnshire Wildlife Trust:

The Trust is not satisfied that the additional information adequately resolves the original issues raised.

For clarity, the Local Wildlife Site (LWS) affected by this proposal is known as Track to Lea Marshes LWS not Lea Marshes which is a separate site to the west designated as a Site of Special Scientific Interest.

Assurances given are not sufficient to assure the Trust that the LWS will not be significantly impacted upon.

This is due to the survey identifying the location of the Subterranean Clover being based on out dated information and being undertaken by an unqualified person. Whilst the more up to date 2012 survey shows the Clover in similar locations to that identified a full survey should be undertaken to ensure the locations are correct.

The plan produced does not provide evidence that the area will be retained within the proposed greenspace. It should have shown the locations of the Subterranean Clover on the plan and in relation to the proposed elements of the scheme.

The supporting statement of the intended management regime is not sufficient detail to determine whether this area would be adequate or appropriate to maintain and enhance the retained LWS and subterranean clover. It is noted that further detail would be agreed within an enhancement and management plan to be provided either under condition or through a section 106 agreement and the Trust would be satisfied with this.

The submitted plan does not indicate any areas for compensation for the loss of the area of LWS to the access road construction or areas of biodiversity enhancement, nor any details of how these might be created and managed.

Additionally, there is no information to demonstrate the mitigation measures that will be incorporated during construction to ensure that there will be no significant impacts on the areas of retained LWS habitat. It does not appear that this information has been included and there is no indication that it will be included elsewhere.

Lea Parish Council: All previous objection remain

Lincolnshire County Council (Highways / Lead Flood & Drainage Authority): Do not object to the proposal but request conditions including detailed drainage scheme at reserved matters stage, improvements to junction including right hand turning lane and pedestrian refuge at Willingham Road/ Gainsborough Road junction.

Neighbours: 9, Gainsborough Road; 5 Mayflower Close; 2, 5, 6, 12 (x2), 14, 14A, 15A, 16 & 17 Green Lane; 5 Churchill Way, The Old School House, Lea

Park; 2A Willingham Road; Potters Cottage Cowgarth Lane and: 26 The Crescent.

Objections: Located on marshland, poor drainage, flooding will be considerable. Lower parts of the area have been flooded a few metres deep. Land floods across the A156 at times. The use of higher land to build upon will leave less area for water to soak into and increase the risk to properties adjoining the site on all sides. The Trent also floods in the area and the new road will be under water at times. Adjoining houses on Green Lane have experienced surface water flooding and as a result have to pay significant premiums on insurance...new owners will be likely to be subject to this too. 15A Gainsborough Road had flood waters up to garden boundary in the year 2000. Existing properties will be placed at greater risk of flooding as a result of the proposal. Although the Environment Agency has withdrawn their objection their comments are based on current rules/ assessments they do not take account the more extreme events now occurring in the weather. Cumbria is a good example where there have been 3 so called 1:100 year events in the last decade. The Prime Minister has called for a review of current rules and approaches to flood risk. It is suggest that a precautionary approach is taken to this matter and site.

Village has a lack of services, road access already too busy, lack of police, doctors and spaces at school. However, we don't need a new community hub as these are facilities which are available in the village e.g. Butlers Pantry and the village hall. There not enough volunteers to keep these facilities going never mind about new facilities

Lea is a beautiful small village that will be lost. Development should be in Gainsborough where there are brownfield sites. Keep Lea rural. Lea is becoming like Morton – part of Gainsborough. This development will ensure this occurs. We should keep greenfields not build on them constantly especially the ones which are also flood areas.

The level of dwellings proposed far exceeds the number proposed within the new Local Plan. This policy amounts to 70 dwellings over a 20 year period not 135 in one go on one site. Central Lincolnshire now has a 5 year supply of land without the need for this site.

The boundary to Green Lane could provide access to this private lane. Despite what is said Green Lane will become an unofficial pedestrian access. This is not acceptable. The pedestrian access shown is also used currently by vehicles from Mulberry House and nos. 5, 7 & 9 Gainsborough Road. In addition a commercial transit van uses the drive along with WLDC refuse trucks, an oil delivery lorry and delivery vehicles. This is a poor situation that will reduce safety. No account has been taken of existing residents and their lives and the issue of liability needs to be considered as it is not fair put future residents at risk nor place existing residents at a disadvantage.

Despite changes proposed dwellings will still overlook adjoining properties reducing privacy. As houses will back onto Green Lane they will present a

poor street scene. Continued loss of privacy from two storey buildings (dormer bungalows) adjoining the bungalows on Green Lane.

The use of a single main access for all is dangerous even with the secondary access to The Green. Is the secondary access in private ownership, does the applicant have a right of access across it? This is not a good access for emergencies. I live on Willingham Road/ Gainsborough Road junction and you can't leave the driveway between 8.45/9.15am.

The area is important to ecology and should be protected for these reasons alone.

There are significant issues with respect to the sewerage system in the area which surcharges leaving sewage in gardens and homes. No response from Seven Trent Water. The Lea Park pumping station fails to cope with demand. There is a 150mm pipe that is laid across the site at a shallow gradient – it will not cope with the peak flows from the development.

Loss of important natural landscape to the village. Developments should be incremental with smaller plots developed incrementally. David Cameron said that urban sprawl should not prevail. Please let common sense prevail.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)
<http://planningguidance.communities.gov.uk/>

National Planning Practice Guidance (NPPG)
<http://planningguidance.communities.gov.uk/>

West Lindsey Local Plan First Review 2006

West Lindsey Local Plan First Review 2006

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

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

- **STRAT3:** Settlement Hierarchy;

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

- **STRAT9:** Phasing of housing development and release of land;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

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

- **STRAT19:** Infrastructure Requirements;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

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

- **SUS4:** Cycle and pedestrian routes in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

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

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

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

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

- **CORE10:** Open Space and Landscaping within Developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

- **NBE10:** Protection of Landscape Character in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

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

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

Although not forming part of the statutory development plan, the **West Lindsey Landscape Character Assessment (1999)** (<http://www.westlindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-baseand-monitoring/landscape-character-assessment/104847.article>) is a background document which forms a material planning consideration, particularly relevant to policies NBE10 and NBE20.

