

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee

Wednesday, 27th July, 2016 at 6.00 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

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

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. **To Approve the Minutes of the Previous Meeting**
Meeting of the Planning Committee of 29 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**
6. **Planning Applications for Determination**

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

Large Clear Print: Braille: Audio: Native Language

(Summary attached at Appendix A)

7. Appendix A - Applications for Determination

a) 134103 - Cherry Willingham

PROPOSAL: Outline application for up to 300 dwellings, ancillary public open space, landscaping, drainage reserved, with vehicular accesses from Hawthorn Road and pedestrian-cycle access from Green Lane with all matters reserved on land off Hawthorn Road, Cherry Willingham. (PAGES 1 - 44)

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and the resolution of any outstanding archaeology issues, 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 (£665,309) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision (Total £127,500)
- Details of the provision, management and maintenance of open space comprising not less than 10% of the total site area,
- 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, or, in the event of no resolution of the archaeological issues, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

b) 134492 - Cherry Willingham

PROPOSAL: Planning application for conservatory to rear at 10 Lime Grove, Cherry Willingham. (PAGES 45 - 50)

RECOMMENDED DECISION: Grant permission subject to conditions

c) 134599 - Fenton

PROPOSAL: Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015 - revised plans with amended appearance, size, scale and position of plot 4, 40 Lincoln Road, Fenton. (PAGES 51 - 58)

RECOMMENDED DECISION: Grant with conditions.

d) 134287 - Glenthams

PROPOSAL: Planning application for the creation of a lagoon for the storage of AD digestate on Land at Highfield Cliff Farm, Shadows Lane, Glenthams. (PAGES 59 - 66)

RECOMMENDED DECISION: Grant Permission

8. **To note the following determination of appeals:** (PAGES 67 - 108)

- i) Appeal by Jackson and Jackson Developments Ltd against West Lindsey District Council's failure to give notice within the prescribed period of a decision on a hybrid application for outline and full planning permission for the erection of up to 130 dwellings and a new building to provide up to 25 apartments for retirement living at Sudbrooke Farm, Sudbrooke.

Appeal Allowed - See copy letter attached as Appendix Bi.

- ii) Appeal by Mr Andrew Burkitt against the decision of West Lindsey District Council to refuse planning permission for the erection of 2no detached dwellings and a detached garage at The Sheep Sheds, Green Lane, Owmbly by Spital.

Appeal Allowed - See copy letter attached as Appendix Bii.

Costs Refused - See copy letter attached as Appendix Biia.

Officer Decision – Refuse permission

- iii) Appeal by Mr John Epton (Lincolnshire Caravan & Parks Ltd) against the decision of West Lindsey District Council to refuse planning permission for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation without complying with conditions attached to planning permission Ref 128354, dated 2 August 2012 at Barlings Country Holiday Park, Barlings Lane, Langworth.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Costs Refused - See copy letter attached as Appendix Biia.

Officer Decision – Refuse permission

- iv) Appeal by Mrs Janet Price against the decision of West Lindsey District Council to refuse planning permission for outline application for one two storey house of approx. 20034.m at School Cottages, Main Road, Legsby, Market Rasen.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

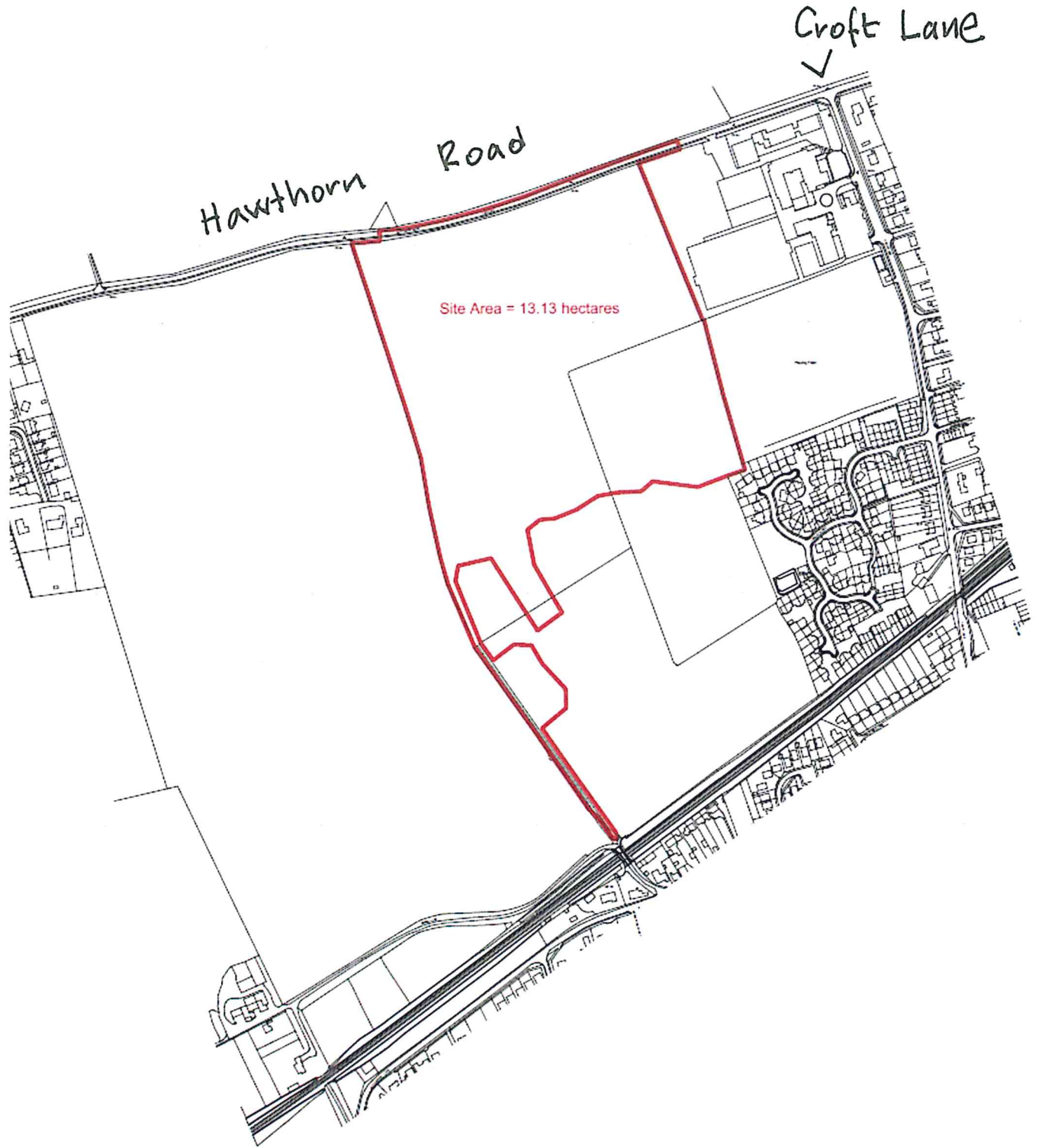
- v) Appeal by Mrs Paris Hallam against the decision of West Lindsey District Council to refuse planning permission for change of use of residential garage to retail spa business at Manor Farm, Gainsborough Road, Saxilby.

Appeal Dismissed - See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 19 July 2016



Officers Report

Planning Application No: 134103

PROPOSAL: Outline planning application for the erection of up to 300no. dwellings, ancillary public open space, landscaping, drainage with vehicular accesses from Hawthorn Road and pedestrian-cycle access from Green Lane with all matters reserved.

LOCATION: Land South of Hawthorn Road Cherry Willingham

WARD: Cherry Willingham

WARD MEMBER(S):

APPLICANT NAME:

TARGET DECISION DATE: 01/06/2016

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and the resolution of any outstanding archaeology issues, 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 (£665,309) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision (Total £127,500)
- Details of the provision , management and maintenance of open space comprising not less than 10% of the total site area,
- 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, or, in the event of no resolution of the archaeological issues, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

The site is located on the western fringes of Cherry Willingham and comprises a roughly square shaped area of land comprising sections of three fields separated by hedgerows. Hawthorn Road runs along its northern frontage with open countryside beyond. The Cherry Willingham Community School is located to the east with playing fields and tennis courts between the school buildings and the application site. A dense hedgerow runs along this entire boundary. To the south beyond the application site is agricultural land used for pasture with a rolling topography that falls away to the south. To the west of the site is open countryside. A relatively narrow off shot from the application

site extends in a south easterly direction towards Green Lane. Total site area is 13.13 hectares.

Proposal

This outline application seeks permission for up to 300 dwellings, ancillary public open space, landscaping, drainage reserved, with vehicular accesses from Hawthorn Road and pedestrian-cycle access from Green Lane with all matters reserved. Despite the outline nature of the application an indicative masterplan is provided showing that the access would be via two junctions with Hawthorn Road serving the residential development. Areas of public open space and planting are also indicated. A 3 metre wide shared pedestrian / cycle access is also shown linking to Green Lane to the south. A number of attenuation ponds are also proposed which form part of the overall surface water drainage strategy for the site.

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: None

Representations:

Chairman/Ward member(s): Cllr Welburn: Requests that the application is brought to committee for determination.

Cherry Willingham Parish Council: A detailed response to the Transport Assessments and modelling has been submitted (Appendix 1)

Local residents: Objections have been received from:

Numbers 17, 19, 20, 23, 28, 82 (x2), 88, 94 and 121 Jubilee Close; 3 The Chase, Reepham; 1A Minster Drive, 23 Hawthorn Avenue, 3 Kennel Walk, Reepham; 4 Franklin Way, 10 Church Hill, 1 Heathcroft, 9 Elm Avenue, 3 Church Lane, 3 Becke Close and 92 Hawthorn Road. In summary:

With the now closure of Hawthorn Road which is going to cause endless problems for traffic, to have another 300 homes which is another 300 cars plus a lot of families have 2 cars (600) the traffic situation is going to be horrendous. Our village is disappearing into a huge estate. If this gets passed then the next field will be built on, where does it all end? The infrastructure is only just coping now, trying to get Doctor's appointment is hard enough. The roads are in a dreadful state already with the amount of traffic. Cherry Willingham village just cannot cope. Developers don't seem to take this into consideration. We already have more new homes being built off Hawthorn road/avenue. How much more traffic can a village cope with. Will the council

be prepared to spend thousands and thousands sorting out the roads and infrastructure, I don't think so !

Much attention has been given in the plans to encourage use of public transport or to travel by bike or on foot, however, people living in a country location use cars regardless. Access from the proposed site to Lincoln using Hawthorn Road will shortly be cut off by the new by-pass which leaves two ways into town from this site; either via Kennel Lane, Reepham to the main Wragby Lincoln road, or via Cherry Willingham Village. Neither of these roads is suitable for a heavy increase in traffic. The Cherry Willingham route is particularly bad, with many twists and turns, ups and downs and an awkward bridge and is routed right through much of Cherry housing, not to mention passing two schools along the way. It is so bad that I never use it myself unless traffic is very heavy at the Lincoln end. All the traffic currently using Hawthorn Road into town will inevitably be diverted past my property and into Kennel Lane, with its double bends and exit onto the fast moving traffic of the Wragby road. It is not adapted to handle even more traffic from this new development. What is being done to address this potential traffic nightmare?

Several small and large planning applications have been granted in recent years in Cherry Willingham which have gradually reduced the greener areas of the village and increased the population. The addition of 300 homes in one go would increase the housing stock by around 25% and the population by at least 10%. This edge of the village sprawl takes the village into town size territory and the impact on services and infrastructure potentially huge and unmeasured or accounted for in the associated documents.

There should be consideration of the available places at local medical practices, schools, dentists and not just an expression of interest in contributing but a financial agreement with agencies made integral as part of planning consent.

There should also be solid agreements with highways regarding speed limits, footpaths, street lighting and junction improvements. I live in an area of the village where footpaths and lighting were not wholly considered with planning consent and although a retrospective footpath was eventually installed after many complaints, lighting has never been added. The speed limit, at 40mph, especially as it nears village limits is frighteningly exceeded and is not able to be effectively enforced or calmed. These are situations I would fear would occur in the case of this application. We should not rely on accident data alone we should be more proactive than that.

The impact of the closure of Hawthorn Road and the LEB is untested and the traffic reports conducted by the applicant are therefore not necessarily relevant and speculative. As the recent inquiry inspector noted a number of roads and junctions in the vicinity are already reaching if not at capacity.

The condition of Hawthorn Road is poor, it has been patched and minor repairs completed on many occasions but remains hazardous in both dry and wet conditions. The footpath/cycle path is well used, particularly by school

children. Two new junctions onto this road will create hazards for pedestrians, cyclists and drivers. Especially should speed restrictions and lighting not be a planning condition.

Main concern is vehicular traffic in the area as there will be only 2 routes out of the site:

Through the centre of Cherry Willingham, passing the Secondary School, onto Fiskerton Rd and then onto the Outer Circle / Monks Rd roundabout. Out of Cherry Willingham via Kennel Road onto the A158. I do not believe that consideration has been given to the fact that Kennel Lane leads onto the A158 the main road to the coast. During the summer months and Bank Holidays this becomes a bottle neck, this situation can only be made worse by village traffic exiting and entering the village using this route. Has any provision been made for traffic control on these 2 routes? The third route currently out of the site via Hawthorn Rd will be closed by Lincoln Council as part of the new Bypass. It is a shame that mention of this proposed planning application was not available to be presented to the Public enquiry which did express concern about possible traffic concerns.

The junction at Green Lane is not suitably marked nor does it provide footpath access to this junction. Visibility from this junction due to its location and width is not very good.

The aesthetic character of the ancient meadow on which this application plans to develop would, obviously, be completely ruined, as will the Cathedral views for the residents of both Jubilee Close and the houses backing onto the rail line. Factors which will have been paid for by these residents in the form of house prices which will clearly be impacted.

Animal life on this meadow would be destroyed or driven out, there are families of rabbits, moles, and of course the horses on this land along with undoubtedly a lot of less visible wildlife.

High-speed broadband access. As fibre is not available at my particular house (despite the local exchange being converted) the only method I have to receive high-speed broadband is the Quickline wireless broadband service as recommended to me by West Lindsey District Council. This requires line of sight to Lincoln Cathedral, and should this be broken by any proposed development it will reduce me to a substandard ADSL circuit. As an IT professional who does most of his work from home this would be a huge problem for me and cause significant issues for my ability to do my job.

I bought this house for the specific reasons that it adjoined a quiet field with Cathedral views. I have an expectation of privacy as most of my garden is obscured from the view of anyone. I have access to high-speed internet as explained above. The removal of all these things will reduce my house price by an amount I have no idea how to quantify.

Any development on this plot would therefore have a direct impact on the

local traffic, the enjoyment of my property and views, my income from my job and my wealth from the value of my property. I have no choice therefore but to object to this application strongly.

As a village we have now had four housing developments in very recent years- Lady Meers, Waterford Lane, Jubilee Close and Cherry Paddocks we need to secure our village status or we will end up being over developed and just an 'extension' of Lincoln. This has happened to other villages and especially North Hykeham.

Finally, our current public transport to the village is not sufficient enough, we don't have a Sunday bus service. 300 new homes being built with the only vehicle access via Hawthorn Road with its impending closure due to the Eastern bypass will drive even more traffic through the village. There cannot be any provisions made as the decision to close Hawthorn Road at Bunkers Hill has already been made. This will mean potentially up to 600 more cars driving past a secondary school and through the village using either Croft Lane or Kennel Lane. I strongly object as I do not believe any consideration has been taken into account for inevitable traffic congestion and potential for accidents in a residential area.

There is no provision for traffic management as part of the plan to reduce the risks to pedestrians. The solution would be to place a number of well-lit crossings on Croft Lane, Hawthorne Road, Church Lane, Waterford Lane and High Street. This would have to be consulted with the local residents as they would be affected by light pollution, invasion of privacy and pollution from vehicles. Increasing the number of vehicles will increase local pollution in all categories which is an unfair imposition for the local residents. There are no details of plans for how the increase in pollution would be mitigated; we live in a quiet village for a reason.

There are no details on emergency vehicle delays to the development with the closure of Hawthorn Road, the increase in traffic through the village may slow response times for people living on the new development and the current residents To dismiss the potential delay is negligent.

The submitted plans show the introduction of a walkway along the boundary line of my property, connecting the new development to the school sports field. I have concerns that this would require lights to be fitted along the route and would shine into the rear of my home, in addition this would increase the footfall to the rear of the property and potentially impact on the noise within my home. At present there is a large degree of waste foliage within the rear area and I am concerned with its removal, how this will impact on my boundary fencing and potential up keep of the area. . The submitted plans do not show if this development will be brought to the same elevation as my property, with their being a drop in height of approximately 2 feet, I have concerns that any homes built would be able to look directly into the rear of my family home and invade our privacy, and ultimately affect the sale price of our home. The village facilities already stretched there does not appear to be due consideration to the village facilities, i.e. GP and school. To the rear of

my property, the plans show the inclusion of soak a way's, how are these to be managed and secured to avoid young children going into the area and potential for any flooding.

I have concerns that there are not enough details as to the type of houses to be build, at present I have a clear view and am concerned at any high buildings and their impact on limiting the light within my property. I have concerns about the noise and dust from the development and how its impact on the environment will be limited. In addition to site working hours in order to avoid any unnecessary disturbance to sleep patterns.

We wish to object strongly to the development on this site as the view from our property across open land will be disrupted. Our 4 year old daughter's bedroom overlooks the fields with animals, and we feel this is much more beneficial than overlooking a new housing development.

Chair of Cherry Willingham Primary School.

We currently have 294 pupils enrolled. In key stage 1 we currently have less than 10 spaces available. Within Key stage 2 we currently exceed the government's good practice recommendations with class sizes averaging 32.

We do not have provision to take pupils across any of the higher year groups. To try and strategically react to increasing demands the head teacher is in the process of converting a previous non-teaching area into an additional classroom for September 2016. This has incurred considerable costs from our capital budget. Once this space is completed we will not have any further options with the existing floor space to meet likely anticipated numbers that would be generated from the new build project. Significant capital would have to be invested to create new teaching space if families want their children to learn in a good, local, nearby community school.

It needs to be noted that a number of parents already bring their children from Lincoln and surrounding villages. Whilst acknowledging the safe learning environment that Cherry school offers it is also due in part because neighbouring schools (Carlton Academy, Scothern, Reepham and Nettleham) are already at capacity. With the increased catchment area it results in an increased traffic flow of parents dropping off/ picking up children in an already congested residential area. Our neighborhood PCSO and policing team are often required to complete audits and intervene in a prohibitive way when children and local residents are put at risk.

With major vehicular access for the development proposed via Hawthorn Road it can be reasonably anticipated that there will be a significant increase at key points of the day. The school along with the LEA, road safety partnership and police have tried to put in place strategies to minimize risk. Options are now limited. Inevitably with increased numbers this may be further compromised. Parents are also likely to then enter Lincoln via Fiskerton road on leaving / returning to school, thus adding further congestion to the east of the city, especially as the northern route out of the village will be blocked through the development of the eastern bypass at some unspecified

date. Until I brought this information to Mrs. Evans the head teacher she has not been made aware of any plans or consulted on the strategic implications for the primary school. On a personal note, Cherry Willingham prides itself as a village community. It has over recent decades adapted to local demands and society's needs. However, throughout this it has remained distinct from Lincoln. The race to become part of suburbia in a greater Lincoln area is not one that we should willingly accept or be driven to. I trust that these significant factors will be taken into account when determining if the proposal goes to the next stage of the consultation process. The implications for public services across parts of the community are likely to be significant in an already over stretched financial environment if recommendations are made to go ahead without effective planning.

