

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

AGENDA

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

Planning Committee

Wednesday, 16th November, 2016 at 6.30 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 Michael Devine
- Councillor David Cotton
- Councillor Matthew Boles
- Councillor Thomas Smith
- Councillor Roger Patterson
- Councillor Judy Rainsforth
- Councillor Hugo Marfleet
- Councillor Mrs Jessie Milne
- Councillor Giles McNeill

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting**
Meeting of the Planning Committee held on 19 October 2016, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/Local Changes in Planning Policy**

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

Large Clear Print: Braille: Audio: Native Language

6. Planning Applications for Determination

a) 133568 Orange Farm, Saxilby

Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit at Orange Farm, Sykes Lane, Saxilby.

(PAGES 3 - 16)

b) 134411 Newton on Trent

Outline planning application for mixed use sustainable village extension comprising up to 325no. private and affordable dwelling units - Use Class C3, community meeting and community health rooms - Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area - Use Class A1, new landscaping, public and private open space - all matters reserved. Land to West of A1133, Newton on Trent.

(PAGES 17 - 52)

c) 134990 Riseholme Park

Planning application for a proposed Agri-Robotics Research Facility to form part of the new Lincoln Institute for Agri-Food Technology Centre - to accompany application reference 134780 at University Of Lincoln, Riseholme Park, Riseholme, Lincoln

(PAGES 53 - 66)

d) 134663 The Avenue, Gainsborough

Outline planning application for the erection of up to 43 residential dwellings (Use Class C3) with access to be considered and other matters reserved for subsequent applications on land between Castle Hills and The Avenue Gainsborough

(PAGES 67 - 92)

7. Determination of Appeals

(PAGES 93 - 122)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 8 November 2016



Planning Committee

Date 16 November 2016

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

No

x

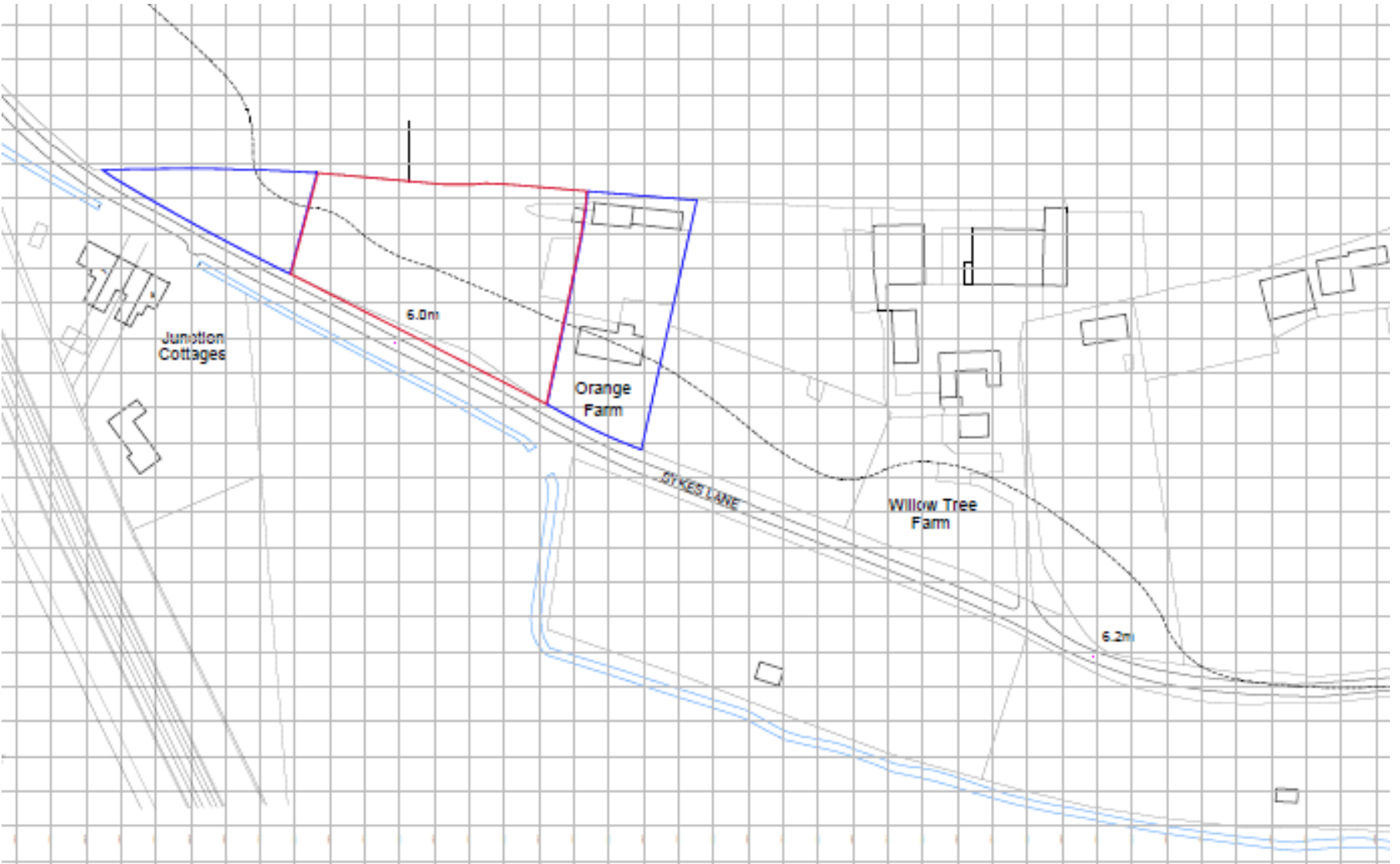
Key Decision:

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

Yes

No

x



Officers Report

Planning Application No: 133568

PROPOSAL: Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

LOCATION: Orange Farm Sykes Lane Saxilby Lincoln LN1 2NX
WARD: Saxilby
WARD MEMBER(S): Cllr Mrs J Brockway and Rev Cllr D J Cotton
APPLICANT NAME: Mr Colley

TARGET DECISION DATE: 06/07/2016 (Extension of time agreed until 31st October 2016)
DEVELOPMENT TYPE: Change of Use

RECOMMENDED DECISION: Grant permission subject to conditions

Following the planning committee meeting dated 19th October 2016 this application was differed by the members for a site visit on 7th November 2016 at 2pm. At the request of the planning committee the Environment Agency have provided a further response to the application and the agent has confirmed that the biomass boiler is used to heat the home and water supply. These have been added into the report content.

Description:

The application site is currently split into two sections. One section has planning permission for the use of a woodyard (see 130561 in planning history) and the second section currently has an agricultural use as a field. However the second part of the site is being used as a woodyard resulting in this retrospective planning application. The site sits within the open countryside approximately 1,315 metres to the north west of Saxilby. The site has a wide vehicular access and onsite parking and turning space. The site slopes gently from the south to north. The site is screened to the north and south by hedging. The site is open to the west boundary with hedging and trees close by. The east boundary is a mix of low fencing and open boundary treatment. To the north and south of the site is open countryside with residential dwellings to the west. Approximately 90 metres to the east is Willow Tree Farm which is used for the transfer and treatment of recyclable domestic and light industrial inert waste. The entire site sits within flood zone 2 due to the proximity of the watercourse to the south. The woodyard business which includes the use of machinery, chainsaws and bulk storage of tree trunks.

The application seeks retrospective permission for the change of use of a field to a woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

It has been requested by a ward member that the application goes to the planning committee because 'it is a highly contentious' application.

Relevant history:

130561 - Planning application for change of use of field to woodyard for log cutting, including the erection of an outbuilding and installation of permeable hardstanding – 25/03/14 - Granted time limit and other conditions

Representations

Chairman: No representations received to date

Ward member: Representations from Councillor Brockway:
This is a highly contentious application so could I please ask for it to go to the Planning Committee for determination.

Other Ward Members: No representations received to date

Saxilby Parish Council: Comments

- Further information is required on the Environmental Impact of the application, particularly in relation to small and fumes.
- There is a lack of appropriate vehicular access through the village to the site.
- The council requests that the application is referred to the WLDC Planning Committee for consideration.

Local residents: Representation received from 1 Sykes Junction Cottages, 4 Sykes Junction Cottages, The Haven and Haven Equestrian, Sykes Lane, Saxilby:

Residential Amenity

- Noise from operation of the site and poor sound barriers.
- Air pollution from smoke and odour from biomass boiler affects use of external spaces, health and provides sleep disturbance.

Visual Impact

- Boiler, chimney stack and large piles of trees is a blight site and industrial in appearance. Inappropriate and adverse visual impact on the open countryside location.
- Page 29 of the Saxilby with Ingleby Neighbourhood Plan protects existing features and the natural landscape.

Highway Safety

- Impact of heavy lorry loads on verges and require passing places.
- Large lorries are a hazard to pedestrians, cyclists and horse riders.

Drainage/Flood Risk

- Risk of flooding due to highly compacted site and extensive hardcore coverage.

Tourism

- Impact on tourism as supported by the Saxilby with Ingleby Neighbourhood Plan

Other

- Decreases value of house
- Fire Risk
- Impact on Local Businesses and employment through loss of customer
- Breach of human right
- Loss of paddock area.
- The site will only be improved by the removal of the biomass boiler and cease the use of the site.

Public Protection Officer: No objections with comments

- The proposed extension will address concerns regarding noise from the activity on site, particularly chainsaw noise.
- I have no concerns regarding smell and odour from the site other than a requirement that the boiler be operated according to manufacturer's instructions and that records of maintenance and servicing are kept by the operator and made available to officers upon request.

LCC Highways: No objections subject to condition and advisory note

Response received 21st June 2016:

The Highway Authority would request the applicant submits a Transport Statement outlining the number of vehicle trips to and from the site with a breakdown by type and size.

Response received 16th September 2016:

Condition

The Highways Authority consider a scheme of passing places is required to facilitate this development due to the narrow nature of the carriageway and the verge damage evident. Please condition that no development should take place until a scheme of passing places has been submitted to and approved by the Local Planning Authority.

Environment Agency: No objections

Response received 24th May 2016

Owing to the small scale and low flood risk vulnerability of the proposal, we do not wish to make any comments on this application.

Response received 24th October 2016

We have no objections and do not wish to request any planning conditions. We would however appreciate it if the following advice could be passed to the applicant:

'The applicant should review our waste exemption pages, in particular the *U4 Burning of Waste as a fuel in a small appliance* exemption, if they are using or intending to use waste materials as fuel in the biomass boiler. The applicant should also be reminded that this restricts the wastes to clean woods only. Painted, treated and glued woods are not suitable as they can produce noxious fumes. Further information is available at <https://www.gov.uk/guidance/waste-exemption-u4-burning-of-waste-as-a-fuel-in-a-small-appliance>

Archaeology: No objections

IDOX checked: 4th November 2016

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the Open Countryside

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

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

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

NBE 17 Control of Potentially Polluting Uses

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

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

The submission draft local plan has now been submitted to the Secretary of State for examination. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. However, the development plan is still considered to be the starting point when considering development. The policies relevant to this application are noted to be:

LP1 A presumption in Favour of Sustainable Development

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP19 Renewable Energy Proposals

LP26 Design and Amenity

LP55 Development in Hamlets and the Open Countryside

http://central-lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files

Saxilby with Ingleby Neighbourhood Plan

The Saxilby with Ingleby Neighbourhood Plan group has formally consulted the public (Stage 3) on their draft Neighbourhood Plan for a 6-week period from Wednesday 4th May until the 15th June 2016. The draft plan was due for submission to the Local Authority (Stage 4) at the end of September 2016 but this has now been put back due to further discussions and amendments. The Saxilby with Ingleby Neighbourhood Plan therefore carries some weight.