Emerging Planning Policy

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

The **Preliminary Draft Central Lincolnshire Local Plan** (PDCLLP) was released in October 2014 and has been subject to public consultation. The second **Further Draft Central Lincolnshire Local Plan** (FDCLLP) ran its formal six week public consultation period between 15 October and 25 November 2015.

Proposed Submission Central Lincolnshire Local Plan (SCLLP) was agreed on the 14th March 2016 and has now completed its final public consultation on 26th May 2016. Following the collation of the comments received the Plan is expected to be submitted to the Planning Inspectorate for examination in late June/July 2016. The final adopted CLLP will replace the West Lindsey Local Plan. The Submission Draft of the Local Plan represents an advanced stage in the development of the Central Lincolnshire Local Plan (having been through three stages of the consultation and no further changes will be made to the plan before it is submitted to the Secretary of State). Its policies can therefore be attached some weight, in accordance with NPPF paragraph 216. The exact weight of each policy will depend on individual circumstances.

Relevant Draft Policies:

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP4: Growth in villages
- LP6: Retail and town centres in Central Lincolnshire
- LP9: Health and wellbeing
- LP10: Meeting accommodation needs
- LP11: Affordable housing
- LP12: Infrastructure to support growth
- LP13: Transport
- LP14: Managing water resources and flood risk
- LP15: Community facilities
- LP17: Landscape, townscape and views
- LP18: Climate change and low carbon living
- LP20: Green infrastructure network
- LP21: Biodiversity and geodiversity
- LP24: Creation of new open space, sports and recreation facilities
- LP25: The historic environment
- LP26: Design and amenity
- LP53: Residential allocations: Medium and small villages
- LP55: Development in hamlets and in the countryside

Main issues

1. Planning Policy
 - i) Provisions of the West Lindsey Local Plan First Review
 - ii) National Policy
 - iii) Emerging Local Policy
 - iv) Housing Delivery and Affordable Housing Provision
2. Landscape Character and Visual Impact
3. Highways Impact and Safety
4. Accessibility and Public Transport
5. Local Infrastructure
6. Design, Layout and Landscaping
7. Archaeology
8. Ecology
9. Flood Risk and Drainage

Assessment:

1) Planning Policy

(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 Proposed Submission Central Lincolnshire Local Plan (SCLLP) is a material consideration to be considered against its provisions.

The site is outside the settlement of Lea, as defined in the WLLP 2006. The entirety of the site is within the allocated Area of Great Landscape Value (AGLV) – policy NBE10. It is important to note that the whole site remains allocated as an AGLV within the SCLLP indicating that the importance of this area as a landscape feature in both the adopted Local Plan and the emerging plan. This adds weight to the policy approach when assessing proposals.

The site is not allocated for residential development. Lea is identified as a Subsidiary Rural Settlement within the Local Plan's settlement hierarchy (policy STRAT3).

Paragraph A100 explains *“For the Subsidiary and Small Rural Settlements no settlement boundary is shown. The assessment of what is either within the settlement or within the open countryside is a subjective matter which needs to be considered on an individual case by case basis.”*

The application site comprises open fields in active grazing use with a modern agricultural barn within the southern portion of the site. It is bounded to the west and south by further open fields. Existing residential areas do exist to the east and partially to the north but these are limited in their nature and whilst visible in part do not form the prominent character of the area. The site along with its southern and western neighbours form a clear open agricultural

character which bounds the entrance to the village. It is considered to be in the open countryside and policy STRAT12 is applicable.

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.”*

The application is proposed on previously undeveloped, or greenfield land. It falls on the bottom rung of policy STRAT9’s sequential approach towards the phasing of housing development and release of land.

The application seeks permission to develop up to 135 dwellings within this location, along with a 200sq.m shop, 300 sq.m restaurant/café and 300sq.m community hall.

Large residential development is not in compliance with policy STRAT12. It is at the bottom rung of policy STRAT9. A more detailed landscape and visual impact assessment will be considered below to see if the proposal accords with policies NBE10 and NBE20 of the WLLP.

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

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

The latest Housing Land Availability Assessment (May 2016) identifies a need of 11,531 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.33 years (12,283 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;

¹ Paragraph 47

- 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

Planning Practice Guidance 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 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 can be considered to be out of date, in accordance with NPPF paragraph 215. The WLLP’s policies for the supply of housing should therefore be considered out of date. Nonetheless, whilst this may limit the weight to be afforded to such policies within the planning balance it does not mean they should be disregarded or otherwise carry no weight.

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:

- 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.

(iii) Emerging Local Policy

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

The (2nd) Further Draft (FDCLLP) Plan concluded its public consultation in November. The publication of the Pre-submission (3rd) Draft has now completed its final public consultation and representations are being collated before submitted for examination in May. The submission draft of the Central Lincolnshire Local Plan (SCLLP) is considered to at an advanced stage in the adoption process having completed to three consultation stages and as a result no further changes to the plan are anticipated before it is put to a Local Plan Examination. It is therefore now the policy position which Central Lincolnshire wish to promote to the Examination. Its policies can be attached some weight that previous editions of the plan.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Lea is designated as a Medium Village – Category five of six hierarchical categories. This is an uplift from the Preliminary Draft CLLP which allocated Lea as a “small village” – the settlement hierarchy was reviewed to ensure consistency and in the case of Lea, due to its proximity to Gainsborough.