Jubilee Park Management Company

We write as the agents for the Jubilee Park Management Co Ltd, the Management Company for the public open space associated with the existing residential development to the south-east of the application site. The land to which I refer is identified on the 'Opportunities and Constraints Plan' within the planning application as 'existing green space' and is adjacent to Jubilee Close. It has been brought to our attention that the application proposes, or at the very least suggests the potential of, a pedestrian connection from the development site through the public open space and onwards to Croft Lane. This land is within our ownership and there is no public right of way that would allow access from the adjoining land through the open space. Furthermore, we have not been approached about the potential for a right of way, nor would we be willing to enter into negotiations on this matter. In short, this is not a pedestrian connection that would be deliverable by the applicant and we lodge an objection to any scheme which proposes this. In addition, it is also noted that the same Opportunities and Constraints Plan identifies possible connections to the north and south of the School's playing field. Again, as far as we are aware, there are no public rights of way over this land and therefore we would severely question the ability of these connections to be delivered.

Freeth solicitors on behalf of Taylor Lindsey

We are instructed to act on behalf of our client, Taylor Lindsey Limited, to submit an objection against the above planning application.

In summary it is submitted that the application proposal does not constitute sustainable development as defined by paragraph 7 of the NPPF and does not represent an appropriate solution to deliver the housing requirements of Cherry Willingham. The site is outside of the settlement boundary and poorly related to the main built up area of the village causing harm both in landscape and sustainability terms and compares weakly to the alternative sites proposed for allocation in the emerging Central Lincolnshire Local Plan. The Development Plan comprises the Saved Policies of the West Lindsey Local Plan (2006). The main relevant policies guiding the principle of development are Policy STRAT12 (Development in the Open Countryside), Policy STRAT3 (Settlement Hierarchy) and Policy SUS1 (Development Proposals and Transport Choice).

In terms of emerging policy the Central Lincolnshire Local Plan will shortly commence public consultation (15 April 2016) on the Proposed Submission Local Plan. The Central Lincolnshire Joint Strategic Planning Committee approved this consultation in March 2016 and as part of the background papers, the Proposed Submission Version of the Plan is available to view. Policy LP52 sets out residential allocations in 'Large Villages' and identifies that sites CL1179, CL1181 and CL 4433 should be allocated for development within Cherry Willingham, providing a total of 373 dwellings. These sites are located on the east side of the village, situated adjacent to each other and are owned and promoted by our client, Taylor Lindsey.

Policy STRAT3 defines Cherry Willingham (but excluding Hawthorn Avenue) as a primary rural settlement which is second with the hierarchy to the towns of the district. Whilst Policy STRAT6 allows limited small scale and infill housing within the confines of the settlement boundary, the application site is neither small scale or within the settlement boundary. Accordingly the site is within 'open countryside' and the principle of development falls to be considered under Policy STRAT12. This policy confirms that development will not be granted for development proposals outside of the settlement unless it is essential to the needs of agriculture, horticulture, forestry, minerals extraction or other uses which require a countryside location. The principle of residential development is therefore contrary to the adopted local plan in regards to its location, although clearly regard is required to the NPPF and in particular paragraph 14, the presumption in favour of sustainable development. The merits of the 'planning balance' are considered below

Although adjacent to the settlement boundary, the position of the proposed development has an awkward relationship with the existing built up area of the village. With the exception of the school buildings which broadly form 50% of the eastern boundary of the part of the application site envisaged for development, the site is bordered by open countryside, which is situated to the north, west and south. Even to the east the school's playing fields form approx. 50% of the adjoining land, contributing to the green character and peripheral location of the surroundings. As a consequence the development site relates poorly to the pattern of built development in the village and the scheme would be detrimental and visually intrusive to the character of the countryside and settlement.

The Landscape Character Assessment commissioned by the Parish Council (dated 2014) to inform the Cherry Willingham Neighbourhood Plan recognizes the above point, with land identified as '1B' in the assessment (which covers the majority of the application site), advising that any development, in landscape terms, should be restricted purely to the edge of the settlement. The application site is largely classed as being sensitive to change with a high visual sensitivity and important views existing from Hawthorn Road to the edge of the settlement and the wider landscape. The proposed scheme would have a significantly harmful impact on such views and given the scale and density of the scheme, this will not be satisfactorily mitigated.

The Planning and Design and Access Statement, Indicative Masterplan and the Opportunities and Constraints Plan discuss the merits of the application in terms of walking and cycling provision and accessibility to key services. However, in practice connection to the village centre appears significantly more problematic than reported. Pedestrian routes from the site to the east are shown on the Opportunities and Constraints Plan but there appears no evidence to demonstrate that these routes are available. Two potential routes are identified at the north and southern boundaries of the school playing fields, but no right of way exists and this involves access of private land. The playing field is associated with the school and is not publically accessible open space. In addition the Opportunities and Constraints Plan appears to advocate the potential of a connection through open space associated with the residential development to the south east of the site. The masterplan does not show any route linking to open space and any route would be divorced from the proposed housing and would require land outside of the application site. Again there is no public right of way through the open space identified on the Opportunities and Constraints Plan and this is owned by the management company responsible for its maintenance. Having regard for these factors connection through to Croft Lane from the site does not appear deliverable and this is significantly harmful to the proposed development's accessibility and sustainability credentials. An alternative route is promoted via a proposed pedestrian and cycle link to Green Lane. However, the isolation of such a route is extremely questionable in community/crime safety terms and furthermore involves access via a bridge over the railway line that contains no separate pedestrian path. The distance to the village centre coupled with the safety concerns identified mean that this route is unlikely to be utilised by future residents. As a consequence residents will be left with no option but to access Croft Lane (and the village centre) via Hawthorn Road, which for particularly the southern half of the development is going to be unattractive and a convoluted route. On this basis the development is not considered satisfactorily well connected in pedestrian terms to the main services and facilities of the village and therefore fails the requirements of Policy SUS1 of the Local Plan. This deficiency is contrary to a core planning principle of managing patterns of growth to make the full possible use of non-car modes of transport, including walking.

As referenced above, the emerging Central Lincolnshire Plan has reached the Proposed Submission Consultation Stage and it is likely that the Plan will be submitted for examination prior to the determination of this application. In accordance with paragraph 216 of the NPPF the weight provided to emerging plans shall be dictated by the stage of preparation of the plan and the extent of unresolved objections. Whilst it is clear that full weight would not be appropriate, the emerging Central Lincolnshire Plan is making appropriate provision for dwellings to meet the requirement for Cherry Willingham and the sites proposed for allocation (CL1179, CL1181 and CL4433) have been thoroughly analysed and concluded to represent the best options for development for the village. These sites are significantly better related to the existing settlement in terms of the pattern of development, impact on landscape and accessibility and sustainability credentials.

As identified within this objection the proposed development would create a number of adverse impacts on settlement pattern, landscape character and through the failure to provide sufficiently accessible, safe and desirable pedestrian connections to the village's facilities and services. These adverse impacts would create significant harm against the social and environmental strands of sustainable development and competing against the background of more sustainable development options emerging through the Central Lincolnshire Local Plan, it is concluded that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Local Plan and Neighbourhood Plans

Cherry Willingham Parish Council are in the process of producing a Neighbourhood Plan which seeks to support the proposed allocations to the east of the village within the emerging Central Lincolnshire Local plan (submission version April 2016). The Neighbourhood Plan has not been published as a draft Plan (Regulation 14) as of yet, but there are emerging policies within the document that seeks to refrain from major development taking place to the north of the village. Only once the Neighbourhood Plan has been published will it be available for formal public consultation. In the current West Lindsey Local Plan (2006), Cherry Willingham is considered a 'primary rural' settlement and where only limited (5-10 units) growth is encouraged away from the proposed allocations (STRAT 3). Although the emerging Central Lincolnshire Local plan identifies Cherry Willingham as a 'large village,' it is not focusing on allocating growth to the north of the village where this proposal is located, but instead looking to direct major growth to the east of the village. The proposed development site in contrary to the spatial strategy of both the existing and emerging local plan.

LCC Education

I can advise that a part education contribution is sought from the proposal. I have calculated the level of contribution relative to the proposed number of dwellings, the type of dwellings proposed and the current projected position in both local primary and secondary schools and school-based sixth forms, as we have a statutory duty to ensure sufficiency of provision.

This development would result in a direct impact on local Schools. In this case just the primary schools at Cherry Willingham 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. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2012) and fully complies with CIL regulations, we feel it is necessary, directly related, fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case equates to £665,309. This is on the basis of recent research by Lincolnshire Research Observatory utilised to

calculate pupil product ratio (PPR) and then that is multiplied by the number of homes proposed to calculate the number of pupils generated. This is then multiplied by the prevailing cost multiplier per pupil place to give the mitigation cost request. The PPR calculation illustrates that some 59 primary places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity.

At present projections show that, excluding the effect of the development in question, Cherry Willingham Primary School will have no permanent surplus places by 2018 when it is reasonable to presume this development would be complete or well on the way.

As mentioned above, we feel our request complies with the policies and guidance set out in NPPF (2012). It is necessary, reasonable and directly related to the proposed development and we have taken into account up to date projections of pupil numbers in existing schools.

I have used the hypothetical mix of houses provided by the applicant to illustrate the likely level of contribution and formulae could be used in the requested S.106 agreement that details the eventual total to be paid, based on the full or reserved matters application. I set out below the impact in terms of number of pupils relative to the 2, 3, 4+ bedroom dwellings proposed within this application:

House Type	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
2 Bedroom	94	0.09	9	0.09	9	0.018	1
3 Bedroom	78	0.17	13	0.17	13	0.034	3
4+ Bedroom	113	0.33	37	0.27	30	0.054	6

The calculation of the contribution is therefore: 59 Primary Places at £12,257 equals £723,163.00. 52 secondary places at £18,469.00 which is reduced to zero due to capacity at Cherry Willingham Community School. 10 school based sixth form places at £20,030 which is reduced to zero due to capacity at Cherry Willingham Community School.

Total contribution - £723,163 x 0.92 (local multiplier)* =£665,309

*to reduce cost and to reflect Lincolnshire's lower than average build cost compared to the national average.

I would confirm that the County Council seeks that a S.106 agreement is entered into in this case, noting the significant cumulative impact of this application alongside other developments currently proposed in Cherry Willingham and surrounds. Without a capital contribution the education infrastructure will be unable to match pupil numbers and an objection considered otherwise.

The funding could be held by the LPA or County Council and only spent by The County Council on two additional classrooms at Cherry Willingham Primary School. 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.

Please note LCC retains the Statutory Duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at academies. We would invest the funding at the most appropriate local school/s regardless of their status but ensure the S.106 funding is used only to add capacity as this is the only purpose for which it is requested.

I can confirm that we will ensure that no more than 5 S.106 contributions are pooled towards a specific piece of infrastructure and that prior to committing the money we will contact the LPA and contributor to make them aware of our intended use of the S.106. This will ensure transparency of use and to reconfirm that no more than 5 contributions are ever pooled towards a specific item of infrastructure.

NHS England

The development is proposing 300 dwellings which based on 2.3 per dwelling for the West Lindsey District Council District Local Authority (WLDC) area may result in an increased patient population of 690. Any future increase in population place constraints on existing premises, for example extra appointments lead to additional consulting/treatment room requirements. The practice that is most likely to be affected by any increase in population as the development is within their catchment area, is the Nettleham Medical Practice at Lodge Lane Nettleham LN2 2RS as their branch surgery is at Cherry Willingham.

The branch surgery at Cherry Willingham is of a typical 1980s construction, there is potential for an extension but with restricted access.

All practices with a general medical services contract is obliged to accept patients who choose to register at their practice if it is within their prescribed practice area, unless there are extenuating circumstances. Patient waiting lists do not exist. The total practice list size is circa 11400 and has grown by 3.6% in the last 2 years any further increase and the level of patient care will be compromised. The development will result in an additional 22.9 clinical hours per week. This will require an increase in clinical staff and generate extra administrative support. This in turn has an impact on consulting space, treatment rooms, waiting room availability and storage for the extra medical records. Nettleham village itself is currently subject to several planning applications under consideration, those proposals will have an overall impact on the practice.

The practice is a training practice which means there are additional GPs required on site. In order to cater for a further 690 population and manage the workforce situation it will be necessary to amalgamate at the Nettleham site and make it easier to offer extra services there.

The S106 contribution would provide capital towards building a notes storage facility at Cherry Willingham along with an extra multipurpose/clinical room. The storage facility will allow the movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.

The table shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £185 is determined per patient. This figure is multiplied by 2.3 (the average number of persons per dwelling for WLDC) to provide a funding per dwelling of £425. **The contribution requested is £425 x 300 (dwellings) = £127,500**

LCC Highways (Principal Transportation Projects Officer)

I have been provided with the original Transport Assessment (TA) for this proposal to respond to as I check all TA's for the Highways Authority.

I can confirm that I am awaiting Mouchel Consultants (our Alliance partner) response to the Cherry Willingham Parish Council letter in which they question various aspects of the TA and traffic modelling. I have had to wait for Mouchel's response as they represented the Highways Authority at the Lincoln Eastern Bypass (LEB) enquiry. I want to ensure for consistency that they respond to the queries raised in the letter which are similar to those queries raised at the enquiry as the Highway Authority evidence was ultimately accepted by the Department for Transport.

I do not consider the scheme will have a severe impact on the surrounding highway network in the context of para.32 of the National Planning Policy Framework, particularly with the Lincoln Eastern Bypass due to open in 2018/19. The Inspector at the enquiry for the LEB and the Department of Transport has accepted the Highway Authority evidence provided for the LEB (which included development growth) and therefore on purely traffic impact this proposal is also likely to be acceptable in my view.

A further response from the Highway Authority representing its formal view taking into account the comments above regarding traffic impact, will be made.

LCC Archaeology

This application has a small paragraph dedicated to the archaeological potential of this site and for a development of this size this is insufficient. I was contacted at a pre-application stage to advise if I would require any work to be

done to support an application for development on this site and I recommended that geophysical survey should be undertaken in the first instance. Metal detecting close to this site has recorded a number of multi-period artefacts that could be suggestive of activity in this area. It should always be remembered that absence of evidence is not evidence of absence and little archaeological work has been undertaken in this area.

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.

Recommendation: It is requested that the developer is required to supply more information in the form of an archaeological evaluation to be carried out prior to determination. 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." Policy 128. National Planning Policy Framework (2012).

(Archaeology – awaiting further comments following completion of geophysical survey of the site)

Network Rail

No observations

Lincs Wildlife Trust

We have read the ecological report submitted and are satisfied that provided the recommendations are followed, there should not be any significant negative impacts on protected species or habitats as a result of the proposed works.

We support the proposed inclusion of 'natural' open space and SUDS areas which together form a significant proportion of the development area. The design and access statement indicates that the SUDS ponds will be designed to provide wildlife habitats with shallow margins and surrounded by meadow flora. It is not clear whether any of these will be designed to hold water permanently or whether they will be more ephemeral in nature. We would suggest that to provide the maximum biodiversity gains and with the hope of benefitting the existing great crested newt population which is present in the ponds in Cherry Willingham, a mixture of ephemeral and permanent

waterbodies should be created which will be suitable for a range of amphibians and invertebrates as well as providing a water source for mammals and birds. We would also recommend that consideration is given to the provision of hibernacula within the areas of open space near to waterbodies or terrestrial habitat which may attract amphibians and reptiles.

We support the use of a wildflower mix within the landscaping scheme and would strongly recommend that this consists of native species, preferably of local provenance. We would encourage widespread incorporation of species rich grassland throughout the areas of green space, in association with the SUDS features and where possible on wide grassed verges, as borders surrounding more formal open spaces and as flowering lawns in gardens.

Habitat links should be provided wherever possible to join up areas of green space around and within the development to ensure that they do not become isolated by the built environment and to allow movement of wildlife around the site and into the wider countryside. We support the recommendation by the ecological consultants to raise fences or provide gaps at intervals to allow hedgehogs to pass safely underneath and maintain connectivity between areas of garden.

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

We would wish to ensure that the maximum biodiversity benefits are achieved for this site and would be pleased to have the opportunity to comment on landscaping details for the site.

Trees and Landscape officer: I have no objections to proposed development on this site. Seven trees meet the criteria for a TPO.

There are a range of hedgerow densities, from very sparse with more gaps than hedge, to a hedgerow which appears to be of good quality. Suitable conditions for boundary hedgerows should include a hedgerow protection condition requiring protective fencing to be placed at least 2m from and parallel with any hedgerows which are to be retained. Any boundary hedgerows with gaps or are found to be thin should have a scheme of infill planting to fill gaps and sparse areas. Hedgerow planting should consist of locally characteristic native plants, with the dominant species being 80-85% hawthorn, to be planted in double staggered rows 300mm apart, with 4-5 plants per linear meter.

Existing trees along the hedgerows should have protective fencing erected prior to any site clearance, setting out, or construction commencing, and should be

retained in place until completion. The positions of protective fencing should be calculated for each tree and provided to the council for prior approval.

This development is within agricultural land at the edge of Cherry Willingham. The current edge of the village includes views of the hedgerows and trees down the westerly side of the school and playing field. This proposed development would create a large area of housing much more prominent in views from the road to the north when approaching Cherry Willingham from the west, and close to the roadside. Therefore, to manage the visual impact of the proposed development, and minimise visual impact and intrusion into the countryside views, a landscape belt down the westerly side and a landscape scheme to include some tree planting across the northerly side would help reduce its impact on the surroundings. Any landscape belt along the westerly side should include new hedgerow planting along the boundary line, and a band of native tree planting at 5m wide. Details to be provided by condition.

Assuming any entrance from the road to the north would involve a visibility splay or possibly a road splay to filter on/off the existing road, it is likely that a long stretch of the existing hedgerow would require removing to facilitate the splays. If this occurs, some new hedgerow planting would be required to follow the edge of the new boundary alongside the splays.

Details for appropriate tree and hedgerow protection measures, in accordance with BS5837:2012, should be required and provided to the council for prior approval as part of any subsequent RM or Full application.

Tree protection measures should be positioned at the outer extents of calculated Root Protection Areas.

Any final version of a site layout should ensure all built structures such as buildings, driveways, roads and footpaths are kept outside tree RPA's. Ideally a BS5837 Tree Report should be provided to provide info on tree conditions, but most importantly identify each tree category in the BS5837 cascade chart, tree crown spreads and their RPA's. A scheme of landscaping should be required, including hedgerow infill planting and the required boundary hedge infill planting as a boundary treatment condition

Natural England

No comments to make. The lack of comment does not imply that there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites. It is for the planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

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

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>

- 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.