Policy 2 Design of New Developments

Policy 8 Small Scale Business Development

Policy 11 Minimising the impacts of Development on the Natural Environment

Policy 16 Traffic and Movement around the Village

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan/>

National Guidance

National Planning Policy Framework 2012 (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Main issues:

- Principle of Development
- Rural Economy
- Renewable Energy
- Impact on Residential Amenity
- Impact on Visual Amenity
- Flood Risk
- Highway Safety
- Archaeology

Assessment:

Principle of Development

This is a retrospective planning application which comprises three different elements. These are listed below along with any current or previous important relevant details.

1. The retrospective change of use of agricultural land to a woodyard business. This area is currently used for the storage of piled tree trunks.
2. The retrospective siting of a biomass boiler with chimney and dryer unit. This is not just installed but in operation as well.

3. The retrospective siting of a building for chainsaw activity. A noise reduction building was given permission in planning application 130561 but was partially constructed in the wrong position. Instead of being orientated east to west it was orientated north to south. The southern half of the building constructed was located in the correct position but still not in accordance with the plans due to the orientation. Therefore the entire building requires retrospective planning permission.

Saved Policy STRAT 12 states that development within the open countryside will not be granted unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. The site in planning permission 130561 which is adjacent the change of use site has already established the principle of having a forestry business in this location. The established site along with the application site is used for processing firewood from delivery of the tree trunks to distributing the firewood to customers.

The principle of the development is therefore acceptable as the use meets the definition of forestry. This is dependent on all other material consideration being satisfied.

Rural Economy

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly states that planning policies should support economic growth in rural areas in order to create jobs and prosperity. The business currently employs four full time and two part time staff including Mr Colley.

Additionally it supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. As previously discussed the site includes a timber building which has been partially incorrectly positioned and it requires the completion of the building approved in planning permission 130561. The timber building provides an area to operate the chainsaws to reduce the noise impact of its use on the nearby residents.

Renewable Energy

One of the core principles contained within paragraph 17 of the NPPF states that planning should '*support the transition to a low carbon future in a changing climate*' and '*encourage the use of renewable resources*'.

Guidance contained with paragraph 93 of the NPPF states that '*planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development*'.

Furthermore paragraph 95 goes on to say that *'to support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings'*.

Paragraph 98 states that *'When determining planning applications, local planning authorities should:*

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable'.*

Submitted CLLP local policy LP19 supports the use of non-wind renewable energy developments providing they are *'assessed on their own merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme'*.

The biomass boilers will provide energy to the business and will be fed by timber which is dried in the dryer unit. The biomass boiler additionally provides heat and hot water to the host dwelling. The use of renewable technology is a benefit of the scheme.

Impact on Residential Amenity

The expansion of a forestry use into an open countryside location can have a detrimental impact on the living conditions of nearby residents in the form of noise, smell or dust. The business is already established in this area of Sykes Lane through planning permission (130561).

Noise and Dust:

Objections have been received in relation to noise and dust levels generated by the site. The situation with the building is explained in point 3 of the principle of development section above. The building approved in 130561 was not constructed in the correct position therefore although it reduces noise and dusts level impacts it does not fully provide the intended mitigation of a correctly positioned building. The proposed inclusion of the green hatched area on plan PL/A1/106A dated October 2015 will provide the necessary mitigation from the use of the chainsaws which is the loudest noise source created on the site. This area identifies the position of the proposed extension to the existing timber building used for chainsaw work. The building will only be open to the north side therefore reducing noise levels in all other directions.

The application has included the submission of a noise impact assessment completed by Environmental Noise Solutions Ltd dated 12th February 2014. In paragraph 4.10 it states that the building must be constructed from a material with a density of 10kg/m² or greater to allow for a reduction of at least 15 decibels.

The existing and proposed open sides to the north and east does and will direct the noise away from the nearby residents. It is considered that the proposed building when completed in full will reduce noise levels to an acceptable level providing it is positioned as submitted on PL/A1/106A dated October 2015 and constructed using a timber material of appropriate thickness (10kg/m²).

Noise on the site additionally occurs from the operation of the on-site vehicles plus heavy goods vehicles and light goods vehicles entering and existing the site. These operations and movements are not as noisy or as frequent as the chainsaw noise and are considered as acceptable.

The use of the site does cause levels of smell and dust associated with the various processes which occur on site. These levels are reduced by the tree cutting being completed within the confines of the timber building which will be subject of a planning condition. It is therefore considered that the levels of smell and dust are acceptable from the tree cutting process of the business. This is supported by the Public Protection Officer proving the building is completed in accordance with the plans. The permission will include a condition ensuring the building is completed within 3 months of the date of the permission.

Air Pollution:

Objections have additionally been received in relation to air pollution (smoke and odour) from the biomass boiler. The site has been visited on a number of occasion by the Public Protection Team following a number of complaints and they have no concerns regarding smell and odour providing the boiler is operated in accordance with the manufacturer's instructions and that records of maintenance or servicing are kept by the operator and made available to officers upon request. The site has also been visited on four unarranged occasions by the case officer and there was no experience of any odour or smoke from the operation of the boiler.

It is therefore considered that the operation of the boiler does not have a significant impact on the living conditions of neighbouring residents.

The existing business has permission to operate between the hours of 8:00-16:30 from Monday to Friday and Saturday mornings from 9.00-12:30. These hours of operation will be replicated on this permission.

Impact on Visual Amenity

Saved Policy STRAT 12 of the West Lindsey Local Plan Review 2006 places great importance on the open countryside and the conservation of its beauty, and maintaining its enjoyment its character gives. However this does have to be balanced against the need to encourage the rural economy and employment opportunities in the open countryside.

The visual impact of the proposal has been made simpler to assess by the business already operating on site and the existence of the biomass boiler. This application has applied to include areas used for tree trunk storage.

It has to be acknowledged that the proposal as a whole does have an impact on the character of the site but this impact has to be significant to warrant a refusal decision. The existence of large vehicles is not considered as uncommon in the open countryside due to the presence of agricultural vehicles which use Sykes Lane. The building will be completed in timber to match the existing building which is an appropriate material in this location. The expansion of the site has meant a greater spread of tree trunk piles but not to an extent that will cause a significant adverse visual impact. It might be considered as reasonable to limit the height of the tree trunk mounds but in reality this would be hard to monitor and/or enforce.

The biomass boiler includes a silver stainless steel chimney of approximately 7.75 metres in height (measurement taken from plan PL/A1/107 dated 10/15). This has introduced a reasonably high and shiny feature onto the site but the chimney has a low diameter.

However it is considered that the visual impact is limited to the close local area and does or will not affect the wider open countryside due to the hedging, high trees and the position and raised level of the railway line. Therefore the proposal does and will not have a significant visual impact on the open countryside and is considered acceptable.

Flood Risk

The site sits within flood zone 2 due to the proximity of the watercourse to the south. Surface water from the timber building will be disposed of to a soakaway to the north west of the building. The use of a suitable soakaway for the ground conditions will be dealt with under Building Regulations. The proposed area of hardstanding will be constructed using a porous material which will allow rainwater to drain naturally into the ground. The Environment Agency initially decided not to comment on the development due to the small scale and low flood risk vulnerability of the proposal. The Environment Agency have now following a request by the planning committee provided a further comment stating that they have no objections to the proposal but request that advice is passed onto the applicant through an informative. The proposal will therefore not increase the risk of flooding.

Highway Safety

The application has included the submission of a Transport Statement received 8th September 2016. The transport statement includes the below table of vehicle movements.

	Frequency	Time	Days
HGV's	15 per Annum	08:00 - 16:30	Mon - Fri Only
PLG* Vehicles assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri
Cars assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri

**For the purposes of this report, cars have been identified separately*

The Highways Authority has recommended that the proposal requires a scheme of passing places to be introduced due to the narrow nature of the carriageway and the verge damage evident. The agent has stated that the request for a scheme of passing places is not necessary along Sykes Lane. The amount of vehicle movements and employees is not different to when planning application 130561 was determined. In this application it was considered as unreasonable to apply this into the proposal due to the amount of heavy goods vehicle deliveries and traffic generated by the operation of the site.

The site has a wide access and a good sized parking area which ensures that all delivery vehicles can be parked off the highway whilst being unloaded or loaded, have an area to fully turn around and can enter and exit the site in a forward gear.

It is therefore considered that the proposal due to the small amount of deliveries by heavy goods vehicles will not have a significant impact on highway safety.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

Other Considerations:

None

Conclusion:

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the open countryside, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE14 Waste Water Disposal and NBE 17 Control of Potentially Polluting Uses of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP19 Renewable Energy Proposals, LP26 Design and Amenity and LP55 Development in Hamlets and the Open Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. Furthermore consideration has been given to the Saxilby with Ingleby Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the benefits of the proposal will outweigh any harm. The proposal enable the continuation of a rural business in this location and maintain the job opportunities it creates whilst utilising a source of renewable energy. It will not significantly harm the character and appearance of the open countryside or the living conditions of the neighbouring occupiers. The proposal will not have a significant adverse impact on highway safety, will not increase the risk of flooding or have an adverse archaeological impact. The proposal is therefore acceptable subject to a adhering to a number of conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

Recommendation: Grant planning permission subject to the following conditions;

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

NONE

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:

1. 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: PL/A1/105 Rev A, PL/A1/106 Rev A and PL/A1/107 dated October 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

2. The wood yard shall only be in operation between the hours of 8:00 and 16:30 Monday to Friday and Saturday between 9:00 and 12:30.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review

2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

3. All deliveries and collections shall only be carried out during the hours of operation described in condition 2 of this permission.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

4. The proposed timber building extension shown on drawing number PL/A1/105 Rev A dated October 2015 shall be constructed within 2 months of the date of this permission in the position hatched green on drawing number PL/A1/106 Rev A dated October 2015 and retained thereafter.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

5. The operation of all chainsaws shall be carried out at all times within the timber building shown on drawing number PL/A1/105 Rev A and PL/A1/106 Rev A dated October 2015.