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

Policy LP2 should be read alongside LP4: Growth in villages. This acknowledges that some growth in smaller settlements lower down the hierarchy *“Will help to enhance or maintain the vitality of rural communities”*. Growth is typically limited to 10% across the Plan Period unless expressly stated otherwise. Lea is envisaged for 15% growth – due to its proximity to Gainsborough which together with Morton recognises the inter relationship of these areas to each other and the regeneration/ growth aspirations for Gainsborough. This is recognised through the proposed allocation for housing within the Proposed Submission CLLP which would meet this growth indicated through allocated site CL3044 on Willingham Road. This site has been assessed as readily available and free from significant encumbrances.

In recognising the growth policies for the Greater Gainsborough area it is also important to accept that Lea is also an independent village as a whole, which has its own identity, is of limited scale and has few facilities of its own. To protect these characteristics and limitations the number of homes proposed for Lea has been placed at 71 dwellings. Whilst this is not an upper limit beyond which no further development can take place it provides a realistic figure that allows growth but protects the settlements characteristics at the same time.

Appendix B of the Proposed Submission Draft CLLP sets out that Lea has a base number of 473 dwellings. 15% growth would account for an additional 71 dwellings. Minus recent completions and planning permissions, it gives an allowance of 67 additional dwellings within the plan period to 2036.

At 135 dwellings, the application proposes to effectively increase the number of dwellings already within Lea by almost a third (a 28.5% increase on the base number). It would be double the housing growth that is envisaged for Lea during the whole of the Plan's lifetime (up to 2036).

Whilst policy LP4 does not limit growth absolutely, it does require proposals that would exceed this level significantly to demonstrate an appropriate level of community support. The application does not address this aspect of the policy, indeed the Parish Council has written to object to the proposal on multiple grounds.

The development is therefore considerably in excess of the moderate growth for Lea envisaged by the emerging draft Plan, and such an uplift would conflict with the planned growth strategy set out in the Local Plan.

SCLLP policy LP17 indicates proposals should: 'protect and enhance the intrinsic value of landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man – made features within the landscape and townscape which positively contribute to the character of the area...'. It further notes that these considerations are particularly important when determining proposals which have the potential to impact the...AGLV... The level of development proposed within this prominent location is a significant consideration and is deemed to harm the entrance to Lea and will be considered below in more detail.

Similarly, the site is not allocated within the SCLLP for housing and Lea is noted as a medium village, policy LP4. The policy notes that a sequential analysis of sites should take place with the focus of development being within the continuous built form of the village, before considering brownfield sites at the edge of settlements and finally greenfield sites at the edge of the village.

Again in a similar manner policy LP55 (Development in Hamlets and the Countryside) of the CLLP is applicable. LP55 indicates dwellings will only be acceptable in the countryside where they are essential to the effective operation of: *agriculture, horticulture, forestry, outdoor recreation, transport or*

utility services; renewable energy generation and to minerals or waste development.

The proposal does not meet any of the exception criteria within the policy and therefore fails to accord with the emerging policy.

The scale of development proposed is at odds with, and would undermine, the strategy of the emerging CLLP, which seeks to focus growth on established areas with adequate services.

(iv) Housing Delivery and Affordable Housing Provision

The development would contribute up to 135 dwellings towards an identified need for housing within Central Lincolnshire. This can be attached positive weight. The applicant suggests they could deliver the full 135 homes within the five year period, which given general housing development rates within the region is deemed reasonable although no developer has been identified at this stage.

However, it should be noted that the May 2016 5yr HLS Statement, and emerging Central Lincolnshire Local Plan, both recognise a five year supply of housing land without the inclusion of the application site. Although it is recognised that the 5 year supply has yet to be independently tested the emerging plan has reached an advanced stage and as such this figure should be given significant weight within the planning balance.

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

The Lincs Homefinder CBL Partnership, of which West Lindsey is one of 4 partners, provides evidence of a demonstrable need for affordable housing with in excess of 1500 households registered for affordable housing in the district and in excess of 5000 households requiring affordable housing across the partnership area of Central Lincolnshire.

The emerging Further Draft Central Lincolnshire Local Plan also identifies a need, evidenced in the Strategic Housing Market Assessment (SHMA) for 17,400 affordable dwellings across the plan period (2012-2036). It sets a 20% requirement to meet this need (draft policy LP11).

The S106 Heads of Terms submitted with the application proposes up to 33 no. dwellings would be delivered as Affordable Housing. This would equate to 25% of the overall development of 135 dwellings, and is therefore in accordance with saved policy RES6 and policy LP11.

The contribution of 25% affordable homes can be afforded significant positive weight in the overall planning balance.

2) Landscape Character and Visual Impact

WLLP Policy NBE10 indicates: *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary.”* The policy continues: *“Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value.”*

Further to this, WLLP NBE20 indicates that 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 is located on the southern edge of Lea. The site rises significantly to the north with the open fields appearing prominently to traffic and pedestrians travelling northwards along the A156 Gainsborough Road, Lea. The site is adjoined by houses to the east and north which form the current limit to development at the village entrance to Lea. Due to the topography of the site and the position of the main public view point (the A156) the visibility of the majority of the housing to the north and indeed to a certain extent the east are not visible. The character of this part of the AGLV and the entrance to Lea is therefore predominantly rural with little visual indication of the extent of the urban area beyond. The site therefore assists to present a village entrance to the Lea and appearing as an integral part of the open countryside to the west with a small number of dwellings to the east.

The development proposal falls into three sections: the highway entrance, the community facility and finally the housing.

The current site access is a wide tarmac junction but quickly reduces into a farm track which impacts little on the rural character of the area. The proposed highway entrance would formalise the existing facility widening the actual junction, include a right hand turning lane, slip road and widening of the access drive to allow vehicles to pass each other. This will be formalised with paving and street lighting. To combat flooding the access would need to be increased to a level of 6.98m AODn increasing its appearance within the street scene. Such a development would significantly urbanise this area, reducing the rural feel of this site.