The **Proposed Submission Central Lincolnshire Local Plan (SCLLP)** was agreed on the 14th March 2016 and completed its final public consultation on 26th May 2016. Following the collation of the comments received the Plan **was formally submitted on 30th June 2016 to the Planning Inspectorate for examination.**

The final adopted CLLP will replace the West Lindsey Local Plan. The Submitted Central Lincolnshire Local Plan represents an advanced stage in the development of the Central Lincolnshire Local Plan and 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

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Transport
 LP14: Managing water resources and flood risk
 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
 LP52: Residential Allocations

Main issues

1. Planning Policy
 - i) Provisions of the West Lindsey Local Plan First Review
 - ii) National Policy
 - iii) Emerging Local Policy
2. Housing Delivery and Affordable Housing Provision
3. Landscape Character and Visual Impact
4. Highways Impact and Safety
5. Accessibility and Public Transport
6. Local Infrastructure
7. Public Open Space
8. Indicative layout and residential amenities
9. Archaeology
10. Ecology
11. Flood Risk and Drainage
12. Hawthorn Road "Closure"

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 Cherry Willingham as defined in the WLLP 2006. The site is not allocated for residential development. Cherry Willingham is identified as a Primary Rural Settlement within the Local Plan's settlement hierarchy (policy STRAT3).

The application site comprises arable fields and is bounded to the west and south by agricultural land with open countryside to the north on the opposite

side of Hawthorn Road by further open fields. The site has a clear open agricultural character and 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.

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

The latest Housing Land Availability Assessment (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;
- 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 Central Lincolnshire Local Plan (SCLLP) is considered to at an advanced stage in the adoption process as it has now been formally submitted for examination. It therefore represents the final policy position of Central Lincolnshire which will be promoted during the examination process and accordingly can be attached more weight than previous incarnations.

Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Cherry Willingham is designated as a Large Village.

This policy states that “to maintain and enhance their role as large villages which provide employment, retail, and key services for the local area” they will “be a focus for accommodating an appropriate level of growth, Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area plan. In exceptional circumstances growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is smaller)

Under Policy LP52: Residential allocations - Large Villages, three sites are allocated for residential development in Cherry Willingham:

CL1179 – Land north of Rudgard Ave (site area of 1.57 hectares). Indicative number of dwellings 40.

CL1181 – Land east of Thornton Way (8.87 hectares) 200 dwellings.

CL4433 - Land east of Rudgard Avenue (5.93 hectares) 133 dwellings.

These are all contiguous and located on the eastern flank of Cherry Willingham to the south of the railway line and total 373 dwellings. The application site is located to the west of the village and north of the railway line. Looking at the consultation comments above the view is expressed that it is contrary to the strategy of the emerging development plan (SCLLP) and it could therefore be argued also premature in advance of the local plan process.

Annex 1 of the NPPF explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than

where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taken the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

As the Neighbourhood Plan has not been published as a draft Plan (Regulation 14) little weight can be afforded to it. Weight can be attached to the allocations contained within the SCLLP, however these can be subject to change following examination. What is considered important is that the scale of the submitted proposals at 300 dwellings is not materially different to that being promoted through the emerging local allocations which total 373 dwellings. A detailed examination of the impacts arising out of the development of the application site together with an examination of other material consideration will guide the acceptability or otherwise of the current proposals; this is set out below in the “Planning Balance” section.

The Planning Balance

(1) Housing Delivery and Affordable Housing Provision

The development would contribute up to 300 dwellings towards an identified need for housing within Central Lincolnshire. This can be attached positive weight. The agents suggests that the site has good deliverability. The site is not previously developed so is free of potential contamination from historic uses and of any built constraints delaying the commencement of the development. It is also in single ownership with road frontage, meaning the development will not be affected by 3rd party land negotiations and ransoms. The application is by a housebuilder; as a result there is no potential for delays with obtaining a house builder to develop the site.

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 Submission 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 contribution of 75 on site dwellings as affordable homes (25%) can be afforded significant positive weight in the overall planning balance.

2) Landscape Character and Visual Impact

Within the West Lindsey Landscape Character Assessment the site appears to fall within the boundary of two character areas. Area 6 – Lincoln Fringe and Area 8 – Lincolnshire Lime Woods. It appears to be predominantly located within the former. The key characteristics of the Lincoln Fringe are:

- *Flat agricultural landscape with a number of expanded settlements*
- *Medium sized fields with low hawthorn hedge boundaries and few hedgerow trees*
- *Approached to settlements generally dominated by built form*
- *Views to Lincoln Cathedral*

The most sensitive parts of the landscape include: *“views to Lincoln Cathedral; remaining tracts of open countryside between settlements which often have a relatively non-descript character.”*

Principles for accommodating new development are also set out and include:

- *Scope for a more varied range of buildings (in terms of height scale and style) on the fringes of villages. Buildings can be accommodated provided they are accompanied by sensitively designed tree and woodland planting”*
- *The edges of developments on the outer fringes of settlements are often prominent and would benefit from tree and hedgerow planting. New planting should be designed to integrate the development with the surrounding field patterns and to soften and partially screen views from the surrounding farmland*

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

The site which has no special landscape designations will principally be visible from the Hawthorn Road frontage, which acts as its northern boundary. Due to the open nature of the existing arable landscape any development or buildings would have an impact. In this particular case it is considered that the most important boundary would be the western one as this is what traffic travelling eastwards beyond neighbouring open fields would first encounter.

Although it is not possible to screen the site in its entirety it is important in landscape terms that a “soft edge” be provided in order to help integrate any development. This would need to be in the form of tree and hedgerow planting. Landscaping is a reserved matter although an indicative master plan has been submitted. A tree and hedgerow landscape buffer of a minimum 5 metres is recommended to achieve this by the tree and woodlands officer. This is capable of being secured by condition. Travelling westwards along Hawthorn Road the site is partially screened by the existing school buildings and a dense hedgerow interspersed with trees along the extent of the school playing field boundary. It will be necessary to impose root protection conditions to ensure these are not impacted on by the proposed development.

It is acknowledged that the development would lead to a reduction in the open countryside separating Hawthorn Avenue/ Hawthorn Road from the main body of the settlement although there would still be a separation of 370 metres.

It is considered that, with a suitable layout and landscaping scheme (‘reserved matters’) development could be assimilated into the landscape without significant harm occurring. The landscape and visual impacts of the development are therefore 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 policy NBE20.

3) Highways Impact and Safety

Although access is a reserved matter the indicative plans show that there will be two access points directly onto Hawthorn Road. Hawthorn Road will be affected by the Lincoln East Bypass (LEB) which will result in the closure of the western end of Hawthorn Road that currently links to “Bunkers Hill”. Hawthorn Road will have a “left turn in “junction connecting it to the LEB and a “left turn off”. A Transport Assessment (TA) and Supplementary Transport Assessment (STA) have been submitted in support of the application. Two scenarios are examined, one with the LEB and one with no LEB.

A detailed critique of the TA and traffic modelling has been submitted by Cherry Willingham Parish Council (Appendix 1). The LCC Highways, Principal Transportation Projects Officer (PTPO) has confirmed that comments are awaited on this from Mouchel consultants who represented the Highways Authority at the LEB public inquiry and that the queries appear to be similar to those raised at the Inquiry. He also states that *“I do not consider the scheme will have a severe impact on the surrounding highway network in the context*

of para.32 of the National Planning Policy Framework, particularly with the Lincoln Eastern Bypass due to open in 2018/19. The Inspector at the inquiry for the LEB and the Department of Transport has accepted the Highway Authority evidence provided for the LEB (which included development growth) and therefore on purely traffic impact this proposal is also likely to be acceptable in my view”

On this basis there appear to be no grounds on which to withhold consent on the grounds of harm to the interests of highway safety. Any additional comments received will be reported to planning committee.

4) Accessibility and Public Transport

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 Cherry Willingham, a “Large Village” which provides “*employment, retail, and key services for the local area giving access to services, and public transport connections*” (SCLLP LP4).

In terms of facilities there is a Coop food store located at The Parade which stocks a range of everyday essential items such as bread, milk and eggs. The parade also contains a pharmacy, newsagents, take away hot food outlets, a tea shop and public house. A branch surgery is also located within the parade. The secondary school is located adjacent the site with an existing footway and cycleway along Hawthorn Road. The primary school is located off Lime Grove. The nearest bus stops are located on Croft Lane to the west and travelling south towards Green Lane to the south. There is a frequent regular Lincoln to Fiskerton bus service that runs through Cherry Willingham, services 3 and 3A.

The application proposes a lit 3 metre wide shared pedestrian / cycle way running southwards to connect to Green Lane over the bridge.

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 distances quoted below are approximate and taken from the centre of the application site travelling via Hawthorn Road and Croft Lane to the north and via the proposed footpath to Green Lane to the south:

- Cherry Willingham Community School - 600 metres
- The Parade - 1180 metres via Hawthorn Road (north) and 1260 metres via Green Lane (south)
- Cherry Willingham Primary School – 1200 metres via Green Lane (south)
- Bus stops – Croft Lane (770 metres) Green Lane (760 metres)

The distances for access to the schools are within acceptable maximum walk distances. The shops and services at the Parade are within 15 minutes walking distance of the site.

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.

5) Local Infrastructure:

The Local Education Authority, Lincolnshire County Council, has advised that the Cherry Willingham Primary School will not have the capacity to accommodate the proposed development. A capital contribution to enable up to 59 additional primary school places (£723,163) 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 practice that is most likely to be affected by increase in population is the Nettleham Medical Practice at Lodge Lane Nettleham as their branch surgery is at Cherry Willingham. They seek a capital contribution of £425 per dwelling (up to £127,500) in order to provide capital towards building a notes storage facility at Cherry Willingham along with an extra multipurpose/clinical room. The storage facility will allow the movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there. The applicant has confirmed agreement to this and it 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.”

6) Public Open Space

RES 5 sets out the requirement for the provision of public open space which is 10% for developments of over 10 hectares. This will be delivered by way of a Section 106 obligation to include its future management and maintenance.

7) Indicative layout , public open space and residential amenities

All matters of scale, appearance, layout and landscape are reserved for subsequent approval (reserved matters). Nonetheless, an indicative masterplan) submitted with the application shows how the site could readily accommodate up to 300 dwellings incorporating a mix of housing (including two and a half storeys) 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.

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.

8) 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 the requested additional information in the form of a geophysical survey of the site which has been sent to LCC Archaeology. Comments are awaited in response to this. Standard archaeological conditions will be imposed.

9) 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 ecological survey report has been submitted in support of the application. This shows that all habitats and plant communities recorded on the site are common and widespread in a local and national context. No nationally rare, nationally scarce or Red Data plant species, were recorded from the site. No reptiles were observed on site during the survey. There are no buildings or other structures on the site and none of the trees within or around the site edges possesses any features with potential to support roosting bats although all of the hedgerows offer excellent commuting and foraging resources for bats.

No signs of past or present use by badgers, such as setts, dung pits or feeding remains, were found anywhere within the site. A limited range of common and widespread birds was recorded on the site and adjacent land including kestrel, wood pigeon, carrion crow, blackbird and yellowhammer.

The report proposes measures to enhance biodiversity which include:

- Retention and protection of existing hedgerows within and around the site
- Landscaping schemes and placement of housing should work with the existing hedgerows to maintain landscape character and connectivity
- Defunct and gappy hedges should be restored by coppicing and laying where appropriate to improve the aesthetic appearance and gapping-up with appropriate native species
- Bat roost boxes and nest boxes for house sparrow and other birds should be incorporated into the development, particularly on elevations opposite hedgerows.
- Light levels adjacent to landscape features such as hedgerows should be kept to a minimum and lighting should be focused downwards to prevent unnecessary light spill.
-

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

10) Flood Risk and Drainage

A Flood Risk Assessment has been submitted, in accordance with the requirements of the NPPF¹. 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's² sequential approach to locating development to those areas at lowest risk of flooding.

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

² Paragraph 100 onwards.

Planning Practice Guidance³ states that when considering major development, sustainable drainage systems (SUDS) should be provided unless demonstrated to be inappropriate.

The FRA explains that the site is generally unsuitable for soakaways due to a high water table and low permeability.

It is proposed that domestic curtilage roof areas will discharge to adjacent permeable paved driveways, parking spaces and home zones wherever practicable which in turn will be linked to a network of under- drained conveyance swales accepting sheet flows from adjacent adopted roads. The network of under- drained swales will in turn be connected to second stage treatment attenuation ponds which will be allocated across the development land at appropriate locations provisionally sized to cater for 50 plots or thereabouts per pond i.e. 6 ponds in total. This is as suggested by the Environment Agency at the Multi- Agency Meeting (MAG) held on 18th February 2015.

Two outfalls to mimic natural conditions are proposed. These will be split into two areas with each having its own balancing pond and outfalls.

The Northern Outfall Land outfall will be a standalone outfall discharging to an existing culverted watercourse beneath the footpath to the south side of Hawthorn Road which in turn discharges to an existing open drain some 110m east of the north eastern corner of the site on the north side of Hawthorn Road. From there it connects into Westfield Farm drain which is a tributary of Reepham Beck and in turn the Barlings Eau.

The Southern Outfall Land outfalls will be inter-linked with a tributary drain conveying flows to a new piped offsite sewer (Cyden Homes Sewer) running parallel to the Taylor Lindsey Sewer which crosses the site and serves the existing development to the east of the site. The Cyden Homes Sewer will not connect with the Taylor Lindsey Sewer as there is no available capacity in the latter. The Cyden Homes Sewer will flow in a westerly direction away from the "valley" containing the primary and secondary SuDS features before turning south and discharging to an existing headwall on the drain to the north of Green Lane. This headwall currently accepts land drainage outfalls from the adjacent field and the drain currently discharges to an existing 375mm diameter culvert beneath Green Lane, through adjacent land, beneath the railway line and ultimately discharging to the Waterford Lane drain which drains to the south to the North Delph.

Because the application is only in outline, a condition will be required to secure the final drainage details.

11) Hawthorn Road "Closure"

³ [Paragraph: 079 Reference ID: 7-079-20150415](#)

The majority of the representations from residents refer to the “closure of Hawthorn Road” and the LEB with concerns about increases in vehicular traffic through the area as there will be only 2 routes out of the site: Through the centre of Cherry Willingham, passing the Secondary School, onto Fiskerton Rd and then onto the Outer Circle / Monks Rd roundabout and out of Cherry Willingham via Kennel Road onto the A158. In fact there will be a “left on” access from Hawthorn Road onto the LEB that will allow direct access to the proposed “Greetwell Road” roundabout without having to travel through the village. It is likely there will be traffic utilising Kennel Lane via Reepham although there is the option for vehicles travelling on the LEB from the Hawthorn Road junction to use the “Greetwell Road” roundabout to turn around and travel north towards the proposed “Wragby Road” roundabout.

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 (£665,309) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision
- Provision of 25% of the units as affordable housing on site (type and tenure to be agreed).
- Details of the provision , management and maintenance of open space comprising not less than 10% of the total site area,

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).

Pre-commencement conditions

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 for written agreement by the Local Planning Authority
- 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. 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 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).

8. The details to be submitted in accordance with condition no. 1 above shall include: -

- (i) A landscape buffer with a minimum depth of 5 metres along the western boundary of the site
- (ii) Details for appropriate tree and hedgerow protection measures, in accordance with BS5837:2012, (Tree protection measures should be positioned at the outer extents of calculated Root Protection Areas)
- (iii) A Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds;
- (iv) A Biodiversity Enhancement Scheme setting out measures for habitat creation and management

Reason: In the interests of landscape and visual amenity to help preserve the rural character of the area and in interests of biodiversity enhancement, in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

Conditions to be observed during the development of the site

9. No works shall take place other than outside the bird nesting season (1st March to 31st August),

Reason: To protect biodiversity 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.

11 .The development hereby approved shall not exceed 300 dwellings.

Reason: To maintain the character of this area and in the interests of highway safety and adequate drainage provision in accordance with saved Policies STRAT1, RES1 and CORE 10 of the West Lindsey Local Plan First Review 2006.

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

12. Development shall proceed in accordance with the submitted Travel Plan. 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.

APPENDIX 1. CHERRY WILLINGHAM PARISH COUNCIL COMMENTS

Two Transport Assessments (TA) have been prepared by the applicant's traffic consultant in support of this application. When the planning application was submitted no decision had at that point been made by the Secretary of State for Transport on the Highway Orders for the proposed Lincoln Eastern Bypass (LEB) following the Public Inquiry in August 2015. The original Transport Assessment submitted with the application therefore considered the impact of the development assuming the proposed Lincoln Eastern Bypass would not be in place when the development went ahead.

2. Shortly after the planning application was submitted the Secretary of State confirmed the Highway Orders for the LEB in February 2016. This decision means the submitted TA is superseded as the LEB, and in particular the decision to close Hawthorn Road to through traffic where the LEB intersects it, will have a significant impact on some traffic movements generated, or otherwise affected, by the proposed development. For this reason, the applicant's consultant prepared a Supplementary Transport Assessment (STA) which examines the impact of this proposed development with the LEB and other associated highway changes in place.

3. Although the principle of the LEB itself is strongly supported, the decision to close Hawthorn Road to through traffic when the LEB is constructed was and continues to be very controversial locally. Cherry Willingham and other Parish Councils to the east of the LEB objected strongly to these proposals and residents submitted over 500 written objections to the Public Inquiry. It was therefore always likely that any future development on Hawthorn Road and its impact on the local highway network in Cherry Willingham, other local villages and its surrounding network would be highly sensitive from a traffic perspective.

4. After the current planning application was submitted Cherry Willingham Parish Council held two drop-in sessions for local residents to obtain their views prior to submitting the Parish Council's comments on the application to the Planning Authority – West Lindsey District Council. These were very well attended and Traffic and Transport issues were of significant concern to residents.

5. Given the level of local concern and the potential for unanticipated traffic issues to arise following the closure of Hawthorn Road to through traffic it is important that the submitted Transport Assessments comprehensively and robustly assess the likely impact of the proposed development on the surrounding highway network.

6. Having examined the TA and STA in some detail CWPC have a number of comments to make on the Transport Assessments. These comments are set out below.

The Original Transport Assessment

7. The original TA considered the impact of the development without the LEB in place. As such given that it is now envisaged that the LEB will be complete either during or shortly after the construction of this development this TA is now largely superseded provided the LEB proceeds as currently planned.

8. The trip generation rates used in the TA for this development appear to have been based on previously agreed trip generation rates for the Greetwell Quarry Residential Development given planning permission by West Lindsey DC in 2015. The Greetwell Quarry Development is a larger development adjacent to the main Lincoln urban area with significantly better public transport, walking and cycling access for journeys to work than the current application site. The proposed trip rates would appear to be quite low for an edge of village development such as the current application proposes. The current development is in fact more akin to a recent planning application in Saxilby the TA for which was produced by the same consultants as this application. In the Saxilby TA trip generation rates based on the TRICS trip rate database system are higher than those used in the TA for this application. To ensure appropriately robust trip generation rates are used for the current development it is suggested rates are derived from similar sites in TRICS rather than Greetwell Quarry development especially as the current site is more like the previous Saxilby site in character than the Greetwell Quarry site.