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

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

6. No lighting shall be erected or introduced onto the site.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

7. The biomass boiler and dryer shown on plan PL/A1/106 Rev A and PL/A1/107 dated October 2015 shall be operated in accordance with manufacturer's instructions and records of maintenance and servicing are kept by the operator and made available to Local Authority Officers upon request.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

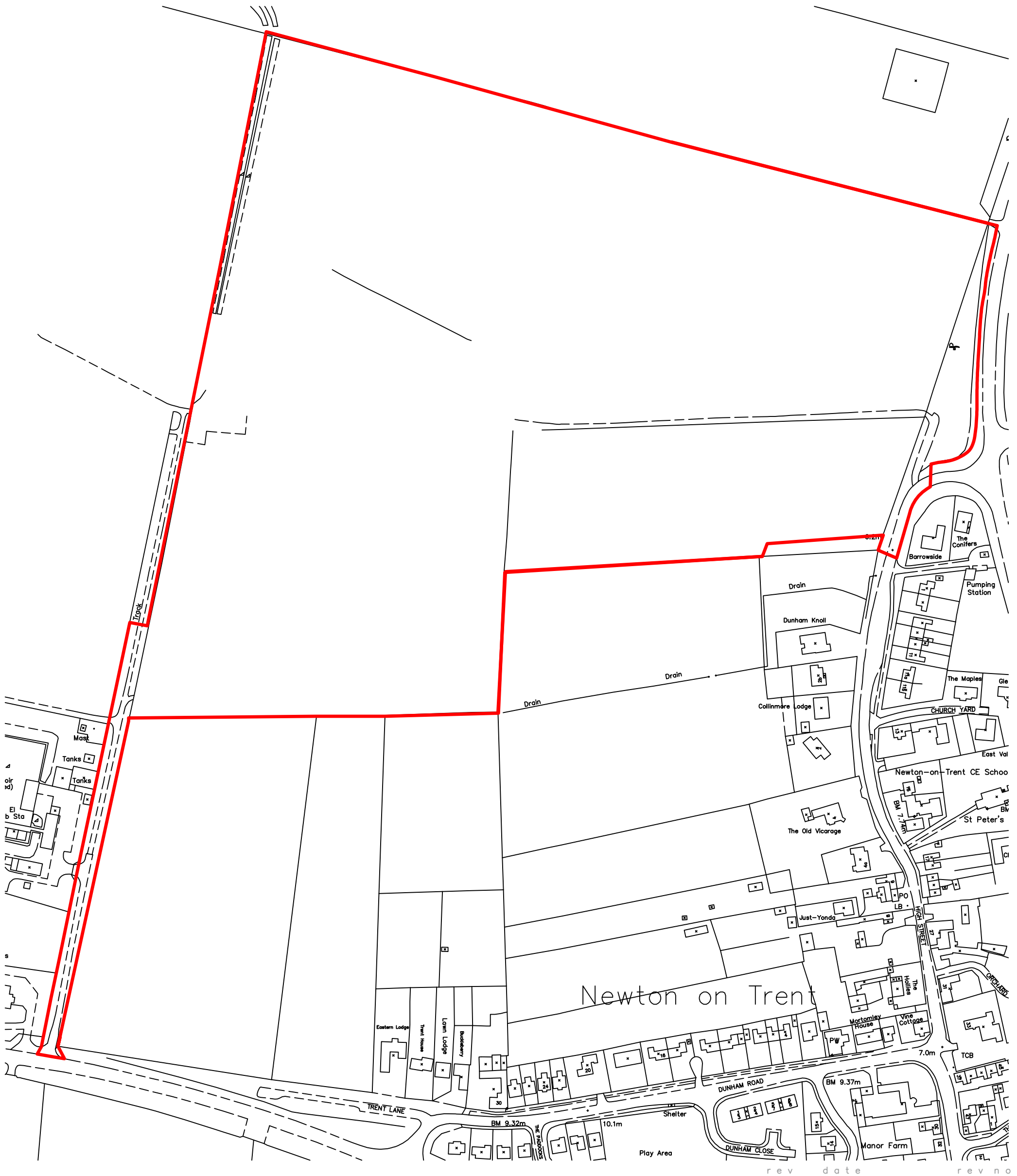
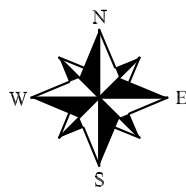
Informative

'The applicant should review our waste exemption pages, in particular the *U4 Burning of Waste as a fuel in a small appliance* exemption, if they are using or intending to use waste materials as fuel in the biomass boiler. The applicant should also be reminded that this restricts the wastes to clean woods only. Painted, treated and glued woods are not suitable as they can produce noxious fumes. Further information is available at <https://www.gov.uk/guidance/waste-exemption-u4-burning-of-waste-as-a-fuel-in-a-small-appliance>



Contractors must verify all dimensions on site before commencing any work or making any shop drawings: no dimensions are to be scaled from the drawing.
All materials specified on this drawings are to be used strictly in accordance with the manufacturers recommendations and current codes of practise.

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FurrowFresh Ltd

Proposed Extension to Village
Newton on Trent

273-A-004 REV

Site Location Plan

SCALE 1:2500@A3 DATE 10.03.16

Officers Report

Planning Application No: 134411

PROPOSAL: Outline planning application for mixed use sustainable village extension comprising up to 325no. private and affordable dwelling units - Use Class C3, community meeting and community health rooms - Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area - Use Class A1, new landscaping, public and private open space - all matters reserved.

LOCATION: Land to West of A1133 Newton on Trent Lincs

WARD: Torksey

WARD MEMBER(S): Cllr S Kinch

APPLICANT NAME: Mrs BM Arden

TARGET DECISION DATE: 09/08/2016

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Refuse Permission

Description: Outline planning permission is sought to erect up to 325 dwellings (95% market housing 5% affordable dwellings), community meeting rooms and community “health rooms” (Class D1 – Assembly and Leisure), Class A4 (café/pub/restaurant) , sales floor space (A1), landscaping, public open space and infrastructure.

Matters of access, scale, layout, appearance and landscaping are all reserved for subsequent approval (‘reserved matters’). Although access is a reserved matter the information submitted with the application indicates that access will be provided from an extension of High Street into the site.

Whilst layout is a reserved matter, an illustrative masterplan has been prepared (drawing 273-A-003) together with proposed details of phasing. The applicant envisages that it will be completed in approximately 8 – 9 years. The first phase will be the largest and will comprise approximately 125 dwellings, the construction of the “Social Hub”, the access works and the creation of large ponds as part of an integrated SUDs system together with a network of swales. The intention is that 24 of the dwellings will be delivered as bungalows for the “retirement market”, with 17 “eco exemplar” and 28 custom build dwellings envisaged. Phase 2 will include 110 dwellings and a “business barn” that will provide letting space. The final phase will comprise 90 dwellings. A village green for “community use” is also proposed as part of outdoor recreational facilities and a “trim trail”.

Supporting information submitted includes:

- BREEAM (Building Research Establishment Environmental Assessment Method) Community Sustainability Assessment;
- Ecological Impact assessment
- Flood Risk assessment (FRA)
- Green Infrastructure Report
- Archaeological Report
- Transport Assessment
- Viability Report
- Noise Report
- Appraisal of employment opportunities
- Arboricultural Report
- Landscape and Visual Impact Assessment

The site is located in the open countryside to the north west of Newton on Trent. It is bordered by agricultural land on all sides apart from the road frontage to the east. It forms an inverted “L” shape of approximately 18 hectares and is relatively flat with a number of existing structures, including a grain store, across the site in connection with the existing “organic” chicken farming operation. There are a number of hedgerows around the perimeter of the site and views of the existing poultry sheds are available from the A57 travelling eastwards. The entirety of the site is located within areas at risk of flooding (Flood Zones 2 and 3). The site area covers 18 hectares of land.

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

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

Relevant history: Outline planning permission was granted for the erection of a village community centre and formation of a car park in 2002 (Ref: M02/P/0159) on a square shaped area of land on the north eastern section of the site. Reserved Matters approval was subsequently granted in 2003 (Ref: M03/P/0057).

Representations:

Chairman/Ward member(s): No comments received.

Newton-on-Trent Parish Council:

At a Council meeting, held on Monday 13th June 2016, my Council voted to support this application.

Local residents: Objections have been received from:
The Conifers, High Street; 9 High Street (x2); 11 High Street; 37 High Street; Sussex Cottage, Cockerels Roost; 26 Dunham Road.

- My family has lived in Newton on Trent for 26 years, and our property is situated on the A1133 / High street junction. Our close proximity to the proposed expansions only entry and exit point means we would probably be the most adversely affected home in the village. However, my concerns are also felt by many other village residents
- Traffic, noise and pollution - 2015 statistics show that the typical UK household has two cars. The proposed expansion includes 325 dwellings, which would see an additional 650 vehicles accessing the village. Even if these vehicles were used just once a day, this would mean an additional 1300 journeys would take place using the A1133 / High Street junction, causing an intolerable increase in noise and traffic, a sharp rise in air pollution, and an increased safety risk. This does not take into account additional visiting and servicing traffic which would make these issues even more concerning, pushing the total extra traffic to around 2000 per day.
- It is noted that a cafe / pub is planned. This has been made to sound very appealing by the planners, but I seriously question how realistic this opportunity is. The latest figures show that pubs are closing at a rate of 29 per day across the country. This includes our own village pub, which had to recently close down as it was no longer a financially viable option. I fear that this venture has had inadequate research and is only included in the proposal as an attempt to appease current residents.
- Newton on Trent school - for many residents, including ourselves when we first moved here, one of the main draws of the village is its excellent school .What evidence is there to show that the school can cope with the additional demand?
- Parking - The Newton on Trent Garden Village leaflet distributed within the village states that a new car park will help to alleviate current congestion issues within the existing village and will provide drop off / pick up facilities for the local school as well as parking for the church for weddings and funerals? However, as the proposed car park would be over half a mile away from the church and school, I very much doubt that it would be used in this way. It is more likely that the high street will be used for parking, resulting in the village becoming seriously congested and overcrowded.
- I was born and brought up in Newton and as a youngster can remember knowing each and every person in the village. Yes the village has grown in the past few years but it has been done without creating a completely separate area of people - the people in the newer homes are part of the community - If the proposal was to go ahead it would triple the size of the village - this is not what we want. The pub in the village closed, the Chapel has closed. The village school is not big enough to take the number of children that this sort of build would

create. Add to this the traffic, I leave home at 7:15am and the village is busy then and it is difficult to get out of the village - more homes would just compound this situation. We have problems now with the sewerage flow more homes again would compound this. Lots of heavy traffic now in and out of the village if building were to commence it would be 10 times worse.

- This village does attract a large amount of HGV's now, mainly due to heavy traffic going from Furrowland to Listers Wood yard at the bottom of the village. Plus HGV's that come over Dunham Bridge tend to use the village as a shortcut when delivering / collecting at Furrowland. There is a primary school in the centre of the village where people drop off and pick up daily, add to this site traffic for the proposed development it would become a very dangerous place to be. Also if this plan is approved then when all the young families begin having children the village twice a day would be a no go area because we all know that people would rather drive to collect children than walk. Bear in mind that the school and the Church work hand in hand so if the school could not cope with demand and has to close to relocate then if the school goes the Church would go too. There are approx. 169 properties in Newton and very few come up for sale that in large part is because we all enjoy the village way of life, slower, laid back and with a sense of community, I know that nobody would want to live in a concrete jungle like Saxilby where there are more properties than blades of grass. I am beginning to feel that my civil liberties are under attack as I am expected to automatically conform to a different way of life

I have lived in the area for over 20 years. I moved to the village with my family 7 years ago as we wanted a small community feel village which was the appeal. To more than double the size of the village will create the complete opposite. The junction at the end of the village across to the A1133 is already a danger spot for accidents, to add 700 plus cars to the equation will be suicide (most households have a minimum of 2 cars). The land that has been selected is close to the flood plain. That end of the village already floods in heavy rain. The school wouldn't be able to cope or the local doctors etc. There is a successful business being run on the land. This plan is unjust for our "small" village.