Although the plan submitted is indicative the community facility shown would, roughly, be positioned on the site of the existing barn complex. The barns are substantial but they are an isolated group of structures within the open area. Whilst large and industrial in scale they are clearly agricultural in character

and therefore do not appear out of keeping with the open rural character of this site. The proposed community facility is not detailed and could be a simple single storey building of a traditional rural design that would not significantly detract from the area. Such a design would be a matter for consideration at detailed stage. Equally, however, the building would be supported by car parking, lighting, bin storage and landscaping etc. which would urbanise this part of the site. Cumulatively the building in conjunction with the proposed housing to the north and north west would extend the urban character further into the open countryside.

The proposed housing would cover the lower slopes of the application site before rising north and westward to cover the whole of the southern slope of the rise into Lea. As noted the site currently has a rural character, due to its openness, topography and visual connection with land to the west. The application, however, would not erode this rural character but replace it with an urban housing estate which due to topography would extend significantly north and westwards when viewed from the A156. The rising topography would only emphasise the overall quantum of houses in that the housing within the inner parts of the estate would be seen rising up from the community hub. This would totally change the pleasant open and rural entrance to the village of Lea and replace it with an urban estate which, however, well designed would appear as a significant urban mass.

The adopted Countryside Design Summary seeks specifically to provide the key design principles to help to protect, reinforce, maintain and enhance the local identity, sense of place and wider landscape character. It also seeks to explore the relationship between settlements and their surrounding landscapes. More specifically it notes the importance of first impressions and the character of approaches and entrances to settlements.

Lea falls within the Trent Valley landscape classification. This notes the gentle undulating landscape on the eastern margins of the River Trent, with a ridge of higher land on the outskirts of Gainsborough. It notes that a robust network of hedgerows combined with some significant woodland and parkland landscapes to provide a sense of enclosure. Through roads and important junctions are part of the settlement pattern along with parkland landscapes at Lea.

The application site conforms with this characterisation in that it forms the southern ridge and slope of the undulating landscape at the eastern margins of the Trent. Views of the site are enclosed along the A156 by Lea Park (a historic park and garden) with its trees and the mature tree line along the western side of the highway to form and direct views of the site to the north. The traditional centre of the village is located to the east of the application site close to its junction with Willingham Road and the built mass of the village is not evident until the immediate turn into the village close to the site entrance junction. This character would be totally reversed if the current proposals were to proceed.

The design summary notes that entrances to settlements, abrupt road bends and junctions in the Trent Valley are particularly sensitive sites; they are the focus for local views and can easily be marred by nondescript development. New development it notes should be designed to provide one off distinctive buildings, which reflect local building types and materials.

The site is located on a busy classified road, the A156. The road curves abruptly at the entrance to the village which provides views across the application site rather than dwellings within the village. Approval of the development will therefore change the open rural character to one of urban development detracting from the entrance to the village and the character of the Trent Valley. It is particularly sensitive site as it is prominently viewed from the A156 detracting from the pleasant character of this area contrary to Saved Policies STRAT1, NBE10 and NBE20 of the WLLP. The whole site remains allocated as an AGLV within the SCLLP (Policy LP17) indicating that the importance of this area as a landscape remains both in terms of the adopted Local Plan and the emerging plan. This adds weight to the policy approach when assessing proposals.

3. Highways Impact and Safety

As indicated previously the site would be accessed by vehicles at a single access point. This will be located at the existing farm access with improvement recommended to aid access from the north. The access is currently located within the national speed limit although the restricted 40mph limit is located immediately to the north of the junction. Pedestrians would also use this access although a more direct route would be formed to the east between 1 and 9 Gainsborough Road, Lea.

The applicant has undertaken a Traffic Assessment which has considered accident data, vehicle speeds and traffic flows. The accident data (involving personal injury) shows that there have in 9 accidents within Lea over the last 5 years of which only one was serious. The locations for such accidents were scattered indicated that there is not a particular issue with highway safety in the village. Vehicle speeds were also assessed, during off peak times when traffic flows more freely, and these speeds were then translated into stopping distances and required visibility distances. The existing junction to the site would be up graded and plans show that the correct distances could be achieved maintaining safety for cars turning into and out of the site.

The capacity of the highway network including the junction of Willingham Road (B1241) and Gainsborough Road (A156) and at the site entrance were also considered as part of the transport assessment. The assessment showed that the development would generate an extra 126 extra trips in and out of the site in the morning peak period (07:45 – 08:45) and 142 trips in the evening peak (16:30 to 17:30).

Based on data within the 2011 Census for West Lindsey 007 area which includes Lea it has been determined that 55.8% of residential traffic to work generated would turn southwards towards Lincoln with 39.7% turning north to

Gainsborough. 4.5% of traffic would leave the site and head to Willingham Road. Trips generated by the shop, restaurant and community hub would be different in nature but the general traffic levels themselves would be very small in comparison.

When such flows are considered in relation to the key junctions: Willingham Road and Gainsborough Road would experience (net) 76 additional vehicles in the morning peak and 84 in an evening. Similarly, the site access at its junction with Gainsborough Road would have an increase (net) of 140 vehicles in a morning and 156 in an evening.

Assessments have also taken account of existing flows through these junctions before assessing the cumulative impact of expected traffic growth within West Lindsey by 2020 and taking account of known development and predicted traffic generated by other developments, this includes the 450 dwelling development at Willingham Road, Lea which was recently refused (ref no. 133236). Taking these flows together it is still deemed that the highway network and in particular these key junction would operate safely and within capacity.

The assessment has been considered by the Highway Authority. Officers have raised a number of concerns with respect to the operation of the junction at the entrance to the site/Gainsborough Road and have negotiated alterations to the junction to provide a right hand turn lane within the highway to aid safe access into the site and to limit any queuing in the highway. Other modifications sought include a pedestrian island at Willingham Road junction to aid safe access across the road. These matters can be dealt with through the use of conditions and a s106 agreement. In general, however, it has been determined that the development can be reasonably accommodated within the road system and the development would conform to advice within saved Policy STRAT1 of the West Lindsey Local Plan (First Review) 2006.