9. A brief examination of the traffic modelling submitted with the TA suggests that the LinSig modelling of the Wragby Road/Outer Circle Road junction may contain issues which may (or may not) impact on the modelling conclusions for this junction. These appear to be carried forward to the STA and are therefore discussed below.

This TA identified that without the LEB in place the development would significantly increase the queues and delays at the junction of Hawthorn Road and Bunkers Hill and also impact on other junctions on Wragby Road. The TA correctly states that this impact will not in fact occur if the LEB is in place due to the closure of Hawthorn Road to through traffic. However, if any delays occur with the funding or construction of the LEB this scenario would in fact arise and the impacts on this and other junctions would need to be mitigated by the developer. Should this planning application be determined prior to the final and irrevocable commitment of funding to the LEB the Parish Council would

request planning conditions or other suitable agreements should be put in place as part of this permission to require the applicant to mitigate the effects of the development on Hawthorn Road, Bunkers Hill and elsewhere as appropriate should the LEB not proceed as currently planned or to current timescales in any significant way.

Supplementary Transport Assessment

11. The Supplementary Transport Assessment (STA) was produced by the applicant's consultants to support the original TA and extend it to consider the impact of the development if the LEB and its associated highway network changes are complete.

12. The closure of Hawthorn Road to through traffic affects different journeys on the highway network in and around Cherry Willingham in different ways. Although some journeys, for example, to the south of the River are improved, other journeys from parts of Cherry Willingham to the Carlton Centre or to the existing Lincoln northern bypass are made more difficult. It cannot be assumed that the LEB will automatically improve all journeys too or from Cherry Willingham.

Traffic Flow Forecasts

13. As the LEB produces widespread rerouting of traffic in the greater Lincoln area and around the application site, the Highway Authority requested that the applicant's consultant use the Greater Lincoln Traffic Model (GLTM) to forecast the traffic flows to be used in assessing the developments impact. The GLTM is a wide area strategic model produced and maintained by consultants for the highway authority.

14. The GLTM was used to produce forecast traffic flows for the following scenarios:

- 2021 Do Minimum – This includes the LEB and other committed schemes and developments.
- 2021 Do Something – This includes the 2021 Do Minimum scenario with the addition of traffic generated by the development proposed by this planning application.

15. The STA uses a preliminary assessment methodology based on the total net change in traffic flows at a junction to determine whether a junction needs to be examined in more detail. This has the undesirable consequence that when traffic flows on some arms of a junction decrease and others increase the total net change in traffic at the junction may be very small whilst significant changes may occur on individual junction arms. Whilst it is accepted that the performance of a junction is obviously affected by the total traffic passing through it the distribution of traffic between different junction arms also has a significant effect. For example, traffic rerouting from one arm of a junction to a different arm with a lower capacity may produce little or no net increase in total traffic through the junction but will potentially significantly increase queues and delays on arms with a flow increase whilst only leading to a much smaller reduction in queues and delays on arms where flows decrease. This will be particularly pronounced at higher values of RFC (Ratio of Flow to Capacity) where delay increases much more rapidly with respect to RFC. In respect of this STA it is impossible to tell without further analysis

whether this would have affected the decision on which junctions to assess in further detail but in general the methodology has the potential to mask significant impacts at some junctions depending on the pattern of flow changes.

16. Para 2.34 and 2.35 in the STA include an interesting observation by the applicant's consultant and are repeated below:

"2.3.4 The GLTM results predict that there may be decreases in some traffic streams as a result of the proposed development (i.e. the difference between the Do Minimum and Do Something), and although some of these decreases could be expected as a result of reassignment of network traffic, the changes appear to be disproportionate to the traffic increase associated with the proposals. There are also other unintuitive projected traffic flow changes from the GLTM.

2.3.5 However, the GLTM is a model that has been approved by LCC, the use of which has been specifically requested by LCC in order to assess the traffic impact of the proposed development. Therefore, the traffic projections supplied by LCC from the GLTM have been applied within this STA as requested."

17. This would appear to be saying that the applicant felt that the traffic flows provided for them to carry out their assessment of the development were unintuitive and not representative of the changes in flow likely to be expected. However, as the flows were provided by LCC they were used for the assessment regardless. Whilst we would agree with the applicant's observations, we would not agree that the flows should be used for evaluating the application's impact without first determining whether these unintuitive aspects have a material effect on the evaluation of these traffic impacts.

18. A brief examination of the provided forecast traffic flows diagrams in the STA does raise a number of issues where forecast traffic flow changes produced by the development are counterintuitive. Some illustrative examples include:

- One of the largest traffic flows changes from the Do Minimum to the Do Something scenario in the AM Peak is for traffic travelling on Fiskerton Road south of Cherry Willingham and turning left onto the LEB southbound. This movement is also changed in the reverse direction in the PM Peak. This is unlikely to be produced solely by the development and is more likely to be changes in assignment of existing traffic in the model. If this traffic is being assigned from elsewhere in the network these flow increases may lead to flow decreases on the Hawthorn Road corridor which artificially offsets the impact of the proposed development.

- In the AM Peak 34 additional PCU (passenger Car Units) leave the development onto Hawthorn Road in the direction of Cherry Willingham, however only 19 additional PCU actually reach the junction of Hawthorn Road and Croft Lane. This implies the eastbound flow on Hawthorn Road is actually reduced by reassignment caused by the development which is unlikely unless

it is due to reassignment noise in the model offsetting the true increase in traffic due to the development.

- Traffic from the development wishing to access the existing Lincoln northern bypass and many destinations in and to the north of Lincoln (one of the more significant traffic movements) has three route choices: It can use Kennel Lane; it can travel through Cherry Willingham village and then use Greetwell Road and the LEB; or it can access the LEB using Hawthorn Road before U-turning at the LEB-Greetwell Road roundabout to travel north on the LEB. Traffic flows on Kennel Lane are almost unchanged in both peak periods as is traffic through Cherry Willingham village and it would appear that most traffic from the development is choosing the latter option and U-turning on the LEB.

Based on residents views and local knowledge of traffic routes this is unlikely to be the favoured option in reality regardless of whether the traffic model finds this route preferable based on delay and generalised cost routing. It is possible therefore that the traffic from the development choosing to travel through the village or via Kennel Lane may be underestimated. The fact that traffic through Cherry Willingham Village and on Kennel Lane is almost unchanged by the development is very counterintuitive and is more likely due to the way the strategic model assigns traffic to the network than what will happen in reality.

- In the AM Peak 84 PCU exit the development onto Hawthorn Road westbound. All of this traffic (less any traffic travelling from the development to the Hawthorn Ave residential area which is likely to be negligible) will have to access the LEB southbound via the new Left-In-Left-Out (LILO) left slip from Hawthorn Road onto the LEB. However, the north arm of the Greetwell Road/LEB roundabout only exhibits a net increase of 3 PCU (and only an absolute increase of 29 PCU). This suggests there is a significant southbound reduction in through traffic on the LEB to offset this difference. This is unlikely to be caused simply by the development but appears to offset and mask flow increases caused by the development. This masking of flows on the LEB southbound could have implications on the impact of local traffic from the development on the operation of the LEB and the Greetwell Road/LEB roundabout which are potentially close to capacity at year of opening.

Overall the flow changes due to the development appear in some cases to be masked by reassignment in the GLTM. A more robust approach would be to use the Do Minimum traffic flows as a starting base and manually assign the development traffic onto this base based on the applicant's gravity model presented in the first TA and agreed robust routing patterns. By removing reassignment noise within the model this will provide a far more robust and intuitive assessment. It may be that flow increases due to the development are non-critical when model noise is removed from the equation but this cannot simply be assumed.

19.A brief comparison of the 2021 Do Minimum forecast traffic flows with 2018 forecast LEB year of opening traffic flows submitted to the recent LEB Public Inquiry appear to show some significant differences with the 2021 in places

being significantly lower than the 2018 flows. Although it is recognised that the traffic forecasts have been updated since the Public Inquiry some of the changes seem quite significant (for example - westbound on Greetwell Road in the AM Peak reduces from over 1000 PCU in 2018 to 717 PCU in 2018, the northbound traffic flow on Croft Lane through Cherry Willingham reduces from 350 PCU to 145 PCU, Kennel Lane northbound reduces from 311 PCU to 213 PCU). If the 2021 base flows are too low this could potentially lead to a significant overestimation of the level of spare capacity available within the network post-LEB. The Greetwell Road westbound flow is of particular importance due to the post-LEB impact of the large rise in westbound flow on Greetwell Road in the AM Peak on Wickes roundabout which leads to significant queuing.

20. Some critical junctions have been omitted from the STA. In particular, some of the junctions constructed as part of the LEB scheme have been omitted with para. 2.3.9 Of the STA stating that it has been assumed that junctions on the LEB have been designed to accommodate future growth. We believe this is an unsafe assumption as at the public inquiry some junctions on the LEB were identified where if modelled appropriately may have only limited spare capacity at year of opening. At the Public Inquiry potential issues were also highlighted with previously published junction modelling of some of the roundabouts on the LEB and it is unknown if the accuracy of these existing results have been checked or any design changes made. These junctions include:

- The Left-In-Left-Out (LILO) left slip from Hawthorn Road onto the LEB southbound. In the junction analysis presented at the LEB Inquiry this slip road was identified as having an AM Peak RFC between 0.81 and 0.96 suggesting there is limited scope for additional traffic joining the LEB using this junction. There would also be limited scope for low cost improvements to this junction to mitigate issues arising in the future if the assessment proves to have underestimated the flows at this junction. It may be that due to changes to flow forecasts the traffic flows generated by the development can be accommodated at this junction but given the limited spare capacity this should be robustly demonstrated with an audited model.

- The Greetwell Road/LEB roundabout has previously been shown at the public inquiry to have relatively high values of RFC on some arms and It cannot be assumed without modelling that increases in flows (especially U-turns) at this junction due to the development will not impact on junction capacity. There are also potential issues with the accuracy of the forecast flow increases at this junction in the AM Peak as described above. Additionally, it was also accepted at the inquiry that unequal lane usage correction could have been applied more accurately in the published ARCADY modelling for some of the proposed roundabouts on the LEB resulting in reduced capacity forecasts and it is not known whether the modelling for this roundabout has been subsequently checked.

Junction Modelling

21. The STA carries out detailed junction modelling at a number of junctions potentially affected by the development. The Parish Council do not have the resources to audit each junction model but have the comments on the following junctions.

Greetwell Road/Outer Circle Road Double Mini-Roundabouts (Wickes Roundabout)

22. The important issue at this junction is the performance of the Greetwell Road East arm in the AM Peak. This arm is used by traffic from Cherry Willingham, Fiskerton and villages further east to access Lincoln. The arm currently regularly queues to the bottom of Greetwell Hollow and when a modest amount of additional traffic was diverted onto this arm during the works at the Canwick Road/South Park Ave junction significant queuing occurred. This suggests this arm is currently almost at capacity.

23. The AM Peak flow on this arm was predicted to increase from 560 PCU to 1000 PCU (AM Peak at 2018 year of opening) due to the LEB making this a more attractive route into Lincoln. The latest modelling reduces this increase but is still forecasting a substantial increase to 720 PCU in the Do Minimum scenario.

24. Rather counter-intuitively the Do Something flows are predicting a reduction in flow on this arm in the AM Peak. It would be expected that this route would be a highly attractive route (if uncongested) for development traffic to access the hospital area and north Lincoln and it would be expected that traffic on this arm would increase with the development.

25. The ARCADY modelling carried out by the applicant in the STA predicts the Greetwell Road East arm of this junction to have an RFC of 1.16. i.e. It is significantly over capacity.

26. The capacity of a roundabout arm in ARCADY is predicted from the geometry of the arm and roundabout. One of the most important geometric parameters is the effective flare length of an arm. The applicant has used an effective flare length of 10.0m. This appears to overestimate the capacity of the arm which is geometrically very constrained. Measuring the flare length would suggest that it is much lower at around 1.5m rather than 10m. This would have the effect of reducing the capacity of this roundabout arm potentially by around 10%. Any reduction in capacity although similar for both scenarios would tend to affect scenarios with more traffic flow disproportionately.

27. The ARCADY model for the Do Something scenario predicts a very minor increase in RFC in this arm from 1.16 to 1.18. However as stated above the arrival flow on this arm actually reduces with the development included. If a more likely scenario is adopted with a modest flow increase due to the development it is likely that there would be a significant increase in queues and delays on this arm in the AM Peak. As the junction is overcapacity in both scenarios any additional traffic generated by the development using this route will simply add to and extend the queue. This could lead to traffic from the

development choosing instead to use other less direct, less desirable routes leading to other unassessed impacts elsewhere.

28. A reduction in capacity due to reassessing geometry and the use of a more intuitive development flow allocation to this roundabout arm is likely to lead to a much more significant difference between the Do Minimum and Do Something scenarios. We do not agree that increases in RFC on an arm operating above 100% are less important as the increase in delay for a 1% increase in RFC is much more significant above 100% RFC than at or below 100% RFC.

29. The STA states that improvements for Greetwell Road and the Greetwell Road/Outer Circle Road junction are planned to accommodate the extra traffic likely to result from the LEB. This is not our understanding of the situation unless plans have changed since the LEB public inquiry. Our understanding is that the planned improvements are intended to be funded by developers for later phases of the North East Quadrant development. As no planning permission exists for the later phases of this development and it is unlikely to be in place in the near future these improvements could be some time away from being provided.

Wragby Road/Outer Circle Road/Outer Circle Drive Traffic Signal Junction

30. As modelled in the STA this junction operates at acceptable Degrees of Saturation (DOS) in all scenarios.

31. The LinSig modelling for this junction has been briefly examined although a full check of the model has not been undertaken. Although this junction is not nearby Cherry Willingham its operation will affect many residents who travel through this junction each day.

32. The phase intergreens for this junction appear to contain zero second duration intergreens for several phase to phase movements involving toucan crossings with variable intergreens. It is possible these were incorrectly taken directly from the signal controller specification as although the intergreens are shown as zero duration in the intergreen matrix they are in reality variable and the range of intergreens and likely intergreen should be calculated from parameters elsewhere in the controller specification. This will have the effect of increasing implemented intergreen durations and reducing the performance of the junction, possibly significantly.

33. The cycle time is assumed to have remained at 144 seconds after the opening of the LEB. When the LEB opens this junction will have improved performance due to the reduction of traffic on Wragby Road. This will provide an opportunity to reduce the cycle time from the very high current value of 144s allowing potentially significant delay reductions to be achieved. The development cannot therefore rely on the spare capacity created by the LEB with a cycle time of 144 secs as this would no longer exist when the junction is optimised for the post LEB situation. The comparison should be using post-LEB optimised cycle times.

Conclusions

34. The above comments have been provided with an aim of being constructive and ensuring that the TA and STA fully address concerns regarding of the impact of the development. A number of comments relate to omissions which may be straightforward to resolve or can be demonstrated to be insignificant however a number of issues have the potential of increasing the predicted impact of the development. It is impossible to say by how much and whether they are material without further consideration of these issues.



Officer's Report

Planning Application No: 134492

PROPOSAL: Planning application for conservatory to rear **LOCATION:** 10 Lime Grove Cherry Willingham Lincoln LN3 4BD **WARD:** Cherry Willingham
WARD MEMBER(S): Cllr C Darcel, Cllr A Welburn, Cllr A Bridgwood
APPLICANT NAME: Mrs A Welburn
TARGET DECISION DATE: 01/08/2016
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Charles Winnett

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

This application is presented to the planning committee as the applicant is a District Councillor for the Cherry Willingham Ward, and also a Parish Councillor.

The application site is a two storey detached dwelling with an attached single garage on the eastern elevation, the dwelling is set back from the highway and is located within the settlement of Cherry Willingham. The dwelling has a small front garden to the north and a larger but still moderately sized rear garden to the south. An existing two storey extension is located on the dwelling's southern elevation. The applications sites southern, western and eastern boundaries are a mixture of high wooden fencing and hedging whilst the northern boundary is a low brick wall. The application sites neighbouring land uses are residential, on all sides.

The application seeks permission for a conservatory to the rear.

Relevant history:

None.

Representations:

Chairman/Ward member(s):	No representations received to date
Parish/Town Council/Meeting:	No representations received to date
Local residents:	No representations received to date
Archaeology:	No objections/comments
Environmental Protection:	<p>Observations on the following:</p> <p>Surface water</p> <p>I note history of a one-off incident of external flooding impacting the road or immediate access to the property, accordingly I have no undue concerns but would ask for assurance that surface water will be directed to sustainable drainage, e.g. a soakaway adequately sized to manage a 1:100 year storm event plus 30% climate change.</p>

	<p>Radon Indication is of raised potential for Radon Gas and as such I would recommend this is checked to see if there ought to be requirement for radon measures to be incorporated in any build.</p>
IDOX:	Checked 11/07/2016

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>

POLICY RES 11 – Extensions to dwellings located within settlements
i. Does the proposal introduce a terracing effect in the street-scene?
As the proposal is to the rear of the dwelling, it will not create a terracing effect in the street scene.
ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?
Conservatoires and rear extensions are a common feature in the surrounding area and as the conservatory will only be single storey in height, and located to the rear of the property, it will not appear as a dominant feature on the dwelling nor will it result in a harmful impact on the street scene. Further to this the design of the proposal and the materials to be used are typical of a residential conservatory and are considered appropriate for this site.
iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?
The application sites surrounding high fencing and hedging will help to soften the visual impact of the conservatory and will reduce any potential overlooking of neighbouring dwellings gardens, this applies particularly to no.08 Lime Grove which is the nearest residential dwelling to the conservatory. As the conservatory is only single storey it will not harmfully impact the residential amenity of neighbouring dwellings by over-dominance, nor will it result in the loss of sunlight to surrounding properties or their gardens. It should be noted that the conservatory would be set some 1.5 metres back from the fence of no.8, further reducing its impact.
iv. Does the proposal prejudice the retention of any significant trees or other important features?
There are no protected trees or important natural features that the proposal will affect.
v. Does the proposal enable adequate off-street parking space to remain for at least one

vehicle to park?
The proposal is to the rear of the dwelling and therefore will not affect the driveway space to the front of the property, allowing a sufficient level of parking to remain.
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:
Surface Water Drainage – Its considered that existing drainage systems within the application site can be utilised to provide the needed drainage for the conservatory. It is also considered that to request the applicant to provide sustainable drainage systems for a development of this size would be unreasonable and unnecessary.
Radon Gas – An advisory note will be added to any permission given to this application, advising the applicant to conduct an online radon search at this address.

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.

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1 and 2 dated 25/05/2016. 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.

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

None.