- The application for up to 325 new dwellings would treble the size of the existing village, which would put untenable pressure on roads, the little infrastructure the village already has and would destroy the current village. The application does not adequately provide enough social amenities for the village to offset the impact the sheer scale of the development would bring. Also phasing the project over 10 years is not a reason for not providing these amenities, or in any way does it make the plans more palatable.

- The planning application has no provision for any smaller affordable properties or indeed social housing, there are very few small houses in the existing village whereas there are many larger properties currently unsold on the property market. This application should not be allowed without the provision for this type of housing.
- It is a notable point that many applications of this scale have been refused within the West Lindsey District and also across the county of Lincolnshire. Any application should address the issue of appropriate access to Lister's wood-yard currently in the heart of the village with a least 8 HGV's using the crumbling roads daily. Provision should be made for pedestrian and cycle access to the river Trent as part of a wider social infrastructure and wellbeing measure.
- We moved here 3years ago and our property will look out on the proposed site. None of this came up in any searches prior to us purchasing. We moved from Saxilby after 28 years of seeing the extent of building and extension to the village destroy village life. We now fear this will happen to Newton on Trent and will in fact make another mega village by eventually joining up with Laughterton. The proposed amount of dwellings will more than double the existing village bringing increases in traffic and population to the area. With the increase you have the added stress on already provided services schooling/GP services and the post office. The threat of disruption and the chance of an increase in crime as a law of averages.
- The proposed drawings show cafe/ village hub/bar? How do these intend to be run/paid for do we expect an increase in council tax? The existing pub is closed why can't this property in the centre of the village be reopened?
- We understand from talking to residents who have been in the village a lot longer than us that the area proposed is also a flood plain. What plans are being considered to stop any threat of this area being flooded and if already built on the threat of run-off water to the existing village?
- We understand that every village is under pressure to be increased but the amount of proposed buildings for here is not an extension it should be a stand-alone new village development.

Local residents: Letters of support have been received from:

1 High Street; 2 High Street (x2); 31A High Street; 39 High Street; 47 and 57 High Street; Barrowside, High Street; 1 Marsh Lane, Laughterton; The Rowans, Sallie Bank Lane, Laughterton; Blossom Farm, Main Road, Laughterton; 4 and 5 Cockerels Roost; Cherry Tree Farm, Newark; Townsend, Lincoln Lane; 2 Dunham Road; Anvil House, Dunham Road; Trent Lodge, Dunham Road; 3 Orchard Close; 9 Dunham Close; Roy Waring Domestic Appliances Ltd; Aquatic Control Engineering, Main Street, Rampton:

I support this proposal, I firmly believe that this will be great for the future of the village as it is currently fading away. There is nothing in this village keeping the younger generation. This proposal will be directly opposite my address and will not have a negative impact on the household and I firmly believe this will not affect the rest of the village in a negative light. It will bring positive change. Newton-On-Trent has a great road network for commuters and a selection of different town centres surrounding it, we need to make the most of this and grow the village and attract more residents. The Village currently has a good shop and post office, school and church. The younger generation like myself need affordable housing, most that have been brought up in the village want to stay and do not want to move into the city. However, it will also be fantastic for the older generation to have more bungalows for them to downsize.

- We believe the development will bring more facilities for the present and future inhabitants of the village. The proposed development is on the outskirts of the village so will not have a visual impact on the majority of the present dwellings. With an ever increasing older population facilities and care should be available to help these people stay in their own community.
- I have previously contacted West Lindsey Council (in my maiden name of Parsons) in respect of construction of a footpath between Newton on Trent and Laughterton Village, however my request was declined due to a lack of funding. As per my previous correspondence to you, I feel that a footpath is required to not only link the two villages, but also as a matter of safety. In January of this year my Father in Law was walking from Newton towards Laughterton, towards the traffic, and was hit by a vehicle from behind who was overtaking another vehicle. He was knocked unconscious and broke his leg in two places and spent several nights in hospital. And as a result of his injuries had to take a significant amount of time off work to convalesce. This accident would have been avoided if there was a footpath and sufficient lighting in place. I am a runner, and Newton does not have any footpaths leading out the village in any direction, therefore my only option is to run on the road, or run on the footpaths in the village in a continuous line, which is not in the slightest practical. I usually run towards Laughterton towards the traffic with hi visibility clothing on, despite this I have almost been hit several times by vehicles overtaking another vehicle along the road.
- I feel that the residents of Newton would benefit from a footpath, contained within the planning application, not just for safety reasons but it would provide residents a safe walking route to link the villages for recreational purposes. Laughterton does not currently have a shop/post office and the residents would benefit by being able to visit the shop in Newton for example or the new proposed Community Hub.

And Newton on Trent does not have a pub and a footpath would enable the residents to walk to Laughterton pub and back.

- Will improve the quality of life and encourage new residents and interest in the village from elsewhere. Over the years Newton on Trent has seen a steady decline in shops and businesses and in the 8 years I have lived here I have witnessed the closure of the last pub and sale of the Methodist Chapel. For the community to thrive in the future I have no doubt that development is needed. I strongly support the proposals.
- I have been a resident of Newton on Trent since April 2015 and greatly enjoy the village atmosphere and close knit local community. I think the village would benefit from the sensitive development and extension of resources. The outlined plan would foster a stronger sense of community spirit, as well as providing buildings for a community hub and local meeting points which would increase community activities. It would be lovely to have a pub or microbrewery within the village. We sadly are lacking in places to walk or bike ride with, safe access to the river Trent being unavailable by foot from the village. Any increase of Wildlife areas, copses of trees, lake etc. could only benefit the local community and increase biodiversity. Likewise, small Enterprise units will boost the village's economy and development, giving local entrepreneurs the chance to start businesses. Newton on Trent is a lovely village but it sadly lacks many facilities. I hope this improvement will retain the feel of the village and add to its character. As such, I am hopeful that this planning application is approved.
- The phased development will bring jobs to local area. There is a shortage of high-quality homes in the area for buyers and investors there is a (remarkable) shortage of properties to rent in the area of any quality. Overall I expect that without investment in the area, Newton on Trent will fall into further decline and be increasingly unattractive as a place to live and work, which ridiculous given it has a highly advantageous location and geography given it is on the intersection of two major roads, but neither of these pass through the village (which might be unique to the area).
- Increased chances of employment opportunities during the building of the new development. I am an employer in the area and I strongly believe this will strengthen the security of the jobs for my employees during and long after the development is complete. Also I would love the concept of a new community hub/pub.
- As parents of a young and growing family my husband and I are actively looking for a local village into which to relocate, within the next few years, with good local amenities such as a community centre/village hall, a village pub and, most importantly, affordable family housing. Newton on Trent would be our location of choice as many of our family already live there, however, while it is a lovely

village, it does sadly lack these features. We would love to move to a village with lots going on for families and children and a strong sense of community spirit. We feel that if the plans for the extension of Newton on Trent are approved, the growth and industry that this would bring to the area would not only serve to boost the village's economy and development, but also, the additional community hub and local meeting points would most certainly lead to an increase in community-led activities; making the village an even more attractive option for young families, such as ours, looking to raise their children in a thriving and close knit local community. We are both fully supportive of the plans.

LCC Highways: The access and layout **have not been considered** at the present time as they are reserved matters. The submitted Transport Assessment (TA) is acceptable.

Two bus stops on the High Street adjacent to the development would make the existing service more accessible. The cost of these works would be approximately £10,000 per stop with a shelter. A tactile crossing should also be provided if appropriate. However, an agreement would need to be signed by the parish (permit for a structure in the Highway) for them to take on responsibility and maintenance of the shelters. If they do not wish to, then no shelters should be provided. A Section 106 contribution of £420,000, towards the bus service should also be secured.

The Travel Plan has been submitted to support planning application 134411 for up to 320 dwellings and Community Hub (small mixed use). Overall, the travel plan contains the relevant information that would be expected in a residential travel plan. However, there are some areas where additional detail is required or missing and a revised travel plan should be submitted for approval.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

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

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the

development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

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

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

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA), we **object** to this application.

We welcome the inclusion of water use efficiency techniques. However, there is very little detail on foul drainage and we recommend that confirmation is obtained of arrangements made with a public water supply company. Connection to the Anglian Water network is mentioned but it is not clear whether this includes foul water. There is a foul sewer close by which we believe leads to Loughterton sewage treatment works, operated by Severn Trent Water. This is quite a small works and from latest flow returns is close to its permitted limit (capacity).

Subsequent response: In our response of 7th July 2016 we maintained our objection on flood risk grounds. On 25th July BSP Consulting submitted a letter to address our concerns and on 11th July a revised Masterplan for the site was provided. At present additional evidence is required and **we are unable to withdraw our objection**. We understand further modelling work is being done based on our advice and will review this and provide updated comments when it is submitted to you.

Anglian Water: I write further to a letter included within the supporting documentation from Mr Featherstone to David Wooley, the EA Flood Risk Manager for this area (dated 8th December 2015) regarding proposed flood defence works Newton. I am writing to confirm that the design of the proposed work is underway, with a view to construction taking place in late summer or autumn this year. We are in discussions with the landowners and farmers and work will be timed to minimize impact on any crops etc.

Trent Valley Internal Drainage Board: A Board maintained watercourse which is partly culverted exists on the southern boundary of the site and to which Bylaws and the Land Drainage Act 1991 applies'. The Board's consent

is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse / the edge of any Board maintained culvert. The Boards consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, within the channel of a riparian water course will require the Board's prior written consent. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The Boards consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Boards district (other than directly to a Main River for which the consent of the Environment Agency will be required). The suitability of new soakaways as a means of surface water disposal should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the applicant should be requested to resubmit amended proposals showing how the site is to be drained, Should this be necessary the Board would wish to be reconsulted. Where surface water is to be directed into a Mains sewer system the relevant bodies must be consulted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving water course that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. The Boards consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Boards consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Boards machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Boards requirements if The Boards consent is refused.

A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. The access strips must be at least 9 metres unless otherwise agreed in writing.

Housing: The current policy requirement for affordable housing is that where there is a demonstrated need the Council will seek to negotiate in the region of 25% of the total dwellings.

The Central Lincs SHMA 2015 identifies a need to provide 676 affordable units per annum to meet newly arising need in the future which will require an uplift to 911 units per annum over the period 2014 – 2019. This equates to a total of 17400 affordable homes over the period 2012 – 2036.

Based on this demonstrated housing need the 25 % requirement on 325 dwellings would equate to 81 affordable units to be secured by means of a s106 agreement. I would suggest type and tenure of the affordable housing should be agreed at a later stage by agreement with the Council - at reserved matters or on a phase by phase basis. Our preference is that affordable housing is delivered on site however the Council may wish to request an off-site contribution in lieu of on-site provision based on the policy current at the time of negotiation. This also should be agreed at a later stage – either reserved matters or a phase by phase basis.