4. Accessibility and Public Transport

Key to considering the sustainability of a development is how easy it is to access life services required by future occupiers in their everyday lives and the impact it would have on the surrounding area. The first aspect of this is to consider how to access services, work, leisure and retail activities without resorting to private motor vehicles. The second aspect is how, vehicles traffic generated would impact on safety and traffic flows generally which has been considered above. This conforms to advice provided within the NPPF paragraphs: 7 and 32.

The village of Lea is noted as being a medium village within the emerging plan with limited services. The services which are available within the actual village include a school and village hall. In addition to this, the applicant is proposing a retail shop 200 sq.m shop, 300 sq.m restaurant/ café and 300 sq.m community hall. The off licence/newsagent noted in letters from the public is actually on Lea Road, Gainsborough approximately 1.6km from the site entrance (1.3km from the secondary pedestrian access).

The Department for Transport's (DfT) document entitled 'Manual for Streets' (2007) section 4.4 sets out the requirements for pedestrians stating:-

"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot". It also states, however at para 6.3.1, that a 20 minute walk time (equivalent to a 1.6km walk distance) is acceptable subject to an attractive walking environment.

The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' sets out acceptable maximum walk distances of, 2km for Commuting and school journeys, 800m for town centres, and 1.2km for elsewhere.

The facilities proposed on the site and indeed within the village of Lea itself all conform to these guidelines indicating that they would be suitable to be accessed by pedestrians without a serious distance impediment. This is a positive consideration in the application process. It should be noted, however, that the on-site facilities are all speculative. Whilst shown on plans there is no operator identified to take these proposals forward, the community centre could also duplicate services provided at the existing village hall, despite comments to the contrary. It is considered therefore that these elements of the scheme should be given less weight in any consideration.

Facility	Distance from entrance to site (km)
Lea Primary School	1.3km
Lea Village Hall	0.5km

The main facilities and work opportunities for future residents would generally be within Gainsborough or potentially the Lincoln area. Whilst the site is approximately 3km from the edge of Gainsborough and is linked by a lit and signed footpath/ cycle path along the busy A156. Research has shown that 5km is an accepted distance for cycling as an alternative to car travel. Whilst Gainsborough town centre would be just beyond the limit of this distance (3.3km), Aldi the closest food retailer would be 2.1km, it is considered reasonable that some people would access services jobs, education and leisure by bicycle. Indeed at the very extreme of this distance a substantial proportion of the employment areas with Gainsborough would be reached. To the Heapham Road/ Foxby Lane Industrial Estate this distance would increase to an approximate 4.2km.

The site, however, is also within 400m of the nearest bus stop on Gainsborough Road. Services which serve this stop include the 100 to Scunthorpe, Gainsborough and Lincoln, 105 and 107 Gainsborough to Lincoln services. The 100 is an hourly service during the day Monday to Saturday but with no evening services and no service on a Sunday. The 105 is a twice daily school service whilst the 107 is also a twice daily service with no service on a Sunday. In general, therefore, this provides the village with a reasonable level of service.

As noted earlier facilities within Lea are extremely limited leaving residents to travel for most services. Whilst the accessibility of services in Gainsborough is noted the modal split of vehicular traffic to non-vehicular traffic indicates that 21% of trips would be by non-car means only. This leaves the majority of journeys to be undertaken by private motor vehicle. It is also worth noting that a similar modal assessment was undertaken for the recent application at Willingham Road, Lea (ref. no. 133236). Whilst accepting that, that proposed development was substantially larger and positioned further to the south east of the village here the assessment indicated 91.5% modal split in favour of car travel. This perhaps shows the difficulty in assessing the modal split between car and non-car travel but it does show that despite the availability of alternative methods of transport the majority of trips will still be undertaken by car indicating the sustainability of Lea is limited and is not suited to very large proposals such as the application submitted.

5. Design, Layout and Landscaping

This application is in outline form with all matters reserved. The detail of the layout is, therefore, difficult to assess. An indicative layout has been provided, however, and the natural flood constraints of the site will limit the extent of actual development.

The access road will extend from the road and will provide an urban estate access road to the site through farm or grazing land. The community centre and public open space will be located upon the lower land removing the existing large agricultural buildings.

The indicative layout seeks to surround the estate to the west and south with open space which can be landscaped to soften the impact on the character of the adjoining countryside. This will also assist with drainage. This also marks the two natural constraints of the site, namely the extent of the flood area to the south and west and the nature conservation area, which connects to a SSSI further to the west and needs to be protected. Whilst beneficial it is not considered that the open space and planting would be sufficient in itself to protect the character of the area.

Roads will in general follow the contours of the site to provide a rounded edge to the site. A swale and footpath would however run roughly north to south to create a green avenue through the housing.

Noting the amenities of existing residents the applicant has sought to place a landscaped edge to the northern and eastern edges of the site. This will soften the impact on these properties although some objections have outlined concerns about the footpath which could reduce security and increase noise and nuisance.

The applicant has proposed a maximum height of two storeys on the development although dormer bungalows are shown to the east and parts of the northern section of the estate to reduce impact on adjoining properties. The sheltered accommodation and community facilities are proposed to be

single storey structures. This will provide a graduated appearance to the development from the A156. These matters can be conditioned.

It should be noted that approximately 3.78ha sq.m of open space will be provided which more than meets the required percentage of open space required by saved Policy R5 of the West Lindsey Local Plan. The area however, would on the whole be available for informal recreation rather than formal recreation on account of its dimensions. The parts of open space are also designated nature areas which means that they cannot be utilised for general use, but would still provide some visual amenity and so can be usefully considered as amenity space.

6. Infrastructure

STRAT9 indicates 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. 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.

Following consultations with health and education authorities it has been determined that this proposal would impact upon these services. Both have requested commuted sums.