Notes to the Applicant

Radon - The applicant is advised to conduct an online radon search at this address prior to any development taking place. The following link may be of use:

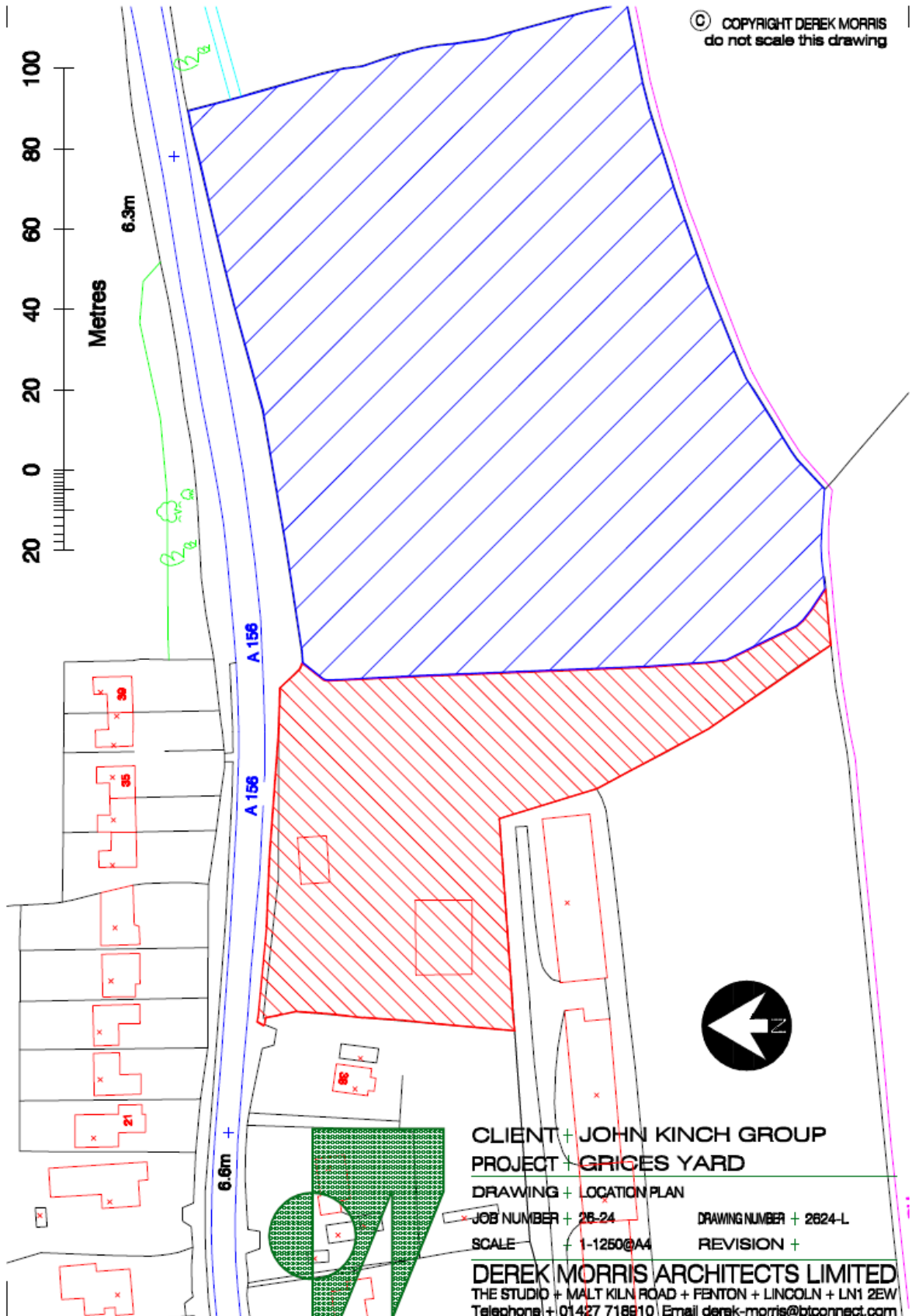
http://www.ukradon.org/services/address_search

Surface water drainage – the applicant is advised to provide an appropriate drainage system for the conservatory, through the use of a soakaways/water butts.

Reasons for granting permission

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.

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Officers Report

Planning Application No: 134599

PROPOSAL: Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-revised plans with amended appearance, size, scale and position of plot 4

LOCATION: 40 Lincoln Road Fenton Lincoln LN1 2EP

WARD: Torksey

WARD MEMBER: Councillor S F Kinch

APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 16/08/2016

DEVELOPMENT TYPE: Minor - Dwellings

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 Committee will recall at its last meeting (29th June 2016), it resolved to grant permission to 'vary' condition 4 – with the purpose of substituting the house types proposed at plot's 1 and 2 (application 134115).

This latest application now seeks to further vary the condition in order to amend plot 4 of the development.

Condition 4 would be further varied 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;
- tma/1122/05 Plot 2 Dwelling Plans and Elevations;
- tma/1122/07 Plot 2 Garage Plans and Elevations;
- tma/1122/08 **Revision A** Proposed Block Plan;
- ~~2624-107 Revision A House Type 1 Plans;~~
- **TMA/1122/12 Ground and First Floor Plans – Plot 4;**
- **TMA/1122/13 Second Floor Plan and elevations;**
- **TMA/1122/14 Garage Plans and elevations Plot 4;**

- 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.

The effect of the change would be to alter the house-type and layout proposed for plot 4 in the south-eastern corner of the site.

Under original application 131784, plot 4 (titled 'house type 1') measure 19.25m wide and 19.25m long (including single storey annexes) with a roof ridge set at 9.2m high. It was for a five bedroom detached property with two bedrooms at second floor (within the roof space).

A 21.5m wide x 20.75m long detached house with 10m high roof ridge is now proposed. The new dwelling would be similar in scale and appearance to the originally approved scheme, although it would feature greater detailing (stone quoins, revised stone portico porch, additional 'dummy' chimney stack). It would feature a greater number of windows and the single storey side 'annex' would switch from the east to the west side of the building. The detached garage would relocate from the south-west of the house, to its north.

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.**

134115 - 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. **Approved 30/06/2016.**

Representations:

Environment Agency: We have no objection to the proposal as submitted, as the development will still be required to comply with the mitigation measures detailed in the original Flood Risk Assessment. In particular, finished floor levels should be set no lower than 7.5mAOD.

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.

Plot 4 sits to the rear of the site, 'behind' plot 3. The new house type is of a similar form to the originally approved house type but features greater detailing.

In view of the layout and minor changes proposed, the alterations would not be expected to materially affect the overall character and appearance of the development or wider area, or adversely affect the amenities enjoyed on any neighbouring land.

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 an 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 Revision A Proposed Block Plan;

- TMA/1122/12 Ground and First Floor Plans – Plot 4;
- TMA/1122/13 Second Floor Plan and elevations;
- TMA/1122/14 Garage Plans and elevations Plot 4;
- 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.

**WEST LINDSEY DISTRICT COUNCIL PLANNING APPLICATION
OBSERVATIONS OF LCC ARCHAEOLOGY SECTION**

WL Case Officer: Russell Clarkson

Date: 29 June 2016

Application Ref **134599**

No. :

Location : 40 Lincoln Road Fenton Lincoln LN1 2EP

Proposal : Planning application to vary condition 4 of planning permission
133055 granted 30 July 2015-revised plans with amended
appearance, size, scale and position of plot 4

Grid ref: 484979 / 376527

Parish: Fenton

Application forms and plans available to view at www.west-lindsey.gov.uk/planning.

No objections/comments to the proposalX.....

Please forward a copy of site location plan for identification purposes

Comments:

Signed Louise Jennings Historic Environment Officer.....

Date...15/7/2016.....

Please return form within 21 days of the above date to Mark Sturgess,
Chief Operating Officer, West Lindsey District Council, Guildhall, Marshall's Yard,
Gainsborough, Lincs, DN21 2NA.

Officers Report

Planning Application No: 134287

PROPOSAL: Planning application for the creation of a lagoon for the storage of AD digestate

LOCATION: Land at Highfield Cliff Farm Shadows Lane Glentham

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J J Summers

APPLICANT NAME: Mr A Duguid

TARGET DECISION DATE: 30/06/2016

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant Permission

Description:

This application is presented to the planning committee as the applicant is a District Councillor.

The application site is existing farmland to the north west of Shadows Lane. Highfield Cliff Farm sits to the south of the site with open fields surrounding. Two residential properties sit further to the north and there is a residential property to the south of Highfield Cliff Farm.

The application seeks permission for the creation of a lagoon for the storage of AD digestate.

Relevant history:

None

Representations:

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

Parish/Town Council/Meeting: No objections

Local residents: Glentham Cliff Farmhouse –

- No details of the pumping engines
- The address and location of the lagoon has changed
- The AD plant is approval is recent and it is surprising that at this very early stage further proposals are now considered necessary.
- The digestate will serve adjoining farmers which is not consistent with earlier aspirations stated in the design and access statement
- Advised that the proposals for the site will include security fencing although this is not defined in the application.
- Concerns about the odour situation

- Concerns with regards to the proximity of the lagoon to the residential properties

LCC Highways: No objections

Environment Agency: No objection, the lagoon will require an environmental permit from us.

Archaeology: This site lies in an area of known archaeology. The site is close to several prehistoric and Roman settlement sites and although no there has been no archaeological investigations of these sites there have been many finds from the Iron Age and Roman periods found in the immediate vicinity to the proposed lagoon site.

The construction of a lagoon will involve some substantial earthworks and insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains.

Following further information submitted, there were no further archaeological works required.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.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>

STRAT12: Development within the open countryside

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

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>

NBE15: Water quality and supply

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe15>

NBE17: Control of potentially polluting uses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe17>

Main issues

- Principle
- Pollution and Amenity
- Character of the Area and Landscaping
- Archaeology

Assessment:

Principle

The NPPF seeks planning policies which support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 28 of chapter 3 states that:

To promote a strong rural economy, local and neighbourhood plans should:

- Support 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;
- Promote the development and diversification of agricultural and other land-based rural businesses.

This proposal seeks to store digestate at the site as a by-product of the anaerobic digester located at Hemswell Cliff. The digestate will be fed via pipework to the lagoon where it would be stored until spread on the applicant's land and some surrounding land owners land as fertilizer. The pipework to the lagoon is existing and any spreading will be done via temporary pipework to surrounding fields. NvZ rules do not permit spraying digestate from the beginning of October through to the beginning of February. Spraying in this instance will be anytime in February, March and the first week or so of April, post-harvest in August and potentially the first week in September. Where a pipe crosses a track or road, highways approved steel crossing ramps are used. The pipe itself is flexible polymer-based and is rolled up after each use; the use being a day or two at a time.

This would reduce the need for vehicle movements.

It is considered that the proposal is an integral part of the AD process which utilises existing waste to create energy and then create a useable by product which is fertiliser. Such a scheme would appear consistent with a rural area.

It is considered that the scheme would accord with saved Policy STRAT1 and the principles of the NPPF.

Pollution and amenity

Policy STRAT 1 makes it clear that development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regards to (amongst others): viii) The impact of the proposal on neighbouring and; where relevant other uses; and xii) any other material considerations properly relating to regulating the use and development of land, including:

- Protection of general water quality and the quality of ground water;
- Protecting air quality
- Protecting land contamination

Similarly NBE 15 indicates development will not be permitted which would constitute a risk to the quality and quantity of water resources or to fisheries, amenity and nature conservation by means of:

- i. Pollution from development or as a result of the disturbance of contaminated land;
- ii. Water abstraction unless adequate measures are taken to reduce this risk to an acceptable level.

This is supported by policy NBE 14 which indicates that development will not be permitted which would generate foul sewage or surface water run-off in excess of the capacity of the sewage system works or plant or ultimate receiving land drainage system.

The site is not known to be within an Anglian Water area to extract drinking water where the result of contamination would be considerable. However, the lagoon will still be lined. No objections have been raised by Public Protection to the proposal.

The Environment Agency have been consulted and have no objections to the proposal but advise that the applicant will need an environmental permit from them.

To prevent unacceptable odour emissions the lagoon will be covered with a polymer coated floating cover. A specially selected micro porous substrate is coated with three specifically developed polymers that prevent the release of ammonia, H₂S, CO₂ and other VOC's which cause nuisance odours.

The initial siting of the lagoon was just over 200m away from the nearest residential property. This was felt to be too close to the residential properties and therefore the location was amended so that this distance would be over 400m away. It is considered that as the lagoon will be lined, will be covered with a floating cover and the proximity from residential properties that contamination and odour would be successfully dealt with.

Although not strictly relevant to this application it is worth noting that an intensive livestock unit policy within the Local Plan (ECON5) recommends a minimum limit of 400m from the nearest dwelling for similar odour reasons.

Character of Area and Landscaping

The site is located in the open countryside.

As the field would be visible from some vantage points it will be necessary to condition a scheme of landscaping.

Archaeology

This site lies in an area of known archaeology. The site is close to several prehistoric and Roman settlement sites and although no there has been no archaeological investigations of these sites there have been many finds from the Iron Age and Roman periods found in the immediate vicinity to the proposed lagoon site.

Further information was required given the sites location and therefore the applicant submitted an archaeological evaluation report as further evidence. This was assessed by the Archaeological Officer and in light of the negative findings of the evaluation, they can confirm that they requires no further archaeological work on this site.

Other matters

- The details of the pumping engines can be conditioned
- The objectors have allegedly been advised that security fencing will be erected however this does not form part of the application

Conclusion

The decision has been considered against saved policies STRAT 1: Development requiring Planning Permission, STRAT 12: Development within the Open Countryside: CORE 10: Open Space and Landscaping within Developments, NBE 10: Protection of Landscape Character in Development Proposals, NBE 14: Waste Water Disposal, NBE17: Control of Potentially Polluting Uses of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal subject to conditions would not have a detrimental impact on the open countryside or any impact on residential amenity. There are no concerns with regards to highway safety.

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted,

fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the development being first brought into use detail of the pumping engines proposed shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include their position and acoustic performance and any noise mitigation measures. The pumps shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: to reduce the potential for noise nuisance in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

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 drawing: A2622-001 dated March 2016 and the amended plan A2622-002 dated March 2016. 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, STRAT12, CORE 10, NBE 10 and NBE14 and NBE15 of the West Lindsey Local Plan First Review 2006.

5. The digestate lagoon will be lined and have a floating cover in accordance with the information submitted in the Access & Design Considerations.

Reason: To reduce the potential for odours to maintain residential amenity and in accordance with Saved Policies STRAT1 of the West Lindsey Local Plan.

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

6. The lagoon hereby approved shall only be used for the storage of digestate generated from the AD plant at Hemswell Cliff and for no other material or from no other source.

Reason: To reduce the potential for odours/ contamination and in accordance with Saved Policy STRAT1 of the Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the lagoon 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 in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

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

Appeal Decision

Site visit made on 25 May 2016

by R M Pritchard MA PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2016

Appeal Ref: APP/N2535/W/16/3144855
Sudbrooke Farm, Sudbrooke, Lincolnshire, LN2 2QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on a hybrid application for outline and full planning permission.
 - The appeal is made by Jackson and Jackson Developments Ltd against West Lindsey District Council.
 - The application Ref 133284, is dated 12 November 2015.
 - The development proposed is the erection of up to 130 dwellings¹ and a new building to provide up to 25 apartments for retirement living; the extension and widening of West Drive and Holme Drive to serve the development; associated hard and soft landscaping and the demolition of existing poultry sheds; together with the change of use of land to provide a new area of open space, including the provision of new footpaths and sustainable drainage infrastructure, and to provide new community allotment facilities.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 130 dwellings and a new building to provide up to 25 apartments for retirement living; the extension and widening of West Drive and Holme Drive to serve the development; associated hard and soft landscaping and the the demolition of existing poultry sheds; together with the change of use of land to provide a new area of open space, including the provision of new footpaths and sustainable drainage infrastructure, and to provide new community allotment facilities at Sudbrooke Farm, Sudbrooke, Lincolnshire, LN2 2QZ in accordance with the terms of the application, Ref 133284, dated 12 November 2015, subject to the conditions attached as a Schedule to this Decision.

Procedural Notes

2. The application is in hybrid form. It comprises an outline application for residential development – both new dwellings and a new building to accommodate apartments for retirement living – with only access to be considered at this stage and all other matters reserved for subsequent approval; and a full application for the change of use of land to provide open space and community allotments to serve the proposed residential development.
3. The appeal was made on the basis of the Council not having made a decision within the statutory timescale, despite an extension of time having been

¹ Cf Paragraph 4 of this Decision.

mutually agreed. However, a Council Planning Committee meeting on 6 April 2016 resolved that the Council would have been minded to refuse planning permission and the reasons set out in the Committee Report have informed the main issues that I have set out below.

4. During the period when the application was being considered by the Council, and as a result of discussions between the applicants and the Council, revisions were made to the proposals. These included a reduction in the number of dwellings from ‘...up to 140...’ to ‘...up to 130...’², changes to both the boundary of the application site as a result of removing an area known as Ten Acre Covert in order to reduce possible harm to biodiversity; moving the location of the proposed attenuation pond in order to lessen the loss of existing trees; and increasing the scale of replacement tree planting and biodiversity offsetting. I have accepted these changes, which are illustrated on revised Drawings Nos 8002 (Rev A) and 8001 (Rev D). However, neither of these revised drawings can be considered as other than illustrative at this stage given that layout and landscaping are reserved matters. I have, nevertheless, amended the description of development to reflect the lower number of dwellings now proposed.

Main Issues

5. I consider the main issues to be –
 - i. The relationship of the proposed development to the growth strategy being put forward by the emerging Central Lincolnshire Local Plan; and
 - ii. The sustainability of the proposed development in respect of –
 - a) Its effects on –
 1. The individual trees, groups of trees and areas of woodland within the development site, including those protected by Tree Preservation Orders (TPOs);
 2. The Site of Nature Conservation Interest (SNCI); and
 3. The Historic Park and Garden; and
 - b) Its location.

Reasons

Background

6. The appeal site, which has a total area of around 18 hectares, lies to the east of Sudbrooke village. It comprises a mix of woodland and rough pasture, most of which is unfenced. There are a number of poultry units within the site. The land was apparently used as an army camp during the Second World War and after. There are remnants – by way of foundations and areas of hard-standing – of buildings that date from this use. Prior to 1939, the site comprised informal parkland and gardens associated with a large house, Sudbrooke Holme, which had, nevertheless, been demolished some years earlier. A stream, Nettleham Beck, flows across the site and there are a number of ditches and ponds within its boundaries.

² There is a small element of potential confusion in the reference to ‘dwellings’ because of the existence of the new building to contain 25 ‘apartments for retirement living’ which is additional to the dwellings total quoted by the applicants. I have therefore used the description ‘residential units’ throughout this decision unless otherwise specified.

7. Two informal metalled tracks cross the site to provide access to the poultry units concentrated in the eastern part of the site and beyond and also to a number of residential dwellings sited outside its northern boundary. The site is also crossed by a Public Right of Way (PROW)(Definitive Footpath (Sudbrooke) No 817) that links Sudbrooke to the east. In addition, there are two existing dwellings, The Old Coach House and Labda, that lie within the broad area of the proposed development but which are excluded from the appeal site. The former occupies a salient extending down from the northern boundary: the latter in the centre would be entirely surrounded by the proposed development.
8. The proposal is for the development of up to 155 additional residential units. The great majority, up to 130 dwellings, would be provided in a new estate with an additional 25 units – described as apartments for retirement living – being provided in a new building to be erected on the approximate site of the former Sudbrooke Holme. It is expected that 25% of the new houses would be affordable. It is also proposed to include within the development site land for a new public house/restaurant, a significant area of Public Open Space (POS) and opportunities for new and upgraded footpaths.
9. The appeal site was identified as long ago as the 1950s as a potential location for additional housing, representing an eastward extension of the existing Sudbrooke Park development then being planned. Sudbrooke Park, also originally part of the Sudbrooke Holme estate, is to the west of the appeal site from which it is separated by an area of mature woodland. The appellants suggest that planning permission over much of the appeal site was obtained in the 1960s for a residential development of similar form to Sudbrooke Park. However, that permission was never implemented and lapsed some years ago. The layout of Sudbrooke Park nevertheless suggests potential accesses into the appeal site via West Drive and Holme Drive and the proposed development would make use of both of these.