NHS England: NHS will be requesting a financial contribution of £425.00 per dwelling x 325 = £138,125.

The development is proposing 325 dwellings which based on 2.3 per dwelling for the West Lindsey District Local Authority (WLDC) Area may result in an increased patient population of 728. There are two practices that are most likely to be affected by any increase in population; although independent practices they share a building within the village of Saxilby. They are the Glebe Practice and the Trent Valley Practice.

The average number of patients per square metre between both practices is currently just below the Lincolnshire average. This assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

A practice 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, patient waiting lists therefore do not exist. Their combined current list is over 12000, the culmination of the proposed development may increase the combined practice population by around 6%. This increase can start to compromise the level of care. The calculations provided demonstrate an idea of the impact of the proposed number of residents requiring consultations; approximately 24.9 additional consulting hours would be needed. This in turn has an impact on staffing levels, both clinical and administratively, all requiring extra room space. Lack of consulting rooms affects the patient ability to obtain an appointment in a timely manner. Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Saxilby must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take

place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

LCC (Education):

As no details of number of bedrooms are provided within the application, I have used the Lincolnshire-based general multiplier to illustrate the likely level of contribution and formulae will be used in the required S.106 agreement that detail the eventual total to be paid, based on the full or reserved matters application. I set out below the impact in terms of number of pupils relative to the dwellings proposed within this application:

House Type	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
Unknown	325	0.2	65	0.19	61	0.038	12

In this instance, the County Council wishes to **object** to the proposed development. As can be seen from the factors above, 65 additional primary school places are required as a direct result of the development. It is projected that there will be 7 spaces available at the local primary school in the 2019/20 academic year – the furthest that can be accurately projected at the present time – this would be sufficient for some 35 dwellings. Unfortunately, due to the nature of the school site, it is not possible to extend the school to the extent necessary to mitigate the impacts from this application; this is already on an undersized site and relies upon a remote playing field. As the school cannot be extended sufficiently, sufficient capacity cannot be created for the development, as such, this is unsustainable from an education perspective. While it may be argued that there are three primary schools within the normal 2 mile radius of the development which would indicate acceptability for a primary school to serve a development, in this instance only the local school has a route that is suitable for school age children – as such, the only capacity to be taken into account is that within the local primary school in Newton-on-Trent.

Further comments from the applicant's representatives have indicated that 44 dwellings are intended to be for retirement purposes only; while this would reduce the number of dwellings with children to 281, this would still generate vastly more children than there is capacity for in the local primary school and could not be supported by the County Council.

Neighbourhood Plans Officer: Newton On Trent is identified as a small village with limited potential for any major housing growth. The West Lindsey Local Plan identifies Newton as a subsidiary settlement... with limited scale growth (STRAT POLICY 7) as the village has limited facilities. STRAT POLICY 7 (point f) makes it clear that no proposal should seek to increase the footprint of the village into the open countryside. The emerging Local Plan only identifies Newton as a small village and has identified the potential of around a 10% increase (17 dwellings) over the next 15 years – largely through infill or developments on previously developed land. The proposal also needs to be aware of the extensive flood risk and the identified 'Flood Zones 2 and 3' areas between the village and the River Trent. In terms of the planning application for

a large residential extension to Newton on Trent, this is contrary to the above policy position.

Newton Parish Council have not yet formally designated their Neighbourhood Area, but are likely to do so in the coming months. If the village is seeking additional growth – above the emerging Local Plan requirement – then this is achievable through the Neighbourhood Plan process.

Recommendation is to **refuse** the planning application.

Public Protection: I have concerns as regards locating the ‘Community Hub’ nearest to existing dwellings and would suggest the need for a noise impact assessment. The assumption is that the Community Hub will have or will at some point have entertainment of some description and that socialising will extend to the extensive decking. The potential for extended licencing hours would suggest that there is need to justify supposed community benefits as against impact on the community into the early hours. I have similar concern as regards to proposal to place ‘Extra Care’ retirement housing on the other side of the ‘Community Hub’ having noted that decking extends around most of the ‘Hub’. I have similar concerns as regards light impact from the ‘Community Hub’ on what is currently the edge of rural development

Environment (Trees and Landscape): The site frontage has a dense mix of hedge shrubs and trees providing good existing screening from the east. The surrounding landscape to the south, west and north of the site is quite flat and open to long views. The existing use and appearance of the site and its surroundings is agricultural land with boundary hedges and few boundary trees. There are a couple of good density boundary hedgerows, but other hedgerows to the west and south will require additional planting. A scheme of landscaping should be required for any development of the site, to incorporate boundary tree planting mainly to the north and west, and the westerly half of the southern boundary, for screening and to soften the impact of development on the surrounding countryside. A landscape buffer would help define the edge of the village and soften the impact of development within the countryside.

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

The few TPO trees from the Tree Preservation Order Marton to Newton on Trent 1965 no longer exist within the site. The hedgerows are species poor, but hedgerow are important wildlife corridors listed in the Lincolnshire Biodiversity Action Plan (BAP) as important habitats that should be retained where possible. The east to west hedgerow through the site has many dead elm trees along it. Elm was a prominent tree species in this area, unfortunately the large original trees are dead and gone, and as many young elm trees and elm suckers reach 20-25 years old they also succumb to Dutch elm disease. Trees to be retained across the easterly side of the site should be protected, and any access and development near the trees should be kept outside the RPA of trees to be retained.

I have no objections to development of the land in relation to its impact to existing trees and hedgerows. Trees and hedgerows should be retained, protected, and incorporated into a layout scheme where possible.

Natural England: Has no comments to make on this application. The lack of comment from Natural England 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 or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

LCC Historic Services: This site has undergone pre-determination evaluation which for the most part was negative across the site. However there was a concentration of Roman material in trench 4 which appears to be connected with a corn-dryer and also evidence of a high status building. With this in mind I would recommend that, prior to development, the developer should be required undertake a scheme of archaeological monitoring and recording on all groundworks in the northwest corner of the site. The exact details of the plots to be monitored will be finalised when the reserved matters application is submitted.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2012)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

“[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” Policy 141. National Planning Policy Framework (2012). A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

Bassetlaw District Council:

Having discussed the proposal with policy colleagues at this end, I would advise that Bassetlaw would wish to see the cross-county boundary implications for traffic generation and educational provision taken into

account. Has Nottinghamshire County Council been consulted on these matters? In addition, we would like to see account taken of any implications for flooding on this side of the county boundary.

Nottinghamshire County Council (email to applicants Transport consultant copied to Lincolnshire Highways): I have no objections to the proposal and understand that Lincolnshire County Council will deal with all matters of scoping and the Transport Assessment (TA).

Lincolnshire Fire and Rescue: Object on the grounds of inadequate access for firefighting appliances and water for firefighting purposes.

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

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

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

- **STRAT3:** Settlement Hierarchy;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT 7: Windfall and infilling housing development in subsidiary rural settlements
<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#STRAT7>

- **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>
- **STRAT 19:** Infrastructure Requirements;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- **SUS1:** Development proposals and transport choice;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>
- **SUS4:** Cycle and pedestrian routes in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- **RES1:** Housing layout and design;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- **RES2:** Range of housing provision in all schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- **RES5:** Provision of play space / recreational facilities in new residential developments;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- **RES6:** Affordable Housing;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- **CORE10:** Open Space and Landscaping within Developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- **NBE10:** Protection of Landscape Character in development proposals;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- **NBE14:** Waste water disposal;
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- **NBE20:** Development on the edge of settlements.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

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 to the Planning Inspectorate for examination on 30th June 2016. Examination has formally commenced.** The final adopted CLLP will replace the West Lindsey Local Plan. The Submission Local Plan represents an advanced stage in the development of the Central Lincolnshire Local Plan (having been through three stages of the consultation) and now formally submitted. 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 and the extent to which there are unresolved objections to the policy.

Relevant Draft Policies:

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

Main issues

- Planning Policy
 - i) Provisions of the West Lindsey Local Plan First Review
 - ii) National Policy
 - iii) Emerging Local Policy
 - iv) Housing Delivery and Affordable Housing Provision
- Flood Risk and Drainage
- Accessibility and Public Transport
- Local Infrastructure
- Landscape Character and Visual Impact
- Highways Impact and Safety
- Design, Layout and Landscaping
- Archaeology

- Ecology
- BREEAM (Building Research Establishment Environmental Assessment Method) Community Sustainability Assessment

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.

It is therefore relevant to determine as to whether the development proposal accords with the provisions of the development plan, being the West Lindsey Local Plan (First Review) in the first instance. Newton on Trent is defined as a Subsidiary Rural Settlement under policy STRAT 3. These are villages that provide a “smaller range of day to day facilities”.

Within the “existing built up area “ of Newton on Trent “infill housing “ is permitted subject to meeting certain criteria under policy STRAT 7. The application does not meet the criteria as it is outside the “built up area” and clearly does not constitute “infill development” which under this policy is “envisaged as being the erection of a single dwelling in a small gap in an otherwise substantially built up road frontage”.

The justification to STRAT 7 at A74 is considered helpful:

“Residential development in subsidiary rural settlements will only be permitted where the local facilities and services can support new residents. The existing services and facilities are highly unlikely to be able to support large-scale developments; in subsidiary rural settlements residents would need to travel to access them. This would not meet with sustainability goals, which aim to reduce the need to travel by the private car. Larger scale proposals could also cause a significant detrimental impact on the character of the settlement.”

The site also comprises agricultural land and therefore falls to the bottom rung of policy STRAT 9’s sequential approach to site selection. Lying outside the settlement boundary, it is within the Development Plan’s definition (paragraph A99) of open countryside. Policy STRAT12 applies which states that:

“Planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a

countryside location, or otherwise meets an objective supported by other Plan policies.”

As the development is a mixed use development for up to 325 dwellings, it does not accord with policy STRAT12.

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. Development therefore falls to be refused unless there are material considerations which would indicate otherwise.

(ii) National Policy

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

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

The Central Lincolnshire Land Supply Report (September 2016) identifies a need of 12,092 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.26 years (12,712 dwellings) in the five year period 2016/17 to 2021/22. 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 (from year two)

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.”*

¹ Paragraph 47

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 examination has begun and it is expected to be concluded by the second week in December 2016.

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.” The relevant policies are not therefore made ‘out of date’ by virtue of paragraph 49.

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 may be considered not fully up to date.

Applying NPPF paragraph 215 the WLLP’s policies for the supply of housing could therefore be considered to have less weight in any determination. However, the test is the consistency with the NPPF, it can therefore be considered that some or parts of policies could maintain their full weighting. Nonetheless, even where policies are not deemed to be fully consistent with the NPPF whilst this may limit the weight to be afforded to them within the planning balance it does not mean they should be disregarded or otherwise carry no weight. It is for the decision maker to determine the weight which each policy should be given, taking account the provisions of the NPPF.

The application should be considered against 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.

Given that the WLLP housing allocations are largely built out and that Greenfield sites will be required to meet Central Lincolnshire’s housing need it is considered that the spatial housing policies of the WLLP are deemed to be largely out of date and the planning balance is activated. WLLP policies

however, that remain fully compliant with the NPPF should be given full weight.