It has been determined that even without the proposal the Primary school at Lea, the Frances Olive Anderson CE Primary School will have no surplus spaces by 2018, when it is reasonable to assume would be the earliest the development would begin to be occupied. Equally, it has been determined that school based 6th Form education facilities would not have sufficient capacity to accommodate pupils generated by the proposal. Secondary education provided by schools within Gainsborough would, however, have capacity and as a result no contribution is sought for these schools. The primary contributions would equate to 2 spaces and 6th Form, 3 spaces. The contribution would total £292,088. LCC education has indicated that these sums would be spent on those schools that serve the local population of Lea. The applicant has indicated a willingness to meet this contribution.

The NHS has indicates that residents of Lea utilise three GP practices but that Caskgate Street Practice in Gainsborough would be most directly impacted upon. It is likely that 311 patients would be generated from 135 dwellings and the practice could not accommodate such numbers. At present the registered population of the practice is circa 10,500 and as at 1 April 2015 it held 44% of the total registration list for Gainsborough. The building is now inadequate for the current services required, it was not purpose built. Funding is therefore sought to be pooled to allow the purchase of a larger building or for its refurbishment. A formula to calculate the cost of such a patient has been utilised and is based upon on the needs of a Primary Care Health Team and

associated administration support. This leads to a request of £57,375. The applicant has again noted this and has outlined a willingness to fund such a contribution as part of an s106 agreement.

The village of Lea has a small play area which is located across the road from the application site. It is within 400m of the site and as a result is accessible and would be aided by the pedestrian refuge proposed at Gainsborough Road/ Willingham Road.

The applicant is also seeking to provide a community centre which includes a café and hall which would be available for functions etc. Whilst the provision of community facilities can be attached positive weight, the applicant has not demonstrated a need, indicated how this would be provided, would it be built or would it simply be land available should the proposal come forward. Without clear and definite assurances that such facilities could be brought forward this element of the scheme should only be afforded limited weight in any considerations.

7. Archaeology & Heritage

Heritage matters which includes archaeology, is given significant weight within the NPPF and is given a specific chapter in the same way as housing, the economy etc. and it forms a key element of assessing whether a development is sustainable or not. It notes at paragraph 126 that Local Planning authorities should plan positively for the conservation and enjoyment of the historic environment and states: *'In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'*.

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

The application site lies within Lea Park and parkland features may survive; there are also archaeological records of quantities of Roman material, including coins being found within the site boundaries as well as medieval and post medieval finds.

Following earlier concerns the applicant has provided a geophysical survey of the site which has highlighted a potential Romano-British enclosure. Insufficient information is currently available on this to ascertain the exact nature of this potential archaeological find nor its significance. It was recommended that the applicant provide an additional intrusive survey to identify the significance including trial trenching.

However, the applicant has enacted their right of appeal without having fully appraised this impact, contrary to NPPF paragraph 128. Given the non-determination application submitted this is not possible and this has been

communicated to Lincolnshire County Council's archaeological advisers. Notwithstanding their concerns the latest response to this matter has suggested that whilst not ideal they would be willing to accept a condition to undertake such work before a reserved matters application is submitted. This is due, in part to the outline nature of the proposal which can exclude the area of interest. The applicant has also shown that the area would not form part of the main developed area. The development, however, is outline in form and as a result the significance and protection of these potential features cannot be guaranteed by the use of conditions which has been indicated within the response from the archaeological officers. Given the potential importance of such finds it is considered that this weighs heavily against the proposal.

The site is also close to a number of listed buildings, namely Mellow Cottage and the Old Post Office (grade 2), Holly House (Grade 2) & the Village Farm House. The proposal would be close to these dwellings but their setting and significance would not be significantly impacted upon due to existing development wrapping round these properties. As such it is not considered that the proposal would detract from the significance of these listed buildings and the proposal would accord with the provisions of the NPPF.

8. Ecology

The site is bounded by an area known as the Lea Marshes to the west of the site which is a Site of Special Scientific Interest (SSSI). Although the site adjoins the SSSI it does not project into the designation. The lower section of the site, however, is also dissected by a narrow strip of land which has a local designation of ecological importance (Track to Lea Marshes Local Wildlife Site (LWS)). The importance of this land is due to its fauna – subterranean Clover which is only found in one other location in Lincolnshire.

Lea Marshes SSSI

Despite the position of the development adjoining the SSSI, Natural England has not objected to the development. The main concern relates to the position of the site partially within a flood zone and its potential to contaminate the area as a result of flood waters from the site. As the importance of the SSSI relates to the habitat as a floodplain meadow and wet grassland a clear understand of the hydrology and drainage of the SSSI is required along with the impact of run off from the site and prevention of contamination during a flood event. A condition, however, is requested to agree such details before development commences which would mitigate these concerns.

The LWS

The design of the proposal indicates that most of the LWS will be retained within the green landscaped of the site but that the main access road would cut through the LWS. Whilst the presence of the LWS has been recognised within the ecological report, no detailed plans were available at the time of writing and so no detailed recommendations could be made. Given the block plan indicates there would be impacts on the LWS, including loss of a section

for the pathway and access, further information on such an impact should be supplied as to the avoidance, mitigation or compensatory measures. It should also be noted that the proposed pedestrian access would also run along a substantial length of the LWS which would further detract from the ecological importance of this area.

Policy NBE12 of the WLLP indicates that development will not be permitted which would adversely affect any of the following, unless there is a demonstrable overriding regional or local need for the development which cannot be accommodated elsewhere and the reason for the development clearly outweighs the need to safeguard the substantive nature conservation value of the site:

- i. Site of Nature Conservation Importance;*
- ii. A Local Nature Reserve;*

It further notes that where development is permitted planning conditions will be imposed which will require:

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

The LWS was designated primarily for the presence of a population of subterranean clover (*Trifolium Subterraneum*), a species which is known from only one other site in Lincolnshire. It is essential to not only preserve the population within the LWS but also to ensure that appropriate management is established to allow its ongoing maintenance and spread where possible into the adjacent areas of green space. The plant requires sandy soils with an open short sward. This habitat can be maintained through informal 'management' by grazing rabbits or through a regime of light grazing by sheep. This is what is happening currently.