The growth strategy of the emerging Central Lincolnshire Local Plan

10. The appellant's case focuses on housing need in the area, the state of housing land supply and the on-going relevance of local development policies in the context of those factors and the Government's policies as set out in the National Planning Policy Framework ('the Framework').
11. The latest estimates of housing land supply in the wider area stem from the Central Lincolnshire Five Year Land Supply Report ('the Report') that was published in October 2015 as part of the process to produce the emerging Central Lincolnshire Local Plan. The housing need estimates in the Report were drawn from the proposals in the Draft Local Plan. The Report estimated that there was a 5.37 years worth of supply for the period 2016 – 2021 (including a 20% buffer to take account of past under-delivery) and that the latest estimates of completions were on target in relation to the overall need identified.
12. Nevertheless, I share the caution with which the appellant approaches these estimates. The Draft Local Plan is still at an early stage with consultation on its proposed Submission Draft only just having started. The housing land supply estimates rely heavily (the appellant suggests around two-thirds of the total of over 11,000 dwellings) on allocations put forward in an earlier draft of the Local Plan. I have no evidence that these allocations have been tested to ensure that they meet the Framework's criteria of representing '*...a realistic*

prospect that housing will be delivered on the site within five years...' or that development on them would be viable at the required rates.

13. In this context, I give particular weight to the advice of the Government's Planning Practice Guidance (PPG). This advises that evidence of housing land supply being prepared for emerging local plans should be considered, but that the weight afforded to such estimates '*...should take account of the fact that they have not been tested or moderated against relevant constraints*'. Furthermore, the appellants reinforce these reservations by pointing to both legal judgments³ that emphasise the limited weight that should be afforded to emerging allocations where – as here in West Lindsey – local plans have neither been consulted on or examined and to recent appeal decisions in the area⁴ that have questioned the weight that should be afforded to the Report's estimate of housing land supply.
14. I agree with the reservations expressed generally by the Courts and by my colleagues in the specific context of West Lindsey. I therefore conclude that West Lindsey cannot yet conclusively demonstrate a current five years' worth of deliverable specific housing sites to meet the requirements set out in paragraph 47 of the Framework. In those circumstances, as emphasised by paragraph 49, relevant policies for the supply of housing cannot be considered up-to-date.
15. This must be true both of the policies of the adopted West Lindsey Local Plan First Review, which dates from 2006, and the emerging policies of the Central Lincolnshire Local Plan. In respect of the former, I acknowledge that Sudbrooke was identified for only a '*...very small...*' (Council's emphasis) scale of development, whilst the Further Draft of the latter proposes Sudbrooke as a 'Medium Growth Village'. Such villages will not have specific land allocations but will expect around 10% growth in the plan period up to 2036, predominantly on small sites of less than 10 dwellings. Nevertheless, in the light of my conclusions on the housing supply position in West Lindsey, I can give only minimal weight to those policies of the Local Plan Review, e.g. STRAT12 and CORE9, that set out priorities for the location of new residential development, including settlement boundaries established in relation to those policies. Nor, at this relatively early stage in the adoption cycle, can I afford substantial weight to the emerging policies of the Draft Local Plan, especially perhaps Policy LP55.
16. I have noted that this approach has been taken by a number of my colleagues in recent appeal decisions in West Lindsey but, perhaps as significantly, that it is also agreed to be the current position by the Council, as set out on page 34 of its officers' report to the Planning Committee of 6 April 2016.
17. The proposed development must therefore be assessed against the criteria set out in paragraph 14 of the Framework. These are that where the development plan is absent, silent or, as here, out-of-date, proposals that accord with the overall presumption in favour of sustainable development, should only be refused permission where specific policies in the Framework indicate development should be restricted or there are demonstrable and significant adverse impacts that would outweigh its benefits when assessed against the policies of the Framework taken as a whole.

³ E.g. *Wainhomes (South West) Holdings Ltd v SSCLG* [2013] EWHC 597 (Admin).

⁴ E.g. *Church Lane, Saxilby* (APP/N2535/A/14/2223170) & *Lodge Lane, Nettleham* (APP/N2535/W/15/3133902).

The sustainability of the proposal

18. The issue of sustainability is identified by the Framework as having three dimensions – economic, social and environmental.
19. With regard to economic sustainability, housing development has been long recognised by the Government as a major factor in supporting economic growth and I also acknowledge that it can and often does provide local employment and generate additional local income. The provision of housing must also benefit the social strand of sustainability if only through the provision of more homes. That benefit would be added to here by the likelihood that 25% of properties would be affordable and by the provision of the retirement apartments that would cater for a growing element in the housing market. Obviously, all new development generates additional demand for infrastructure provision and local community services. The appellant has submitted an Undertaking to make a financial contribution to health and education services to offset the impact of his proposal. I make more specific reference to this Undertaking under Other Matters.
20. In respect of the economic and social strands of sustainability, I therefore give significant weight in favour of the proposed development especially in an area where there is currently no conclusive evidence that sufficient housing can be provided in the short-term. That weight is reinforced by the broad thrust of Government policy which emphasises the need to boost the supply of housing.
21. However, if there are doubts about the sustainability of the site, they lie within its environmental dimension. Three linked aspects have been identified by the Council in terms of the characteristics of the site – the loss of trees and woodland, the threat to its biodiversity value, and the need to preserve those elements that reflect the historic park and garden that originally comprised its use.

The individual trees, groups of trees and areas of woodland within the development site, including those protected by Tree Preservation Orders (TPOs)

22. To the Council and to many local residents, the principal value of the appeal site lies in the attractiveness created by its woodland character. That character comprises both substantial blocks of mature woodland, but also a substantial number of individual trees, some of which have merit and amenity value in their own right. The appeal site is also characterised by a series of Tree Preservation Orders (TPOs) that apply to both blocks of woodland and individual species. Moreover, 'saved' Policy NBE 10 of the West Lindsey Local Plan Review places emphasis on development proposals preserving the character of the District's landscapes.
23. The appellants submitted a tree report with their application that suggested which trees would be retained and which would be lost. Nevertheless, the tree report has to be treated with caution. Much of the argument is not especially helpful in the context of the matters before me. Not only is this an outline application in which both layout and landscape are reserved matters, but, unlike a grant of full planning permission, an outline permission does not have the effect of overriding the protection afforded by a TPO. There is therefore the substantial likelihood that issues over the loss of particular areas of woodland or individual trees would play a significant part in any debate over the reserved matters if this appeal were allowed.

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24. Notwithstanding this uncertainty, there can be no argument that a development of the proposed scale would change radically and permanently the appearance and environment of the appeal site. In the most simple terms, what is currently an area of open, if somewhat neglected, land would be transformed into a suburban housing estate. The principal cause of this change would be the loss of substantial areas of existing woodland and individual trees. The tree report acknowledges this and comments that, based on the revised indicative layout to which I made reference earlier, some 2.3 hectares of woodland would be adversely affected by the proposed development. Those revised proposals would, however, put greater emphasis on protecting the more valuable specimens.
25. It is at the heart of the appellants' case, however, that new planting would more than compensate for the losses. Some 2.4 hectares are proposed with an emphasis on native species. The largest element of this compensation would be a 2 hectare woodland block, currently laid to improved pasture, that would be planted in the eastern part of the site. The appellants' commitment to compensatory planting is to be welcomed, but I accept that the new planting would take many years to mature if, indeed, it ever achieved the character of the woodland that would have been lost.
26. Nevertheless there would be substantial areas of existing woodland that would be retained (including almost all of the area of mature woodland on the western side of the appeal site that forms a barrier with the Sudbrooke Park estate) For these areas, the appellants suggest that the overall woodland environment could be significantly improved by better management of existing trees, selective crown lifting and thinning etc. The tree report assessed the trees to be lost as no better than of 'moderate' value and without the benefit of better woodland management that the appellants claim could only occur as a result of development, '*...the long-term viability of the woodland is questionable*'.
27. I acknowledge this last point. Whilst the woodland environment of the appeal site is attractive and a feature obviously much valued by local residents, there appears currently to be neither the resources nor the incentive to apply to that woodland the positive management that I agree with the appellants may be necessary to secure its long-term future. I therefore conclude that, despite the disruption to the existing woodland environment, on balance, the proposed development would be acceptable and could lead to some positive benefits.

The Site of Nature Conservation Interest (SNCI)

28. The appeal site's value as wildlife habitat is intimately bound up with its current character and the preponderance of trees and woodland. It is not, however, a Site of Special Scientific Interest (SSSI) and Natural England, whilst commenting on the steps needed to ensure as great a protection as possible for the biodiversity of the site has not formally objected to the proposed development.
29. Notwithstanding this, the appeal site is part of a locally-designated Site of Nature Conservation Importance (SNCI) and both the Lincolnshire Wildlife Trust and the Greater Lincolnshire Nature Partnership have expressed concerns about the impact of the development on the biodiversity value of the site. That value seems to me to derive largely from the woodland character of much of the land and the lack of positive management on which I have commented

- above may have contributed to the development of a local ecosystem that would not have been present when the site comprised parkland and gardens.
30. An additional exception to the preponderance of woodland habitats is the presence of a European protected species, the Great Crested Newt (*Triturus cristatus*) on that part of the appeal site where there are streams, ditches and ponds.
31. The appellants have acknowledged that the proposed development should provide a degree of compensation for the possible losses of biodiversity that would occur if it went ahead. A Biodiversity Enhancement Plan (BEP) has been prepared. At the core of this BEP is the new woodland on the eastern side of the site to which I have already referred but it would also seek to use the opportunities for better management of existing woodland to enhance its value through the creation of micro-habitats. It is also proposed to plan a species-rich grassland meadow and in addition to native trees, native shrubs would be planted to provide nourishment for a number of fauna, including birds and small mammals. There would also be a programme to provide bat roosts and a range of nesting boxes. The BEP also contains provisions for the Great Crested Newts at the core of which would be a series of ponds along the eastern side of the site, These would be aimed at providing breeding habitats for a range of amphibians.
32. I acknowledge that the BEP puts significant weight on creating habitat connectivity – an especially essential element if the biodiversity value of the site is to be maintained in the long-term and it substantially contributes to my similar conclusion in respect of the biodiversity value of the appeal site as that I arrived at when considering the woodland character of the site. There would be a good deal of disruption to the existing biodiversity of the site but the BEP would provide sufficient compensation for the inevitable losses of habitat that would occur if the development went ahead.

The effect on the Historic Park and Garden

33. Sudbrooke Park is not included in English Heritage's statutory list of historic parks and gardens but is on a supplementary, local list of parks, gardens and formally laid out areas that has been compiled by the Council. Policy NBE 8 of the Local Plan Review seeks to protect the character, appearance, setting or features of the Historic Parks and Garden included on the Council's local list.
34. I have no doubt that Sudbrooke Park was, at one time, a very fine example of a parkland environment associated with a large country house, in this case, Sudbrooke Holme. As I have already commented, the latter was demolished before 1939 and all that remains of it within the site boundaries are the remnants of the boundary wall and gates to the former house⁵ and what may be parts of the house's foundations. There are elements of the former parkland that survive but it has to be acknowledged that the past eighty years have not been kind to these features. Not only was the western third of the parkland built over to provide the Sudbrooke Park development but the depredations of the Second World War are sometimes all too obvious. In the last half century, the growth of poultry farms with their sheds and feeders has added to changing the character of the landscape.

⁵ There is also the main entrance to the Park from the A158 and the lodges and gates here are listed. They are not, however, within the appeal site and would not be affected in anyway by the proposed development.

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35. The Council makes a good case, in my view, for the need for an archaeological survey of the site – this has apparently never been carried out – but I am less persuaded that the significance of the Historic Park and Garden as a heritage asset – to use the terminology of the Framework - is as great as the Council suggests. I do not dispute the value of this land to local residents as an environmental and informal recreational asset, but the casual observer would have to be especially perceptive to recognise its parkland origins. Moreover, I see little prospect of the resources being available to restore the appeal site to anything like its former glories on the basis of its current use. On the contrary, continuation of the lack of active management that has been characteristic since at least the Second World War would seem likely to lead to the loss of the surviving historic features in a few decades.
36. In this context, the appellants suggest that their proposals, whilst they cannot in anyway be described as restoration, offer some prospect of returning at least parts of the site to a state where those parkland features that remain and which would be incorporated in the proposed development may be placed in a more acceptable context. As example, the building to contain the retirement apartments would be largely on the footprint of Sudbrooke Holme. In a small way that could provide a focus for a new landscape.
37. Of the three specific issues associated with environmental sustainability that are identified within the Council's reasons for refusal, I give least weight to the Historic Park and Garden. I do not deny that there are remnant features left on the site but it seems to me that these are too few and too damaged to give this matter the value that the Council has sought to award it. I agree that archaeological investigation should precede any development but I am not persuaded that the Historic Park and Garden can be a factor that should weigh significantly against the appeal being allowed.

The sustainability of the proposed development's location

38. In respect of the environmental dimension to sustainability, a central concern is whether the location of the proposed development is appropriate. This is a matter that I address below, although I acknowledge that there are other environmental issues which also need to be considered – as I have identified in the Main Issues.
39. It is incontrovertible that the proposed development would add substantially to the size of Sudbrooke. With currently around 700 dwellings in the village, the proposal represents an increase of some 20% - to be concentrated on a single site. Furthermore, that site would to a considerable degree be physically separated from the heart of the village that lies some way to the west. There has been some debate as to whether the appeal site might comprise 'previously developed' or 'brownfield' land given its wartime uses. On balance, I conclude that it cannot. Those uses ceased virtually half a century ago and since that time, despite remnant features, the use of the land has been essentially rural in character. I therefore conclude that the proposal must represent development in the open countryside.
40. Furthermore, Sudbrooke does not immediately seem to me to be a settlement with the range of services that makes it attractive for this scale of development. There is no primary school and no doctors' surgery and only a small convenience store. The great bulk of services and community facilities

for the proposed development would continue to have to be provided outside the village⁶.

41. In accessing those services and facilities, I conclude that the predominant use would have to be the private car. At my site visit, I took the opportunity to look at local bus connections. There is a bus stop around 200 metres from the edge of the proposed development. There is a weekday link to Lincoln and a service that operates during term time to connect the village to local schools, i.e. the nearest primary school in Scothern⁷. Nevertheless, the village could not be described as being particularly well connected in terms of public transport.
42. Indeed, I would not be surprised if the majority of future residents of the proposed development were families with school-age children who would need two cars to enable them to access services and facilities with the ease that is expected today. In respect of children and also the residents of the proposed retirement apartments, there must be a significant risk that these could become isolated from the services that they especially need.
43. It could therefore be argued that this is not a sustainable location for the proposed development and that its scale would be inappropriate for the current size of, and facilities available in, Sudbrooke. However, I acknowledge the appellants' claims that West Lindsey as a rural area inevitably sees a much greater use of private cars than might otherwise be expected or acceptable elsewhere. I am also wary of concluding that other settlements would not have very similar problems if and when development were proposed in them. Nevertheless, the location of the proposed development and the services and community facilities available in Sudbrooke seem to me to be a factor weighing against allowing the appeal.

Other Matters

44. The appellants submitted to me a signed Unilateral Undertaking, dated 26 May 2016, made under section 106 of the Town and Country Planning Act 1990 in respect of financial contributions payable to the Council in respect of education and healthcare requirements as may arise from the proposed development. A contribution of some £315,000 is directed towards the provision of additional places at the Scothern primary school and some £60,000 towards NHS primary care facilities within a five mile radius of the appeal site. West Lindsey having, as yet, not formally adopted a charging schedule under the Community Infrastructure Legislation (CIL) Regulations 2012 (as amended), such contributions remain required under Policy STRAT 19 of the Local First Review (and draft Policy LP 12 of the emerging Central Lincolnshire Local Plan). I accept, in these circumstances, that the Undertaking is properly made and appropriate to the development.
45. However, although not advanced as a reason for refusal, the Council clearly also expects that 25% of the dwellings on the site should be affordable. I strongly support the Council in this requirement, which would be in line with Policy RES6 of the Local Plan First Review (and with Policy LP11 of the

⁶ I have noted the appellants' proposal to allocate land on the site for a new public house/restaurant. That is to be welcomed but I also acknowledge the comments by a number of local residents, supported by the Council, that the viability of such a proposal is very much untested and runs against the well-evidenced trend for rural public houses to be shrinking in number.

⁷ Scothern is around two kilometres by road north of the site of the proposed development. There are footpaths that also provide access to this village but they are not much shorter in distance and might be unattractive in inclement weather or the winter.

emerging draft Central Lincolnshire Local Plan). The usual method to secure such affordable housing provision would be an agreement made under section 106 that could include details of social housing providers and other matters. No such agreement has been submitted to me, possibly because negotiations between the appellants and the Council's Housing and Communities Team have not been concluded.

46. In these circumstances, the appellants have proposed that sufficient commitment towards the appropriate provision of affordable housing could be secured by a suitable, negatively worded condition. They cite the precedent of a recent appeal decision in West Lindsey (PINS Ref. APP/N2535/W/15/3129061) where a colleague imposed such a condition. His justification was the advice in the Government's Planning Practice Guidance (PPG) that '*...exceptionally...*' such a condition requiring an agreement to be entered into before development commences may be appropriate. The proposal before me would provide over three times the numbers of residential units permitted under the above appeal. Its contribution to the '*...strategically important housing land supply...*' would therefore be at least as great and the justification for such a condition even greater. If the appeal were allowed, I therefore conclude that the requisite affordable housing component could be secured through a condition.

The Planning Balance

47. The uncertainty of the present position in respect of the emerging Central Lincolnshire Local Plan and the estimates of housing need and housing land availability that are feeding into its preparation are powerful arguments in support of the proposed development. This is a site where it seems development could begin almost immediately and the 150 plus residential units that could be provided would make a significant contribution to housing needs in West Lindsey. Nor do I consider that the characteristics of the site, whether in terms of existing woodland, its biodiversity value or its past as a Historic Park and Garden, are so unique or valuable as to be overriding reasons why development could not take place. On the contrary, there appear to be opportunities not merely to provide compensation for many of the elements that would be lost but also to impose a more positive management regime that could give the environmental value of the site a more secure future.
48. Opposing those factors, the most compelling argument against the proposed development seems to me to be that Sudbrooke is too small and has too few services to absorb a development of this scale. I acknowledge that this is not only the Council's position but that it is shared by many local residents. However, I consider that similar arguments could well be applied to many villages in West Lindsey where residents currently rely on the private car to reach the full range of services and community facilities that they need. Furthermore, in circumstances where Government policy places such emphasis on the delivery of additional housing, I am not persuaded that these disadvantages would produce sufficiently demonstrable and significant adverse impacts to outweigh the benefits allowing the appeal.