(iii) Emerging Local Policy

In the event Central Lincolnshire is now proceeding at an advanced stage with a replacement Local Plan which is considered NPPF compliant and the NPPF paragraph 216 provides advice on the weight to be afforded to emerging policies.

Paragraph 216 is clear that decision makers may give weight to relevant policies of emerging plans from the day of publication. The weight attached to such policies however, depends on:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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.

The Submission Central Lincolnshire Local Plan (CLLP) is considered to be at an advanced stage in the adoption process having completed three consultation stages and is now at examination, with public hearings taking place. Its policies can now attract at least a moderate weighting in any planning balance subject to the consideration of outstanding objections to any particular policy.

It is worth noting that in terms of allocated housing supply approximately 60% of the 5 year supply now has the benefit of planning permission, in addition to this, a further 20% of allocated sites have reached examination stage without objection. Finally, taking account of windfall development rates over a significant period some 7% of housing will come forward through these means. On this basis it is considered that the vast majority of predicted housing supply can be considered achievable. Of the 13% of sites which do have objections and will be considered in detail at examination some have only minor objections to them. On these grounds it is therefore considered that the housing policies of the CLLP can be attached moderate weight.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Newton on Trent is designated as a Small Village. Category six of six hierarchical categories. The Submission CLLP (policy LP2) states that “unless otherwise promoted by a Neighbourhood Plan, these settlements will accommodate small scale development of a limited nature, proposals will be considered on its merits but would normally be limited to 4 dwellings”

Policy LP2 should be read alongside LP4: Growth in villages. Growth is typically limited to 10% across the Plan Period unless expressly stated otherwise. Newton on Trent is envisaged for 10% growth. A blanket 10% growth policy was not considered appropriate for all settlements. In some cases the growth was adjusted upwards based on a consideration of the following sustainability criteria

- Key facilities - where a settlement includes a primary school, convenience store, and some employment ;
- Proximity to Lincoln, Sleaford, and Gainsborough (LSG) - where a settlement is not overly constrained and is within 5km of Lincoln, Sleaford, and Gainsborough centres; and
- Proximity to a Strategic Employment Area (SEA) -within 2km of a strategic employment area.

Conversely in the opposite direction, some settlements in levels 5-6 of the settlement hierarchy have known, significant, strategic constraints. In these settlements, whilst the growth level has not been altered to take account of these constraints, it is questionable whether development proposals will be able to overcome these constraints. One of the constraints relates to Flood risk which applies to Newton on Trent as it is located in its entirety within areas at risk of flooding.

Appendix B of the Submission CLLP sets out that Newton on Trent has a base number of 167 dwellings. 10% growth would account for an additional 17 dwellings within the plan period to 2036.

At up to 325 dwellings, the application proposes to effectively increase the number of dwellings already within Newton on Trent by almost double (a 195% increase on the base number). It would be nineteen times the housing growth that is envisaged for Newton on Trent during the whole of the Plan’s lifetime (up to 2036). The development is therefore considerably in excess of the limited growth envisaged by the emerging draft Plan, and such an uplift would conflict with the planned growth strategy set out in the Local Plan.

Whilst policy LP4 does not limit growth absolutely, it does require proposals that would exceed this level significantly to demonstrate an appropriate level of community support. There is a level of support for the application although objections have also been received. Notwithstanding this, the application still requires assessment in accordance with the development plan and any other material considerations.

(i) Housing Delivery and Affordable Housing Provision

The development would contribute up to 325 dwellings towards an identified need for housing within Central Lincolnshire. If the site was not within an area at risk of flooding contrary to the sequential approach to site selection (discussed later in this report) this would normally be attached positive weight.

However, it should also be noted that the Sep 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 weight within the planning balance.

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

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

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

The applicants are only offering a 5% on site contribution based on their own viability report which has not been independently assessed. It is considerably below the 25% requirement of the WLLP, and proposed 20% requirement of the SCLLP. Thus the provision of this level of affordable housing is given limited weight in its favour.

Flood Risk and Drainage

Policy STRAT 1 requires that amongst other matters development must be satisfactory with regard to “*avoiding utilising land subject to flood risk*” This is in accordance with the NPPF which indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (para. 100).

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

The majority of the application site has been shown to fall within Environment Agency Flood Zone 3 which is land with a “high probability of flooding” which is land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding. The remainder of the site falls within Flood Zone 2 which is land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.

The River Trent is the primary source of flood risk for the locality of Newton on Trent. The River Trent flows from south to north 600m to the west of the site. The land to the west of the site that is served by the Fenton Marsh Drain is identified as being functional floodplain. There is a defence line along the right bank of the River Trent. A topographical survey of the site indicates that the site falls from 8m AOD in the south west to 6m AOD in the east. A raised earth bund forms the western site boundary. This raised bund has a crest level at or about 8m AOD. Peak water levels from all breach scenarios range from 6.2m AOD to 7.95m AOD. Peak water levels from a 1:1000 year overtopping scenario range from 7.66 m AOD to 8.1m AOD (above existing ground levels). The intention is to raise the land above breach levels across the site and locate the “hub” to the east which is classed as a “less vulnerable use” It is proposed that the minimum finished floor level of the proposed buildings are raised 450mm above the modelled 1:100 year plus climate change breach level. Never the less there is an outstanding objection to the submitted Flood Risk Assessment (FRA) from the Environment Agency.

A sequential test is also required in accordance with the NPPF for land that has a lesser probability of flooding (Zone 1). This has been discounted by evidence submitted in support of the application, namely that due to the wider planning benefits of the proposal the geographical search should extend no further than the Parish of Newton on Trent. Planning Practice Guidance states that “the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.” However, the case for this development being specific to the needs of the Parish have not been convincingly demonstrated and so the application must be considered to have **failed the sequential test** with the primary aim of directing development to those areas at lowest risk of flooding.

Although each application is considered on its own merits it is still nevertheless considered helpful and relevant to look at the approach adopted by an Inspector in considering flood risk and the application of the sequential test on a recent appeal decision (APP/N2535/W/16/3150272). Planning permission was refused for a development of up to 37 dwellings including 10 affordable homes at land off Granary Close, Morton (LPA Ref 133918) and the appeal was subsequently dismissed. The site fell within Zone 3. The Inspector, within the context of out of date housing policies in the Local Plan also considered draft policies within the emerging Central Lincolnshire Local Plan. He considered Draft policy LP 2 which permitted development of up to 9 dwellings although this was capable of being increased to 25 as an exception,

as Morton is classed as a "Medium Village" where no new housing allocations were proposed. Growth of 15% was proposed which equated to 72 dwellings (compared to 17 for Newton on Trent). On this basis he concluded that the village was not identified for any significant level of growth.

He felt the proposal would exceed the scale of development provided for in the emerging Plan. Although he gave the Plan limited weight because of its status weight however was given having regard to the *level of flood risk in the village*. Also taken into account was the "identified local need" for affordable housing, however the sheer scale of the proposed development was such that it needed to *"be applied over a wider area than just the parish of Morton"*. The application currently before committee is over 8 times the size of the proposal for Marton. There are clearly other potential sites within the district that are not at risk of flooding. For the Morton appeal the Inspector opined *"that whether or not other sites would be suitable or available for the proposed development I find ...that the requirements of the sequential test as set out in the Framework and the Planning Practice Guidance have not been met"*

Foul Drainage Details are to be agreed.

Accessibility and Public Transport

Saved Policy STRAT 1 refers to the scope *"for reducing the length and number of car journeys"* and the scope *"for providing access to public transport."* Saved Policy SUS 1 is permissive of large scale development proposals *"provided that they are located where they can be easily and efficiently served by an existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided."* This is consistent with the National Planning Policy Framework, a core objective of which is to *"effectively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable"*.

Key to considering the sustainability of a development is how easy it is to access life services required by future occupiers in their everyday lives.

Newton on Trent has a limited amount of services and facilities. These principally consist of a post office with small shop attached to it; an outdoor recreation area, a primary school which is close to capacity and which is incapable of accommodating the pupil numbers arising from the current proposal (discussed later on in this report) and a timber merchants.

Newton on Trent only has one regular bus service the 106 which only runs 4 times daily Monday to Saturday. Travelling towards Lincoln the earliest departure is at 10.28 and then at 12.28; 14.28 with the last departure at 16.42. This service also serves Saxilby. The return journey from Lincoln starts at 09.42, followed by the 11.24, the 13.24 departure with the final bus service departing at 18.08. There is a call connect service available, however with a requirement for 2 hours' notice to be given to utilise it much less weight is given to it rather than the operation of a regular bus service. It can therefore be reasonably concluded that the village at present is not a sustainable

location for significant development due to the paucity of alternatives to the car. In terms of whether the location “can be made sustainable” the application simply proposes two new bus stops and a shared footway / cycle way along the A1133 linking Newton-on-Trent with Laughterton. These are very minor improvements and can be considered to represent a marginal increase in the sustainability of the site. When asked to provide further detail and justification for sum of £420,000 requested for bus service provision LCC Highways replied that *“the bus service is currently being reviewed with Stagecoach as it costs £50K per year for the fixed route service. With our budget under pressure if there is no external funding the service could either be cut all together or severely cut back leaving Call Connect as the only option. A Call Connect service costs in the region of £80K a year plus we have to provide the vehicle (£40K). A Call Connect service based on Saxilby or Lincoln might be an alternative for the whole area. Therefore it is difficult to say how much funding is required at the present time but with such a large development I think the size of the contribution is appropriate”* Given the high level of funding sought (however not agreed by the applicant) part of the funding is required simply to maintain the existing limited level of service and the reliance on transport provided by Call Connect it is another indication of the sites unsustainability in transport terms. If the applicants provided the required sum it could be construed as a benefit of the proposal in terms of keeping the existing service going. The addition of an increased population could help the future viability however there is no evidence that indicates that the assumed paucity of use simply relates to the lack of custom from Newton on Trent, a single stop as part of a wider journey.

Some places cannot be made sustainable, which is a requirement of the NPPF when placing “significant” development in such locations. This is considered to be the case for Newton on Trent.

In terms of day to day living, the availability of work is probably one of people’s main considerations. Other than at the Timber Merchants there is little or no employment opportunity. The potential for employment at the proposed hub and business barn is noted although it is reasonable to conclude that other than for home working, for the majority of people of working age this development would give rise to a need to travel. Given the paucity of bus services this is most likely to be by use of a private car. This would thus be contrary to the advice of NPPF paragraph 34. It is accepted that the primary school would be within a reasonable walking distance however this is tempered by the fact that it will not be able to cater for the demand arising out of the proposal which will in turn displace demand further afield with the attendant increase in the number of journeys undertaken once again contrary to paragraph 34. In terms of secondary education the closest schools appear to be the Tuxford Academy in Newark and the Lincoln Castle Academy in Lincoln. I note that there is an existing school bus service between Tuxford and Newton on Trent although there does not appear to be a service to the Lincoln Castle Academy. This would therefore lead to a further increase in travel.