The Lincolnshire Wildlife Trust '*strongly*' indicated that landscaping plans for the site included provision of acid grassland habitats where sandy soils are present. Provision of new areas suitable for Subterranean Clover and other species from the LWS to spread, it noted would help to provide compensation for the predicted loss of part of the LWS by the roadway. They also noted that where the loss of LWS habitat occurred, replacement provision of at least double the area of habitat of equal quality ought to be sought.

The plans presented indicate large areas of green space which would be provided within the development. This could not only provide sufficient compensatory habitat but also provide significant net gains in biodiversity if designed appropriately. Whilst the potential for such areas is recognised, the detail of how these areas would be set out and managed is not detailed. This

is particularly important as the open space would become available for the residents of the estate.

The applicant has responded to these points through the addition of a brief management plan. This includes details of planting and fencing to ensure such features are maintained. Whilst this has been recognised Lincolnshire Wildlife Trust remains unconvinced that the measures recommended would protect or enhance these important features of the site and in particular the population of the Subterranean Clover. The information of the location of this important fauna is based on a 2006 survey which has been superseded by the more recent 2012 survey. Whilst the locations identified are similar to that shown in 2012 an up to date survey of the site undertaken by a competent botanist should have been undertaken to ensure that nothing has changed significantly. This should be accurately plotted on the proposed plans to identify which areas would be impacted upon. In the same way the plans submitted have not identified areas for compensation habitat due to the construction of the access road or indeed areas of biodiversity enhancement.

The management plan has also been shown to be of limited quality and relate only to the management of the existing areas of the LWS rather than including compensatory areas of land to be formed. It is accepted that conditions could be imposed to address this issue.

Finally, there should also be some information to demonstrate the mitigation measures that will be incorporated during construction to ensure that there will be no significant impacts on the areas of retained LWS habitat.

No such detail has been provided and as a result the proposal is deemed to harm this Local Wildlife Site which has district importance.

It appears therefore that whilst the proposed development has the potential to protect the important ecological features of this area, the detail provided to identify the area of actual significance, the impact the proposal would have on these designated area and mitigation possible has not been properly identified. Until such detail is provided the actual impact, potential harm/mitigation cannot fully assessed and as a result the proposal falls contrary to saved Policy NBE12 of the West Lindsey Local Plan First Review.

Protected Species

Public consultation indicates that there are a number of protected species on site, or within the surrounding area. The applicant has provided an Extended Phase 1 Habitat Survey where evidence of badger sets have been identified to the south western boundary of the site some of which are deemed to be active. Badgers are known to roam and abandon their sets but the current active set appears to be located within a proposed area of open space. In addition to this, a small number of trees were identified as having the potential to accommodate bats at the site. Further surveys of these features are required and have not been provided. The wider area is attractive to protected bird species and as a result the report recommends that the site includes a

15m strip of broadleaf woodland to prevent disturbance to the wetland bird species found in the area. The site, however, does not contain any habitats that are likely to attract Great Crested Newts. No objections have been received from Natural England or Lincolnshire Wildlife Trust on these grounds. Given the information available and in accordance with standing advice it is considered that these issues can be dealt with through appropriate conditions for further surveys, potential mitigation measures and habitat enhancement.

9. Flood Risk and Drainage

The NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (para. 100).

The NPPG also requires the submission of a Flood Risk Assessment to show that proposals have fully considered flood risk by directing development away from those areas most at risk of flooding, both at site selection stage but also within the site. Proposal would also be required to show that flooding would not be made worse elsewhere surrounding the site.

The vast majority of the application site has been shown to fall within Environment Agency Flood Zone 1 which is suitable for housing development. All residential development would be located within this area. The lower parts of the site however, fall into zones 2 and 3. This effects the areas of open space, the community centre (part) and the main access road. The Environment Agency originally objected to the proposal on these grounds and the fact that the main swale SUDs were also located within flood zones 2 & 3. Following discussions the swales have now been relocated onto higher land and it is proposed to increase the ground levels of both the community centre and the access to above flood level. As a result the Agency has withdrawn its initial objections to the proposals.

The aim of a sequential test is to direct development to the least vulnerable flood risk locations. The applicant has outlined that a sequential test is not required for developments within flood zone 1 and that the majority of site falls within this area. As noted, however, the main access to the site, the open space areas and parts of the community hub do however, fall within flood zones 2 and 3. It is therefore appropriate for decision makers to consider alternative sites in a sequential analysis. The NPPG indicates that when applying the sequential test decision makers should take a pragmatic approach to alternative sites (para 33 ref id -7-33-20140306). In this instance, given all the housing (more vulnerable use) is located outside flood zones 2 and 3 and following amendments which modify land levels where the community building and access (less vulnerable use) would be sited the property is deemed suitable for development sequentially and that alternative sites should not, in this instance be considered.

The exceptions test also needs to apply, which again is difficult as the majority of the site and all the dwellings are located outside of the flood zones 2 and 3. The community hub would be assist to serve the area as a whole whilst the road is required to access the estate. On this basis the need for the applicant to locate these aspects of the development on this area is deemed acceptable.

The changes to ground levels to the community centre and the road would ensure that the development was safe for its life time. The raising of these two, in effect small areas of the site, would be compensated for by the use of materials excavated from the site itself creating replacement flood plain areas so that the adjoining land would not be detrimentally affected by water. Further to this culverts would be placed under the built up access road to allow flood waters to flow east of the access as it currently does in extreme events. This again would ensure that adjoining properties would not suffer from displaced water.