Conclusions

49. For the reasons given above I conclude that the appeal should be allowed both in respect of the outline and full applications.

Conditions

50. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies towards conditions as now set out in the Government's Planning Practice Guidance (PPG) and the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions*. In this case, the hybrid nature of the application requires some amendment to the standard conditions that set a time limit on the development and the submission and approval of reserved matters. I shall impose such amended conditions together with a condition that ensures that the development is carried out in accordance with the site location plan that shows the extent of the site and which I consider is the only plan relevant to the outline permission granted. I also consider that, given the changes made to the numbers of residential units proposed during the application process, a condition clearly limiting the development to up to 130 dwellings and 25 apartments for retirement living is appropriate and necessary. I shall impose such a condition.
51. The Council has asked that it be clear that when details of the reserved matters are submitted these include details of the Public Open Space to be provided, including arrangements for its future management; a landscape management plan; a biodiversity enhancement scheme; confirmation that no building will be erected within Flood Zones 2 or 3; and a phased implementation timetable for the development. I agree these will clarify the matters needed to secure the approval of reserved matters and shall impose an appropriate condition.
52. There are three issues – outwith the reserved matters – where there is a need for schemes to be submitted for approval before development begins. These are arrangements for surface and foul water drainage from the site; an investigation of possible contamination and proposals to deal with any found; and arrangements for archaeological investigation of the site. All are necessary given the existing condition of the site and its history and I shall impose conditions in all these respects.
53. Access is before me at this stage and conditions are needed to stop up any direct access from the site to the A158, to ensure that estate roads and footways are laid out before dwellings they serve are first occupied; and to protect and improve the existing Public Right of Way (PROW) that crosses the site. I shall impose appropriate conditions in these respects as well as a condition that requires a Travel Plan and measures to increase the use of sustainable transport to and from the site. However, in respect of the last, I do not consider that it is reasonable to expect the developer to be committed to annual travel surveys to review the Travel Plan and I shall omit that element of the proposed condition.
54. A construction method statement is appropriate to protect the amenity of the occupants of neighbouring residential properties, especially where these are particularly adjacent to elements of the proposed development. I shall impose a condition requiring such a statement, together with conditions that protect during the period of development identified nesting sites and trees, hedges and shrubs that are to be retained.
55. Finally, as already discussed under Other Matters, I have concluded that a negatively worded condition is appropriate to secure the affordable housing

that the Council seeks and which I consider is essential to allow the development to go ahead. I shall impose such a condition.

R M Pritchard

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision or not later than two years from the date of approval of the last of the reserved matters to be approved, which ever is later.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") included in the application for outline permission shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 0001 (Rev B).
- 5) The total number of residential units to be provided shall not exceed 130 dwellings and 25 apartments for retirement living.
- 6) The details to be submitted in accordance with Condition 2) shall include –
 - i. An area of land, comprising not less than 10% of the total site area, to be dedicated for use of Public Open Space (POS) and arrangements for its on-going management and maintenance;
 - ii. A Landscape Management Plan setting out the management responsibilities and management schedules for all landscape areas, including trees, hedges, ditches and balancing ponds, as well as details of all boundary walls and fences.
 - iii. A Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes;
 - iv. A plan confirming that all the proposed buildings will be located outside Flood Zones 2 and 3; and
 - v. A phasing plan for the development of the whole site.

The development shall thereafter be carried out in accordance with the approved details.

- 7) Notwithstanding the details submitted on Drawing No SP_0004, no development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of –
 - i. 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;
 - ii. Attenuation and discharge rates which shall be restricted to no more than 5 litres per second per hectare;

- iii. A timetable, including any phasing of its implementation, for the drainage scheme;
- iv. How the scheme, which shall be retained throughout the lifetime of the development, shall be managed and maintained, including any arrangements for its adoption by any public body or statutory undertaker or any other arrangements necessary to secure its operation.

The development shall be carried out in accordance with the approved scheme and no residential unit hereby permitted shall be occupied until the scheme has been completed and is in operation in accordance with any approved phasing.

- 8) No development shall take place until the details of a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and no residential unit hereby permitted shall be occupied until any off-site capacity improvements necessitated by the development have been implemented in accordance with any approved phasing.
- 9) No development shall take place until a scheme to deal with any risks associated with past contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include –
 - i. A preliminary risk assessment identifying –
 - a) All previous uses;
 - b) Potential contaminants associated with those uses;
 - c) A conceptual model of the site indicating sources, pathways and receptors; and
 - d) Potentially unacceptable risks arising from any identified contamination.
 - ii. A site investigation scheme, based on i., providing a detailed assessment of the risks to all receptors that may be affected – including those off-site;
 - iii. An options appraisal and remediation strategy giving full details of the remediation measures required and how and when these are to be undertaken;
 - iv. A verification plan providing details of data to be collected to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and no residential unit hereby permitted shall be first occupied until all necessary works have been completed.

- 10) No development shall take place until details of a scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include –

- i. An assessment of the archaeological significance of the site and a proposed mitigation strategy based on preservation by record, preservation *in situ* or a mix of both;
- ii. A methodology and timetable for site investigation and recording;
- iii. Provision for site analysis;
- iv. Provision for publication, dissemination and archive deposition of analysis and records;
- v. The nomination of a competent person or organisation to undertake the work.

The approved scheme shall thereafter be carried out in accordance with the Lincolnshire Archaeological Handbook and the approved details.

- 11) No work in accordance with the approved scheme set out in Condition 10) shall commence before the local planning authority has been informed in writing at least 14 days before the proposed commencement.
- 12) Following the completion of the approved archaeological site work, a written report of the findings shall be submitted to the local planning authority within 3 months of completion of said site work and shall be approved in writing. The approved report and any artefactual evidence recovered from the site shall be deposited in accordance with a methodology and in a location agreed in writing by the local planning authority.
- 13) No development shall take place until a scheme, including the timing of its implementation, to prevent vehicles from accessing the private drive that connects in a southerly direction with the A158 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 14) No residential unit hereby permitted shall be first occupied until the estate road and associated footways that provide access to that dwelling for the whole of its frontage have been laid out and constructed to adoptable standards in accordance with details submitted to and approved in writing by the local planning authority. No residential unit hereby permitted shall be first occupied until the existing Public Rights of Way (PROWs) that cross the site have been upgraded and finished with a metalled surface in accordance with details submitted to and approved in writing by the local planning authority.
- 15) Before the first occupation of any of the residential units hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include a commitment to undertake a travel survey within three months of the occupation of the last of the residential units hereby permitted and targets to achieve a modal shift in favour of sustainable methods of transport, together with an action plan to achieve those targets.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the routing and management of construction traffic;
 - ii. the parking of vehicles of site operatives and visitors;

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- 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 or leave, and all other work may be carried out on the site; and
 - xi. measures to ensure that the Public Right of Way (PROW) crossing the site is protected and kept clear and unobstructed at all times.
- 17) No works involving the loss of any existing tree, hedgerow or shrub on the site shall take place during the bird nesting season (1 March to 31 August inclusive) until a survey to identify the existence of nesting birds has been undertaken. Where nests are found, an exclusion zone with a radius of 4 metres around the nests shall be created until breeding is completed. Completion of breeding shall be confirmed by a suitably qualified person and a report shall be submitted to and approved in writing by the local planning authority before the removal of any identified tree, hedgerow or shrub takes place.
- 18) No development shall take place until details of the form and positioning of fencing for the protection of existing trees, hedgerows and shrubs that are to be retained on the site have been submitted to and approved in writing by the local planning authority. Nothing shall be placed or stored within the areas fenced, nor shall the ground levels within these areas be altered. The approved fencing shall be erected before any work on the site is undertaken and shall be retained until the development is completed.
- 19) No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework ('the Framework') or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
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- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

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Appeal Decision

Site visit made on 16 May 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2016

Appeal Ref: APP/N2535/W/16/3144288

The Sheep Sheds, Green Lane, Owmbly by Spittal, Market Rasen, Lincolnshire LN8 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Burkitt against the decision of West Lindsey District Council.
 - The application Ref 133632, dated 23 October 2015, was refused by notice dated 21 December 2015.
 - The development proposed is the erection of 2no detached dwellings and a detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no detached dwellings and a detached garage at The Sheep Sheds, Green Lane, Owmbly by Spittal, Market Rasen, Lincolnshire LN8 2AB in accordance with the terms of the application, Ref 133632, dated 23 October 2015, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Andrew Burkitt against West Lindsey District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Proposed Submission Central Lincolnshire Local Plan (the CLLP) has recently been subject to a third round of consultation, which ended on 26th May 2016. The Council have stated that they anticipate submission to the Secretary of State and Examination in Public at some point during 2016. My attention has also been drawn to a recent appeal decision¹ at which the Council confirmed that they did not anticipate the examination taking place until later in the year, with adoption unlikely until later in the year or early 2017. Whilst I have noted the Council's comments in respect of this matter, having regard to paragraph 216 of the National Planning Policy Framework (the Framework), I consider that only limited weight can be attached to it at this stage.
4. Although the appeal site address is given as Green Lane, both parties refer throughout their submissions to this as being Mill Lane. For the avoidance of confusion, I have adopted the naming used by both parties throughout their submissions.

¹ APP/N2535/W/15/3139041 – Dismissed, 18 April 2016

Main Issue

5. The main issue is whether, having regard to local and national planning policy, the proposal constitutes sustainable development.

Reasons

6. The appeal site relates to a parcel of agricultural land and buildings on the western edge of Owmbly-by-Spital. For the purposes of the adopted development plan, Owmbly-by-Spital is a 'Small Rural Village' under policy STRAT3 of the West Lindsey Local Plan First Review (the Local Plan).
7. Situated outside the village and within the countryside, Policy STRAT 12 of the Local Plan applies. This states that planning permission will not be granted for proposals unless the development is essential to agriculture, horticulture, forestry, mineral extraction or other land uses which require a countryside location. The erection of two open market houses therefore conflicts with Policy STRAT 12.
8. However, the National Planning Policy Framework (the Framework) 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. Where such relevant policies are not up-of-date paragraph 14 of the Framework applies. This sets out a presumption in favour of sustainable development and advocates granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate that development should be resisted.
9. There is some disagreement between the main parties over whether or not the Council can demonstrate a deliverable 5 year housing land supply. However, it is not disputed that the housing supply policies set out in the Local Plan fall short of a 5 year housing land supply, and indeed that the strategic housing policies of the Local Plan are out of date. Whilst the evidence before me in this respect is limited, and must be treated with caution due to the status of both the evidence base and the emerging CLLP, both main parties agree that the provisions of paragraph 14 of the Framework are activated.
10. The appeal site, whilst lying just beyond the village of Owmbly-by-Spital, is nonetheless relatively well related to it. Although there is a gap on the northern side of Owmbly Cliff Road between the appeal site and Mill Lane and the nearest dwelling within the village, built development is more or less continuous (albeit behind substantial roadside hedges) on the opposite side of the road up to the junction with Mill Lane, and indeed on the same side of Owmbly Cliff Road, beyond the junction. The entrance to the property known as Westfield is directly opposite the junction with Mill Lane, from which the appeal site would be accessed, whilst dwellings at Hillcrest, Furlongs and Honeypot Cottage lie to the southwest of the appeal site facing on to Owmbly Cliff Road.
11. From its junction with Mill Lane, a pavement runs alongside Owmbly Cliff Road towards the centre of the village. Other than a short section of road closer to the centre of the village where there is no pavement, there is an almost continuous footway link to the village centre, and to the services and facilities within the adjoining Normanby-by-Spital. Mill Lane itself also provides an

- alternative, and largely traffic free, route to access Normanby-by-Spital on foot or by bicycle.
12. Whilst it is an un-metalled lane, and it is accepted that at certain times of the year it will become muddy and wet, the Council have stated that it is an adopted (albeit unmaintained) highway. Having walked both routes during my site visit, I found both to provide a pleasant and relatively convenient route between the appeal site and the limited range of services and facilities in Normanby-by-Spital. I have noted the Council's concern regarding Owmbly Cliff Road providing an access to the A15, but I am also mindful that there were no objections to the proposal on highways grounds. The site and the route into Owmbly-by-Spital along Owmbly Cliff Road are both within the 30mph village speed limit. Whilst my site visit provides only a limited snapshot insight into such matters, Owmbly Cliff Road did not strike me as either an unpleasantly busy, or unsafe, village road to walk alongside.
 13. Given the close and easy access between the appeal site and Owmbly-by-Spital, and the relatively convenient routes from the site to Normanby-by-Spital I am satisfied that the site is not remote from, or inaccessible to, either of those. Notwithstanding this, it is likely that residents would rely predominantly on private vehicles to access services, facilities and employment opportunities further afield. However, this is unlikely to be any different to sites within Owmbly-by-Spital and so I conclude that this does not count significantly against the proposal.
 14. The proposal would provide a boost, albeit limited, to housing supply in the form of two additional dwellings. Whilst there remains dispute between the parties regarding the status of the Council's 5-year housing land supply, both parties agree that there has, until very recently, been a history of a shortfall in housing supply. Paragraph 14 of the Framework makes it clear that for decision-taking the presumption in favour of sustainable development in circumstances such as these, where relevant policies in the development plan are out-of-date, means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
 15. The appeal site is currently occupied by a range of redundant former agricultural buildings, adjacent to the built extent of Owmbly-by-Spital and is not subject to designations or characteristics of the type set out in footnote 9 to the Framework. The Council found no other fault with the proposal in terms of its design, its effect on the character and appearance of the area, landscaping and boundary treatment, drainage, highways impact, residential amenity and nature conservation and protected species. These are all factors that weigh in favour of the proposal, and I have not been presented with any further evidence to the contrary in these respects.
 16. For the reasons I have given, I consider the site to be well related to a settlement of the type given as an example at paragraph 55 of the Framework of sustainable development in rural areas. Though there is a degree of conflict with the existing development plan, notably through the location of the site outside the settlement boundary, both parties consider the relevant policies to be not up-to-date.
 17. Whilst I give some weight to the Council's current position regarding 5-year housing land supply and the emerging CLLP, this is limited and I find that the

proposal is nonetheless sustainable development for the purposes of the Framework. Any adverse impact arising from the site's location just beyond the built up extent of Owmbly-by-Spital, would be limited for the reasons set out above, and would not significantly and demonstrably outweigh the benefits arising from the provision of two additional housing units, and the contribution that would make to local services and facilities.

18. I have had regard to a range of appeal decisions submitted by both parties. However, the decisions have been supplied without context or further detail, and so I cannot be certain the extent to which they provide direct or meaningful comparison. I can therefore only afford these matters limited weight and, for the reasons set out, I conclude that the development proposed is sustainable development for the purposes of the Framework, and of the type envisaged in promoting sustainable development in rural areas.

Other Matters

19. I have had regard to other matters raised by a third party including the appeal site's relationship with adjoining residential properties and buildings, the presence of trees within and around the site, protected species and the design and appearance of the proposed dwellings. I am satisfied that these matters, which were considered by the Council and which did not form part of their reasons for refusal, would not result in a level of harm that would justify dismissal of the appeal. In addition, I have not been presented with any new evidence to lead me to conclude otherwise in these respects.

Conditions

20. I have considered the conditions suggested by the Council in the event that the appeal should succeed. Where necessary, I have amended or revised the suggested wording in the interests of clarity and precision.
21. In addition to the time limit condition, I have attached a condition setting out the approved plans to which this decision relates, which I consider to be necessary in order to provide certainty. Conditions to secure details of all facing materials to be used in the construction of the development, landscaping and boundary treatments to be necessary in the in the interests of the character and appearance of the area.
22. I have attached conditions in respect of the improvement and completion of the access and turning space, and nature conservation, in the interests of highway safety and biodiversity, respectively. Given the previous use of the appeal site and buildings it is reasonable to attach a condition regarding contaminated land, in the interests of the living conditions of future occupiers of the approved dwellings. For the same reasons, I attach a condition regarding foul and surface water drainage details.

Conclusion

23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC1138-01A; LDC1138-02; LDC1138-03C; LDC1138-04B; LDC1138-05A and LDC1138-06A.
- 3) No development shall be commenced before the works to improve the public highway (by means of provision of a 1m wide footway and access improvements in accordance with drawing number LDC1138-03C dated March 2015) have been certified complete by the local planning authority.
- 4) No development shall take place until details of all external, roofing materials and rain water products to be used on the buildings and external surfacing materials on site 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.
- 5) No development shall commence until a scheme detailing the disposal of surface and foul water drainage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details and be available for use before the either of the dwellings are first brought into use.
- 6) No development shall take place (including any demolition / ground scraping) until, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, fencing and walling, and measures for the protection of trees and hedges to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection scheme shall include: a full arboricultural survey of the trees/ hedges on the boundaries of the site, root protection area and methods/ procedures to protect the trees/ hedges and their roots and a timetable for the implementation of the protection measures. The implementation of the protection measures shall proceed in strict accordance with the approved details and timetable.
- 7) No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwelling to which the boundary treatment relates is first occupied.
- 8) No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all

of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- 9) Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number LDC1138-03C dated March 2015 and retained for that use thereafter.
 - 10) The development shall proceed in strict accordance with the measures recommended by within the "Report of ecology & protected species survey of a site off Green Lane, Owmbly-by-Spital, Lincolnshire", Tim Smith, October 2015, Ecology Report Reference: 2015/10/356.
 - 11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of

the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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Costs Decision

Site visit made on 16 May 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2016

Costs application in relation to Appeal Ref: APP/N2535/W/16/3144288 The Sheep Sheds, Green Lane, Owmbly by Spittal, Market Rasen, Lincolnshire LN8 2AB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Burkitt for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for the erection of 2no detached dwellings and a detached garage.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 30 of the National Planning Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It goes on to advise that unreasonable behaviour may be either procedural or substantive in nature
3. Paragraph 049 of the Guidance states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal, or by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
4. Both parties agree that the provisions of the development plan, specifically relevant policies for the supply of housing, should not be considered up-to-date. There was also agreement between the parties that, as such, paragraph 14 of the National Planning Policy Framework (the Framework) should be engaged in considering the planning merits of the proposal.
5. Whilst the Council anticipate that the emerging Central Lincolnshire Local Plan (the CLLP) will be submitted for examination during 2016, the fact remains however that the provisions and policies of the CLLP have not yet been subject to independent scrutiny. Equally, an individual appeal is not necessarily an appropriate context in which to consider the methodology and issues

surrounding calculations of housing supply. Therefore, whilst I have afforded this matter some weight it is, as a consequence, limited in this context.

6. Having accepted that paragraph 14 of the Framework is engaged, it becomes a matter of planning judgement as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework as a whole, and the weight to be given to any other material considerations.
7. As the weight to be given to material considerations this is a matter of judgement for the decision maker. I am satisfied that the Council were justified in reaching their conclusion. Whilst I have reached a different conclusion in respect of the main issue for the reasons set out in that decision, the end result merely reflects the balancing exercise set advocated within the Framework, and this does not make the Council's balancing exercise any less relevant.
8. Similarly, I do not accept that the Council have sought to rely on highway or pedestrian safety grounds, in the absence of a formal objection on such, to resist the proposal. As set out above, these matters were raised as part of a wider appraisal of the site in relation to its surroundings. From my observation of the factors cited by the Council I disagree, and the weight given to these matters in the planning balance differs from that given by the Council, but this does not amount to unreasonable behaviour on the Council's part.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. An award of costs is therefore not justified.