In terms of medical facilities the closest Practices serving Newton on Trent are the “Glebe Practice” and “Trent Valley” within Saxilby. As there is only a single bus in the morning which travels to Saxilby it would be reasonable to assume that the most likely mode of transport utilised will be the private car. I note that “Health Rooms” are proposed however the exact scope and delivery of this as part of the development is not certain and does not alter my conclusions. Shopping for food is less of a daily activity than once it was but it is still an important consideration in people’s day to day needs. The shop attached to the post office is limited in terms of its “offer” with the nearest food store located in Saxilby. Larger retail facilities for a weekly shop and for less frequently required services such as financial would be located in higher order centres such as Lincoln approximately 16 km from the application site. I note that the development seeks permission for an A1 use but in terms of what this will retail and also with no guarantee this could or would be delivered I do not attach limited weight to it as a material consideration.

Section 55 of the NPPF is also helpful as it sets out that in order to promote sustainable development in rural areas “*housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements development in one village may support services in a village nearby*” I note that the nearest village to Newton on Trent is Laughterton approximately 1 km to the north which also contains a post office with shop attached. The only additional facility is a public house.

Local Infrastructure

STRAT9 indicates that proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.

Following consultations with health and education authorities it has been determined that this proposal would impact upon these services. In terms of medical services the required extra capacity as a result of the development can be catered for by the provision of a financial contribution of (£425.00 per dwelling x 325) £138,125 as set out earlier in this report which could be delivered by way of a section 106 legal agreement.

It is not possible however to provide the required capacity in terms of school spaces on or off the site. It is worth repeating the earlier comments from the Education Authority:

In this instance, the County Council wishes to object to the proposed development. ... 65 additional primary school places are required as a direct result of the development. It is projected that there will be 7 spaces available at the local primary school in the 2019/20 academic year – the furthest that can be accurately projected at the present time – this would be sufficient for

some 35 dwellings. Unfortunately, due to the nature of the school site, it is not possible to extend the school to the extent necessary to mitigate the impacts from this application; this is already on an undersized site and relies upon a remote playing field. As the school cannot be extended sufficiently, sufficient capacity cannot be created for the development, as such, this is unsustainable from an education perspective. While it may be argued that there are three primary schools within the normal 2 mile radius of the development which would indicate acceptability for a primary school to serve a development, in this instance only the local school has a route that is suitable for school age children – as such, the only capacity to be taken into account is that within the local primary school in Newton-on-Trent. Further comments from the applicant's representatives have indicated that 44 dwellings are intended to be for retirement purposes only; while this would reduce the number of dwellings with children to 281, this would still generate vastly more children than there is capacity for in the local primary school and could not be supported by the County Council.

This therefore represents a reason to withhold consent. Other indicators in terms of infrastructure are the need to raise existing ground above flood risk levels together with insufficient public transport infrastructure. These are all indicators of the sites unsuitability for a significant development in excess of 300 dwellings.

Landscape character and visual Impact

The West Lindsey Landscape Character Assessment shows that the application site falls within the Trent Valley Landscape Area. The key characteristics of which include:

- *Low-lying, gently undulating land form with higher terrain to the east and south of Gainsborough;*
- *The River Trent and its adjacent washlands are enclosed by steep flood embankments*
- *Views towards the west are dominated by power stations along the River Trent*

In terms of landscape sensitivity views are generally “*contained by tall hedgerows, woodlands and tree groups, “giving the landscape some capacity to absorb change”*”

The West Lindsey character assessment identifies principles for landscape management and accommodating new development:

- *Hedgerows and hedgerow trees should be managed to retain the existing landscape pattern, screen settlements and contribute to local identity;*

- *take account of key views and entrance to settlements which would often benefit from distinctive planting schemes;*
- *Further linear development along principal roads in the area would be detrimental to local landscape character;*
- *New development on the periphery of settlements should always be bounded by new or existing hedgerows and native hedgerow trees so that the buildings are visually ‘anchored’ within the wider landscape pattern.*

The application site is part of the River Trent floodplain and there is a bund along the western edge as part of the local flood scheme. The site has little variation due to the wide floodplain location. Hedgerows along the north and east are relatively mature, high hedgerows, which have good visual structure. The hedgerows along the western and southern boundary have more “gaps”, allowing some views out across fields. There will clearly be a change to the landscape simply by virtue of building on agricultural land. Subject to detailed proposals for planting reinforcing the existing hedgerows around the perimeter of the site, and the implementation of areas of manageable planting including orchard trees, woodland copse, hedgerows and meadow as set out in the submission details this would partially buffer the built form and help it to assimilate in the wider landscape with the use of locally native trees. On this basis there will be an impact on the landscape it will be primarily a localised one and is considered acceptable.

Highway Safety

Although access is a reserved matter and has not been considered by Highways no objections have been raised to the submitted Transport Assessment (TA). On this basis the site can be considered capable of being developed without detriment to the interests of Highway safety.

Design, Layout and Landscaping

This application is in outline form with all matters reserved. The detail of the layout is, therefore, difficult to assess. An indicative layout has been provided however. The site shows the access road extending from the road in the shape of an inverted “U” with development branching off both sides. The village hall / community “hub” and “Business Barn” will be located at the entrance to the site separated by a pond and grassed area from the access to the east. North of the access road is shown a “community green” and “pond with wetland margins”. Housing is shown on both sides of the spine road with “extra care retirement housing” to the south. A woodland copse is shown in the north eastern edge of the site with another pond with wetland margins in the south western section of the site. The site area is 18 hectares with approximately 12.5 hectares being developed for housing. Approximately 5.5 hectares will be allocated as public open space, with water features and landscaped areas.

This will be in excess of the required 10% of the site as open space set out in RES 5. These would be available for informal recreation. It is considered that

the site is large enough in order to be able to provide for a satisfactory design, layout and landscaping at reserved matters.

Archaeology & Heritage

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

It then further notes that: 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework Section 12, para 128. This site has already undergone pre-determination evaluation which for the most part was negative across the site, however there was a concentration of Roman material in one of the trenches which appeared to be connected with a corn-dryer and also evidence of a high status building. This is capable of being resolved by condition as recommended by LCC Historic Services.

Ecology

An Ecological Impact Assessment was submitted in support of the application including a phase 1 protected species report.

In conclusion the site was found to offer limited habitat value, with quality being greatly limited by the existing land use for chicken production. The associated degree of soil disturbance, limited grassland diversity and presence of the predatory pressure of the chickens themselves being likely to limit the size and diversity of potential invertebrate populations and the ensuing food web which would prey on them.

Great Crested Newts - The submitted report indicates the presence of Great Crested Newt within a 1 km grid square of the application site. It is unlikely however that the proposed development will have an adverse impact on the species. The proposed landscape features are likely to offer conservation opportunities for species. Features include the provision of wetland areas in the form of ponds and swales as well as significant improvements to the terrestrial habitat through planting of native species and provision of natural refugia.

Bats - Bat species roosts are found from 1.2 km to 1.7 km from the site with records for a range of bat species within 2km of the application site. During the course of the phase 1 survey the onsite buildings were considered to be of low habitat potential for roosting bats. The proposed development has the potential to adversely impact on bats through increased artificial lighting and

the report recommends that lighting schemes should be designed to minimize light increase, particularly in proximity to the surrounding hedgerows. The indicative plans show that hedgerow removal is likely to be minimal with much of the existing hedgerow network being enhanced through the planting of a wider range of appropriate native species. Proposals also show the creation of a number of new hedgerows within the interior of the site as well as the widespread planting of trees. Wetland creation through the establishment of new ponds is likely to generate foraging opportunities for existing bat populations.

Badgers- During the construction phase, foraging badgers could potentially enter the site. To avoid badgers becoming trapped in any open trenches the report recommends such earth works should be filled in at the end of each day. Where this is not practical, a ramp should be placed at one end of any open trenches to allow any badgers which fall in to be able to escape.

Reptiles - It is unlikely that the proposed development will have an adverse impact on these species.

Nesting birds – The report recommends that operations on the site avoid the bird breeding season (late February - early September inclusive) to avoid damage to nesting species and that a total of three starling boxes and three sparrow terraces are provided to enhance existing nesting opportunities within the site.

Hedgehogs - The site is likely to provide foraging opportunities for European hedgehogs, although the limited habitat diversity is likely to limit this.

Nectar Resource - The sites main grassland compartments provide a significant nectar resource with an abundance of white and red clover as well as dandelion. It is recommended that the loss of this habitat is compensated through the provision of large areas of native wildflower meadow, nectar rich tree species and a diverse range of nectar bearing floral species to be incorporated within the wider Landscaping scheme.

Subject to the incorporation of the recommendations of the report together with the landscaping suggested in the submission information it is reasonable to conclude that there would be an increase in the biodiversity value of the site.

BREEAM (Building Research Establishment Environmental Assessment Method) Community Sustainability Assessment

BREEAM (BRE Environmental Assessment Method) is an environmental standard that rates the sustainability of buildings in the UK. The BREEAM environmental assessment aims to minimize environmental impact by ensuring best practices are in place while lowering costs through energy efficiency. The submitted information addresses:

- Water Strategy

- Utilities
- Light Pollution
- Resource Efficiency
- Drainage/ Water Pollution
- Energy Strategy
- Sustainable Buildings
- Low Impact Buildings
- Rainwater Harvesting
- Micro Climate

There is a draft waste management strategy; and sections on:

Sustainable Urban Drainage Systems; Hot Water Cylinders; Waste Water Heat Recovery; Infra-red radiant panels ; Electric Heating; Green Building Guide; Insulation; Construction details; Anglian Water Climate Change report and lighting specifications. A “BREEAM Communities Sustainability Assessment” has also been submitted. This states that the development is committed to achieving a high BREEAM communities rating with an aspiration of at least “Very Good” to “Excellent”. Buildings are proposed to be built to a minimum Code Level 4 and where feasible to Code 5. It is not in dispute that the buildings could be constructed to achieve “sustainable” standards of development that minimise environmental impact achieving a reduction in carbon footprint and energy savings. This is a potential benefit of the scheme to be considered in the overall planning balance.

Overall Planning Balance and Conclusions

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The application site is within an area defined as open countryside in the West Lindsey Local Plan (First Review) 2006. It is found that the proposed development would be in direct conflict with policies STRAT 1, STRAT 12, STRAT 19, SUS 1 and RES 6. The application falls to be refused unless there are material considerations which would indicate otherwise.

The NPPF requires (paragraph 49) that Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14).

The development would not meet the first bullet-point of the presumption test – it does not accord with the development plan.

The second bullet point is applicable *“where the development plan is absent, silent or relevant policies are out-of-date”*.

In terms of housing supply the NPPF (paragraph 49) does state that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of

housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Recent case law² finds that “*policies for the supply of housing*” should not be narrowly defined only to policies that provide positively for the delivery of new housing. It considers that restrictive policies may have the effect of constraining the supply of housing land. Whether a particular policy of the plan, properly understood, “*is a relevant policy “for the supply of housing” in the sense we have described is not a question for the court. It is... a question for the decision-maker.*”

Policy STRAT12 may properly be considered, on the law as it is at present, as a policy for the supply of housing. Nevertheless, the latest five year housing land assessment (September 2016), produced by the Central Lincolnshire Joint Planning Team demonstrates a 5.26 year supply of housing, albeit this is being formally tested at the Local Plan examination Accordingly policy STRAT12 should not be rendered as being not ‘up to date’ by virtue of paragraph 49.