The application has been the subject of pre application advice and the applicant has put forward a scheme which provides Sustainable Urban Drainage suitable for a site where ground levels fall by approximately 15m to the south west. This has been designed with the use of swales, piping where necessary and larger swales to the west and south of the site.

In investigating the site, it was found that the upper parts of the site were in essence of a clay nature limiting natural infiltration but that lower slopes were of a sandy make up. The proposed positive drainage of the upper areas of land directing water into swales/ a piped system towards the proposed swales would sufficiently deal with the levels of water generated. This would then be released at a limited rate into the surrounding water courses. The Lead Flood Authority has considered this and have not raised an objection. The outline nature of the proposal is however noted and as a result conditions are required to provide full details of a scheme based on these principles agreed.

The third drainage issue is to ensure that the proposal has an adequate foul drainage connection. The existing Seven Trent Water's foul drain is located through the site and its capacity is questioned. Seven Trent Water has indicated that the system may have to be up graded but has not objected to the proposal. It is considered therefore that subject to restrictive conditions requiring the upgrade of the system to be agreed this matter would not represent an issue that would justify a refusal of planning permission.

The planning balance and conclusions

The development seeks to erect up to 135 dwellings, a 200sqm A1 retail unit, a 300 sq.m class A3 café/ restaurant and a 300 sq.m community hub within open countryside outside of the settlement of Lea.

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

Development would run contrary to the provisions of the statutory development plan, the West Lindsey Local Plan First Review 2006. It would be contrary to saved policies STRAT1, STRAT3, STRAT12, NBE10 and NBE20 which seek focus development in sustainable locations, to protect the intrinsic character of the countryside and to protect the natural resources of the borough. Development would therefore fall to be resisted unless other material considerations indicate otherwise.

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 of housing policies in that plan is therefore considered to be out of date and the second bullet point of the NPPF presumption in favour of sustainable development is engaged which is:

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.*

The development would contribute market housing towards an identified need and the applicant claims it could be delivered within a 5 year period, despite no developer being on board at this stage. Nevertheless, delivery of the site is not essential in order to maintain a deliverable 5 year supply of housing land.

25% of the development would be designated as Affordable Housing, of which there is a District wide need. The delivery of housing (including a policy compliant percentage of affordable housing) can be attached positive weight in the overall balance.

Nonetheless, Lea is a subsidiary rural settlement in the Local Plan – and designated a medium village in the emerging Central Lincolnshire Local Plan. Lea has basic facilities (a primary school, village hall, playing fields) – it does not have any shop, post office, public house or other facilities (health clinic, secondary school etc.) – it is truly subsidiary to Gainsborough. It is not an area in which significant growth is envisaged.

Lea, however, benefits from its close proximity to Gainsborough and does have a regular bus service. Accounting for this, the draft Plan envisages Lea could accommodate 15% growth over the plan period, rather than the standard 10% for medium villages. In comparison, the application proposes 28.5% growth for the village– almost double that which is envisaged for a medium village with such limited facilities as Lea.

There are little facilities within convenient walking of the site but the Gainsborough Town Centre would be within cycling distance of the

development. The application concludes that most users (79%) will be using private car to access employment, retail and other facilities. It does not anticipate that despite positive measures to increase public transport take-up, that this would significantly shift modal choice.

The development proposes the inclusion of a 200sq.m A1 retail unit, a 300sq.m class A3 café/ restaurant and a 300 sq.m community hub. There is, however, no commitment to deliver this infrastructure, no potential operators. Equally the provision of onsite convenience goods is no guarantee that it would reduce the need to travel. This benefit should only be attached limited weight.

The impact on the highway of this development is not deemed severe and whilst additional traffic would be generated it is considered that this can be acceptably mitigated through improvements to the highway, mainly at the site junction on the A156 but also through the provision of an island at the junction of the A156 and Willingham Road to aid pedestrian access.

The majority of the site including all housing and the proposed swale SUDs are located within flood zone 1. Sequentially, although a proportion of the site is located within flood zones 2 and 3 amendments to the scheme have raised the site's access and the community facilities above a level that flooding would occur. Despite original concerns sufficient detail is deemed to have been provided to show that the site can operate at times of an extreme event for its life time and without causing additional harm elsewhere.

The drainage of the site is deemed acceptable subject detailed designs being provided at reserved matters stage and will not harm surrounding areas. Foul drainage is potentially at capacity but subject to conditions an acceptable solution is possible.

The scale of development would be double that anticipated for the village of Lea having a detrimental impact on the character and nature of the settlement. The proposal would also potentially undermine the emerging Central Lincolnshire Local Plan.

The scale of development proposed would project prominently into important open countryside (AGLV) harming the character of the area. It would be readily perceptible from the busy classified road (A156) changing the entrance character of Lea from rural to a distinctly urban.

The development would take place within a sensitive Local Wildlife Site (LWS) which includes flora that is almost unique within the district. Insufficient information has been provided with respect to the quantum and quality of the protected species and the future maintenance of the LWS and its ecological importance. In addition it is unclear whether mitigation/ replacement measures identified would adequately protect the ecological importance of this area.

In addition, the impact on potential archaeological remains on the site has not been fully determined and as such it cannot be certain whether there would be a loss of significant.

On balance it is considered that the three strands of sustainable development (social, economic and environment) required by the NPPF are not met.

It is concluded that, in view of the scale of development envisaged within village with limited facilities, its sensitive location and potential impacts on a Local Wildlife Site, that the adverse impacts of development would significantly and demonstrably outweigh the benefits of development.

Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1, STRAT9, STRAT12, NBE10 and NBE20. Development does not meet the NPPF presumption in favour of sustainable development.

Other matters

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

Representors to be notified -

(highlight requirements):

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

Prepared by : Jonathan Cadd

Date : 17/06/2016

Signed:



Authorising Officer:

Date: 17/6/16

Decision Level (tick as appropriate)

Committee

This page is intentionally left blank