Graeme Robbie

INSPECTOR

Appeal Decision

Site visit made on 13 June 2016

by Richard Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2016

Appeal Ref: APP/N2535/W/16/3143243

Barlings Country Holiday Park, Barlings Lane, Langworth, Lincoln, Lincolnshire LN3 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John Epton (Lincolnshire Caravan & Parks Ltd) against the decision of West Lindsey District Council.
- The application Ref 133001, dated 12 May 2015, was refused by notice dated 19 August 2015.
- The application sought planning permission for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation without complying with conditions attached to planning permission Ref 128354, dated 2 August 2012.
- The conditions in dispute are Nos. 13 and 14 which state that:
 - 13. The hereby approved development shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.*
 - 14. The operators shall maintain an up to date register of the names of all occupiers of the site and their main home addresses shall make this information available at all reasonable times to the local planning authority.*
- The reason given for both conditions is: *To ensure that the development continues to be used as holiday accommodation only as the creation of permanent residential accommodation in this unsustainable location, would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with STRAT1 and STRAT9 of the West Lindsey Local Plan First Review 2006 (Saved Policies). Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework 2012.*

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr John Epton against West Lindsey District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are:

- given the appeal site's rural location and in pursuance of sustainable development, whether there are any circumstances that would justify permanent residential development; and
- the effect of the proposed development on the Barlings Pit Site of Nature Conservation Interest (SNCI).

Reasons

4. The appeal site concerns a partially completed holiday park and woodland area. The appeal site is largely surrounded by open countryside although a number of properties lie along Barlings Lane in front of the site. While in the distance I was able to see and hear passing traffic along the A158, I observed nonetheless that the site was a particularly peaceful and tranquil location.
5. Conditions 13 and 14 of planning permission ref 128354 restrict the appeal site from being used as permanent residential accommodation. The appeal proposes non-compliance with these conditions for part of the site, thus would allow permanent residential development there. The remainder of the site is not part of the appeal and would continue to be bound by the said conditions.

Whether justified in the rural area

6. The Council states that the appeal site lies outside of a settlement boundary as defined within the West Lindsey Local Plan (with saved policies 2009) and as such lies within the rural area. The appellant does not dispute its rural location and I have no reason to disagree.
7. Paragraph 55 the National Planning Policy Framework (the Framework) states that in promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also states that isolated new homes in the countryside should be avoided, unless special circumstances arise.
8. The appellant's assertion that the appeal site is within proximity of local services and facilities is disputed by both the Council and surrounding residents. The appellant has not identified where precisely such local services and facilities are located, what is on offer, and how they could be accessed. From my observations at my site visit, I saw no evidence of local services and facilities in the immediate locality, such that I find the appellant's view to be unsubstantiated.
9. Although bus service runs along the A158 from Monday to Saturday, it cannot be said to be particularly close to the appeal site. Access to the A158 would be along Barlings Lane, which is rural in character, largely unlit, and with no footpath along the majority of its length. I find it unlikely that residents of the development would make use of this service, particularly given the nature of the proposal as a scheme for elderly persons, who are less likely to undertake long and inconvenient walks to access services and particularly at times of inclement weather and darker conditions.
10. I do not agree with the appellant that there would be little discernible difference between year-round tourist occupied chalets, and permanent residences. Persons occupying the chalets for holiday occupation would in my judgement be less reliant on local services and facilities, such that their proximity to the appeal site is of less importance. Conversely, a permanent

resident would have different needs and would likely require regular and frequent access to shops, medical facilities and other services. The context of the appeal site would change considerably as a result of the proposed development.

11. Having regard to its rural setting and the distance and lack of accessibility of local services and facilities, I am satisfied that the appeal site lies within an isolated and unsustainable location, that the appreciable benefits to the vitality of the rural community from the proposed development have not been adequately demonstrated, and that no circumstances have been offered to justify the presence of isolated new dwellings in the rural area. The proposal would not accord with paragraph 55 of the Framework. This would amount to considerable harm in my judgement which I have afforded significant weight in my Decision.
12. The appellant draws my attention to a number of recent appeal Decisions (Ref: *APP/N2535/W/15/3136853 for outline planning application for 2no dwellings; APP/N2535/W/15/3024069 for 6 detached dwellings, 4no. semi-detached and 2no detached garages; and APP/N2535/W/15/3103245 for residential development*) in which the Inspectors have taken a consistent line that policies for the supply of housing within the adopted Local Plan are out-of-date. This is because the Council was found to have insufficient allocations to meet the five year supply of housing, and that departures from it are necessary to make up the shortfall.
13. The Council has not confirmed or rebutted the cited appeal Decisions in respect to the five year housing position. On the evidence before me, I find that there is a clear demonstration that this issue has recently been rigorously and thoroughly examined, and in the absence of evidence to the contrary, I have no obvious reason to reach a different conclusion on this matter.
14. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. As Local Plan policy STRAT 12 is relevant to the supply of housing, I have afforded it little weight in reaching my Decision. Paragraph 14 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
15. The proposal would make a small contribution to housing supply; and I have apportioned appropriate weight to the advantages this would have. However for the reasons set out above, I find that the considerable harm I have identified caused by appeal site's unsustainable location and lack of appreciable benefits to the vitality of the rural community, would significantly and demonstrably outweigh the moderate advantages from the delivery of residential units, notwithstanding the current lack of a five year housing land supply. I therefore find the balance lies against the proposal.

The effect on the SNCI

16. The appeal site lies within the Barlings Pit SNCI. Local Plan policy NBE 12 states that development will not be permitted which would adversely affect such designations.
17. Neither the appellant nor Natural England has raised any potential issues or concerns that the proposal could have in respect to the effect on the role and function of the SNCI. The Council has not substantiated its concerns as to why it considers, in light of the above, the proposal would not accord with Local Plan policy NBE 12 or moreover, what evidence it would expect to see to demonstrate compliance. I find no obvious reason why the proposal would adversely affect the role and function of the SNCI, and I conclude on the evidence before me that no significant harm would occur. I therefore find the proposal would accord with Local Plan policy NBE 12. However my findings on this matter do not outweigh my overall conclusions which I have discussed above.

Other Matters

18. Concerns have been raised by residents and the parish council in respect to flooding. I note that the Environment Agency (the EA) has objected to the proposal as the site lies within Flood Zone 3, stating that park homes for residential use would be highly vulnerable to flooding and should not be permitted in such areas.
19. The Council has made no response to the EA's objection in its officer's report, and as such it has not explained why it considered flood risk was not an issue in this case. However, as I have found against the appeal on the main issue, it is not necessary for me to explore or consider this matter further.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR

Costs Decision

Site visit made on 13 June 2016

by Richard Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2016

Costs application in relation to Appeal Ref: APP/N2535/W/16/3143242 Barlings Country Holiday Park, Barlings Lane, Langworth, Lincoln, Lincolnshire LN3 5DF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr John Epton (Lincolnshire Caravan & Parks Ltd) for a full award of costs against West Lindsey District Council.
- The appeal was against the refusal of an application for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation without complying with conditions 13 and 14 attached to planning permission Ref 128354, dated 2 August 2012.

Decision

1. The application for an award of costs is refused.

The submissions by Mr John Epton

2. The appellant seeks a full award of costs. The appellant states that the Council in making its decision has failed to produce or substantiate evidence for each of its refusal reasons and made general and inaccurate assertions about the effects of the proposal. The Council failed to give weight to the fact that it does not have a five year supply of housing and as such failed to consider the positive benefits the proposal would bring in terms of housing delivery. The Council also did not substantiate its concerns in respect of the effect of the proposal on the Barlings Pit Site of Nature Conservation Interest (SNCI) and failed to withdraw its objection despite being given an opportunity to do so.
3. The Council did not respond to the appellant's application for costs.

Reasons

4. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. I acknowledge that the Council made no mention in its statement of its housing land supply position. Accordingly, it did not explicitly set out the weight it applied to the benefits of the proposal against the harm it ultimately identified. However it does not necessarily follow that the Council failed to have regard to this in reaching its decision. The appellant identified a number of appeal Decisions which I found to overwhelmingly demonstrate that the Council's housing policies are out-of-date, and it seems somewhat unlikely to me that

- the Council would not have been aware of their existence or had regard to the Inspectors' findings contained within them.
6. To that extent, I find that on the balance of probability the Council would have had regard to its housing position, but ultimately concluded that the site's unsustainable and isolated location was sufficient to refuse the application on, contrary to paragraph 55 of the National Planning Policy Framework (the Framework); a view that I subsequently found to share. I therefore find that the Council's reasons were soundly made in accordance with the Framework and that the Council did not act unreasonably in refusing the proposal.
 7. Turning to the issue in respect to the SNCI, having regard to Natural England's response at application stage, the Council has not sufficiently explained or substantiated in the appeal before me why it considers the proposal conflicts with Local Plan policy NBE 12, particularly having regard extant consent for the site. In not making its concerns clear, and providing an opportunity for the appellant to address it, I find that the Council has acted unreasonably in this matter.
 8. However, as stated above the Guidance requires wasted expense to have been incurred as a result of any unreasonable behaviour. The bulk of the evidence produced by the appellant for the appeal is in relation to the first main issue in my Decision. In contrast, the appellant's response on this issue is restricted to a few paragraphs which mainly detail matters of fact, such that I find little significant work to defend this reason for refusal was undertaken by the appellant. Therefore while unreasonable behaviour has been demonstrated, I am satisfied that it has not led to any wasted expenditure on behalf of the appellant in defending it at the appeal.
 9. Accordingly, and for the reasons set out above, an award of costs is refused.

R Allen

INSPECTOR

Appeal Decision

Site visit made on 7 June 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2016

Appeal Ref: APP/N2535/W/16/3146997

School Cottages, Main Road, Legsby, Market Rasen, Lincolnshire LN8 3QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Janet Price against the decision of West Lindsey District Council.
 - The application Ref 133446, dated 3 September 2015, was refused by notice dated 29 February 2016.
 - The development proposed is outline application for one two storey house of approx. 20034.m. Plan shows indicative siting only.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative position of the proposed house was submitted with the application which I have had regard to in the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal represents a sustainable form of development.
 - The effect on the character and appearance of the area.

Reasons

Sustainable form of development

4. The appeal site comprises part of the lawned garden of School Cottages with open countryside located to the north east and south east. An existing vehicular access of Main Road serves the site. Although there is a Primary School, Main Road in the vicinity of the appeal site is characterised by intermittent, linear, residential, ribbon development separated by open countryside.
5. Saved Policy STRAT 3 of the West Lindsey Local Plan Review (2006) (WLLP) sets out a settlement hierarchy for the District so that new development can be appropriately located with new housing being generally directed towards main settlements with a range of facilities. Legsby is classified as a 'Small Rural

- Settlement' and is defined as a village with predominantly only a very small number of facilities. The Council indicate that the only facilities in the village are the school and a church and that it has limited public transport provision.
6. The Council's general approach to sustainable development is set out in saved Policy STRAT 1 of the WLLP. This policy, amongst other things, requires new development to have regard to the scope for providing access to public transport and reducing the length and number of car journeys. It generally accords with one of the core principles in the National Planning Policy Framework (paragraph 17) (the Framework) which requires the planning system to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
 7. I agree with the Council, that due to the absence of facilities within the village and the limited public transport provision, it is highly likely that the future occupants of the dwelling would need to use a private car to access facilities elsewhere with Market Rasen being the closest service centre. I also agree that the proposed dwelling would make a negligible contribution to enhancing or maintaining of the vitality of the rural community as there are limited facilities within the village and there are no nearby villages with facilities that it could help support.
 8. Taking these matters into account, the proposal would be contrary to the Council's objectives of directing new residential development towards main settlements which have the facilities and services to sustain new residents. As a consequence of limited public transport provision there would be a reliance on the use of the private car to access services. Consequently, on the basis of the evidence submitted and my observations on site, I conclude that the proposal would result in an unsustainable form of development. It would thus conflict with saved Policies STRAT 1 and STRAT 3 of the WLLP which seek to guide development towards sustainable locations and reduce the reliance on the use of the car. It would also be contrary to one of the core principles in the National Planning Policy Framework (paragraph 17).
 9. Although the Council has referred to conflict with save Policy STRAT 9 of the WLLP, this policy refers to the phasing of housing development and the release of land. I have no evidence to indicate how the proposed development is in conflict with this policy. Moreover, its provisions do not appear relevant to the circumstances in this appeal. Consequently, I have attached little weight to this policy.

Character and appearance

10. The proposed dwelling would be located in the exiting residential curtilage of School Cottages and would not result in any further encroachment of this curtilage into the open countryside. I accept that the eastern side of Main Road is less developed than the west. However, it does contain sporadic clusters of residential dwellings along its route.
11. The proposed site is located opposite the school and in a part of the village where a cluster of development appears to be more concentrated, albeit still retaining a relatively spacious rural character. Notwithstanding the outline nature of the development and the subsequent detailed design and siting considerations, in my view, the site is capable of accommodating a dwelling that would not appear out of context with the character of the cluster of

development focussed around the school. Indeed, in my view, it would assist in reinforcing the cohesiveness of this part of the village. Moreover, there is ample space within the garden area of School Cottages to accommodate a dwelling whilst still maintaining the spacious rural character of this part of Main Road.

12. Given the juxtaposition of the site with the cluster of development on this part of Main Road, I do not consider that the proposal would represent an isolated home in the countryside to the extent that the special circumstance provisions of paragraph 55 of the Framework would prevail.
13. Taking these matters into consideration, I do not consider that the proposal would cause significant harm to the character and appearance of the area. As such there would be no conflict with saved Policy STRAT 1 of the WLLP. This policy, amongst other things, seeks to ensure that new development has regard to the impact on the character and appearance of the area including visual encroachment into the countryside.

Other matters

14. I have taken into account the concerns of the appellant that the WLLP may be out of date. I note that the Council has a 5 year housing supply, although there is a lack of allocated sites to meet this supply which does affect the weight to be attached to its housing policies. However, the sustainability objectives of the plan appear to me to accord with those in the Framework. As such I have attached considerable weight to saved Policies STRAT 1 and STRAT 3 of the WLLP.
15. I accept that the proposed dwelling would make a useful yet very small contribution to housing supply in the District. Whilst such contribution may rightly be seen to weigh in favour of the proposals it does not outweigh the significant harm identified above in that the proposal would constitute unsustainable development in the countryside.
16. I have some sympathy with the personal circumstances of the appellant and the desire to be located close to the farm business. However, these personal circumstances are not sufficient to outweigh harm that I have identified.
17. The Council have drawn my attention to a previous appeal decision within the village of Osgodby (Ref: APP/N2535/A/14/2227973). I do not have full details of that appeal or the circumstances which led to it being dismissed. Consequently, I cannot be sure that the circumstances are directly comparable to those in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion

18. Although I have found that the proposal would not cause any significant harm to the character and appearance of the area, this does not outweigh the fact that the development would constitute unsustainable development in the countryside. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

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Appeal Decision

Site visit made on 7 June 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2016

Appeal Ref: APP/N2535/W/16/3146247

Manor Farm, Gainsborough Road, Saxilby, Lincoln LN1 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Paris Hallam against the decision of West Lindsey District Council.
 - The application Ref 133544, dated 20 October 2015, was refused by notice dated 8 January 2016.
 - The development proposed is change of use of residential garage to retail spa business.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal represents a sustainable form of development in the countryside.

Reasons

3. The appeal site comprises an existing double garage attached to the residential property at Manor Farm. The site is located within the countryside and is surrounded by fields in agricultural use. Access is via an un-surfaced track off the A57. An existing track also leads from the property to Sand Lane. Whilst this appears to be used as a walking and cycling route I have no evidence as to its status as a Public Right of Way.
4. The proposal would involve the change of use of the garage to a spa/treatment facility. The appellant indicates that this would involve approximately 16 customer visits per day to the facility.
5. The Council's general approach to development is set out in saved Policy STRAT 1 of the West Lindsey Local Plan First Review (2006) (WLLP). This policy, amongst other things, sets out the Council's approach to sustainable development and in particular requires new development to have regard to providing access to public transport and reducing the length and number of car journeys.
6. Saved Policy STRAT 12 of the WLLP refers to development within the open countryside and indicates that planning permission will not be granted for development proposals in the open countryside that is outside of settlement limits 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.
7. There is no dispute between the main parties that the appeal site is located within the open countryside. The proposed use of the appeal site for specialist spa treatments does not constitute an essential form of development to meet the needs of the stated exceptions in saved Policy STRAT 12 to justify development in the countryside.
 8. I recognise that the appeal proposal would provide for 4 full time jobs. Whilst I attach moderate weight to the economic development benefits of the proposal, I agree with the Council a beauty therapy spa is a use that would be best located in a town or village where it could be accessed by a range of transportation means, including walking. In my view, the intended use is a form of development that does not necessarily require a countryside location. Moreover, I have no evidence that conclusively demonstrates the need for the facility to be located in a countryside location or that there are no other accessible alternative sites in Saxilby or nearby villages where the proposed nature of the use could be reasonably located.
 9. Taking these matters into account the proposed development would be contrary to saved Policy STRAT 12 of the WLLP and would be in an unsustainable location in the countryside. Whilst the proposed development would provide some limited employment, it would at best only marginally enhance the vitality of the rural community. In my view, the economic benefits of the proposal would not be sufficient to outweigh the conflict with saved Policy STRAT 12 to justify development in the countryside.
 10. I have taken into account the proposed relationship with the taxi business to provide a source of transportation to the site. However, in my view, given the nature of the intended use I consider that there would still remain a strong demand to access the facility by private car. The Council indicate that there are no public bus stops in the vicinity of the access track and adjacent to the footpath/cycle link to Sand Lane. Notwithstanding the lack of conveniently located bus stops, having walked the route to Sand Lane from the appeal site, which is unlit and in part traversed over a sown field, I consider it unlikely that customers using the spa, particularly those who have just had treatment, would choose to use this route for walking or cycling, especially in the winter months.
 11. Consequently, the site does not have good access to public transport and in my view users of the spa would be very likely to rely on the private car for the majority of their journeys. This would be contrary to one of the core principles in the National Planning Policy Framework (paragraph 17) and saved Policy STRAT 1 of the WLLP.
 12. The appellant indicates that the majority of existing spa businesses in the locality are situated in rural locations. However, the Council indicate that these other facilities are coupled with other compatible leisure facilities and as such are more 'destination facilities' than those proposed in this appeal.
 13. Whilst its location may be no more unsustainable than the other spa type developments in the County, this does not set any precedent for the perpetuation of unsustainable development in the countryside. In any event, I have determined this case on its own individual merits.

14. As a consequence of the above I consider that the proposed development would be located within an unsustainable location that is inaccessible by sustainable transport means and as such would be contrary to saved Policies STRAT 1 and STRAT 12 of the WLLP.

Conclusion

15. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

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