It is accepted that the West Lindsey Local Plan First Review, as a consequence of its age, no longer has sufficient residential allocations to meet the objectively assessed housing needs of the area, in conflict with NPPF paragraph 47 which seeks to “*boost significantly the supply of housing*”. Because STRAT12 is applicable to all areas outside of the defined settlement boundaries, there is an inevitability that departures from the policy are required in order to meet the objectively assessed housing needs. STRAT12 may be afforded less than full weight, in application of paragraph 215. The remaining policies STRAT 1, STRAT 19, SUS 1 and RES 6 attract full weight as they are considered to be consistent with the guidance within the NPPF.

It can be concluded therefore that the proposal on the above basis does not constitute sustainable development.

It is important to note that there are also benefits which are material to the consideration of the application. The first is the provision of new housing that at this outline stage is stated to cater for a range of demands ranging from extra care retirement housing to family housing and affordable accommodation , although in terms of the latter less than the amount normally required. The community hub is to be used as a café during the day and as a restaurant / public house in the evenings. Meeting rooms are available and it is intended also to function as the “Village Hall”. This attracts positive weight as a contribution towards community facilities and the vitality of the existing village and it is noted that permission was granted for a Village Hall and car park in this location previously. It is estimated that this will give rise to 2 full time and 4 part time employees which is a positive consideration. An increased population could also help to support the existing facilities within the village

² *Richborough Estates v Cheshire East Council* [2016] EWCA Civ 168

Health rooms are proposed which are intended to cater for a satellite surgery however limited weight is given to this part of the proposal as this is simply an aspiration with the nearest medical practice located in Saxilby. The provision of B1 floor space in the form of what is called a Business Barn is to be welcomed as supporting information with the application indicates that the level of accommodation proposed is sufficient for 30 “workers” although again at this stage this is aspirational rather than a reflection of unmet demand. The creation of a village green with outdoor recreational opportunities including a new footpath is to be welcomed together with opportunities to increase the biodiversity value of the site including the provision of “Green Infrastructure”.

The applicant’s submission estimates that during the construction phase of this development over a period of 7 years 650 jobs will be created. This is a significant material consideration in favour of the proposal.

The development is however proposed on an area at risk of flooding contrary to the sequential approach to site selection advocated by the NPPF which is a significant adverse impact.

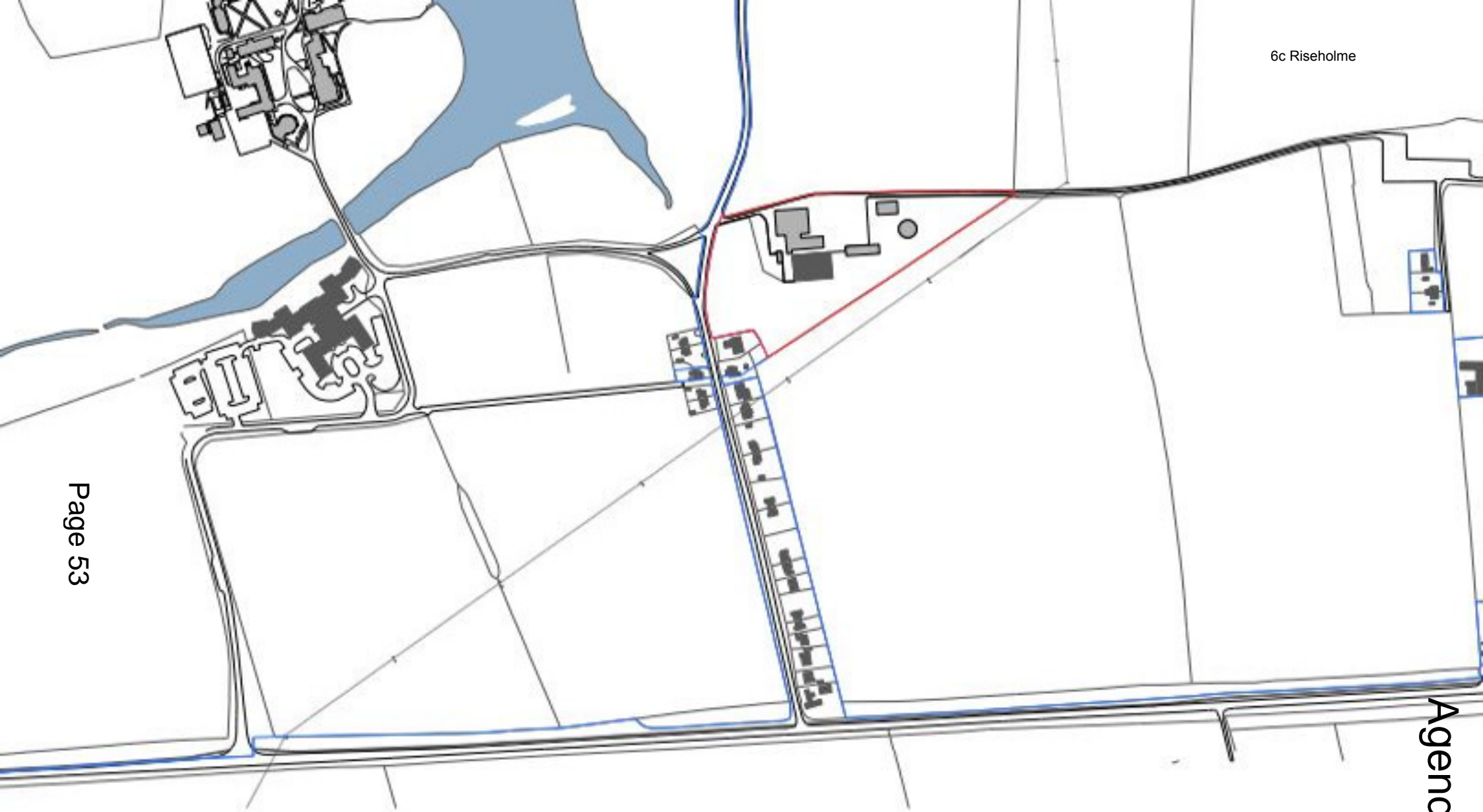
The NPPF requires significant development to be focused in locations which are or can be made sustainable. As discussed earlier in this report this is not a sustainable location nor can it be made one. Future occupants of the development would have poor access to day to day services and facilities by sustainable means and there is likely to be a significant and harmful reliance on the use of private vehicles particularly as the application proposes effectively doubling the size of the existing village leading to a significant increase in travel. Again this is a significant adverse impact of the proposal.

The level of development proposed will effectively increase the number of dwellings already within Newton on Trent by almost double (a 195% increase on the base number). It would also be nineteen times the housing growth that is envisaged for Newton on Trent during the whole of the Plan’s lifetime (up to 2036). A further indicator of the sites unsuitability for development on the scale proposed is the inability to meet the additional educational infrastructure requirements with a recommendation of refusal from LCC Education. Other indicators in terms of infrastructure are the need to raise existing ground above flood risk levels together with insufficient public transport infrastructure. These are all indicators of the sites unsuitability for a significant development in excess of 300 dwellings.

Recommendation. That planning permission is refused on the following grounds:

1. The development is proposed within an area at risk of flooding contrary to the sequential approach to site selection, with the aim of steering development to those areas at lowest risk of flooding. Development of the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels demonstrated by its inability to meet the infrastructure requirements. Future occupants of the development would be heavily dependent on private

vehicles to access employment, retail and other basic facilities leading to a significant increase in car travel. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1, STRAT 12, STRAT 19, SUS 1 and RES 6.



Officers Report

Planning Application No: 134990

PROPOSAL: Planning application for a proposed Agri-Robotics Research Facility to form part of the new Lincoln Institute for Agri-Food Technology Centre-to accompany application reference 134780

LOCATION: University Of Lincoln Riseholme Park Riseholme Lincoln LN2 2LG

WARD: Nettleham

WARD MEMBER(S): Cllr Giles McNeill, Cllr Angela White

APPLICANT NAME: University of Lincoln

TARGET DECISION DATE: 17/11/2016

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Simon Johnson

RECOMMENDED DECISION: Approve subject to conditions

Description:

The application seeks full planning permission to erect a building to form part of the new Lincoln Institute for Agri-Food Technology Centre. The building would mainly provide ground floor educational floor area with a mezzanine level for office use.

The building would measure 15.2 metres in width, 15.2 metres in length and would have an overall height of 8.7 metres (6 metres to eaves).

The building would be square in footprint and would have a dual pitched roof, constructed from clay roof tiles and would have walls constructed of clay brick.

The site is currently occupied by a number of agricultural buildings for livestock and farming activities in association with Bishop Burton College. None of the existing buildings are proposed to be removed by virtue of this application for a single building which would sit in amongst the existing built development on the site.

The site is located within the wider Riseholme Campus for Lincoln University which provides education for students learning in land based areas of work (such as agriculture, pet grooming and veterinary practices) by virtue primarily, of the presence of Bishop Burton College on the wider and immediate site.

The wider site contains listed buildings, scheduled ancient monuments and a registered park and garden.

The application is being presented at committee due to the high levels of public interest in a much larger application seeking hybrid permission for residential development, demolition, community uses and replacement farm buildings for Agri-Food Technology Education. This is at the same site and submitted by the same applicant.

It was therefore deemed necessary to ensure that committee members were given the opportunity to make a decision on all of the related applications, notwithstanding that they stand alone and must be considered on their own individual merits.

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

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

Relevant history:

There is considerable history relating to the wider site in question, although, none of which would be relevant in the determination of this application. There are however, two other current planning applications which should be noted, these are:

134780 - Full planning permission for the demolition of a number of specified buildings together with outline planning permission, access, scale and some landscaping to be considered, for a mixed-use development comprising the following: Sport and recreational facilities including a University Sports Pavilion with associated playing fields-Use Class D2; Up to 180 residential dwelling houses-Use Class C3; public realm and landscaping; replacement farm buildings to create the new Lincoln Institute for Agri-Food Technology-Use Class D1; Community Uses, Use Classes D1, A1, A3, A4 and B1 and other associated infrastructure with all other matters reserved. – Pending Consideration.

134989 - Listed building consent for the restoration of Riseholme Hall Stables at the University of Lincoln's Riseholme Campus – Pending Consideration.

Representations:

Riseholme Parish Council: Although the Council is in favour of the University's desire to use the site to continue the educational facility at Riseholme we feel that in its present form, due to issues highlighted in the

response, the application should not be granted. In summary the issues are as follows:

Whether or not the existing livestock activities could remain, the submitted design and access statement is lacking certain information/clarification, the red-line covers a larger area of the footprint of the building and questions whether or not any trees or hedges are to be affected which currently afford good screening.

Nettleham Parish Council: Does not object to this application. However, should the Planning Authority decide to approve the application, they should insert a condition that surface water must be disposed of to a sustainable system such as a soakaway.

Local residents:

5 Riseholme Lane – Objects to any plans submitted which will increase the height of the development in this location particularly those that face Riseholme Lane as it would be inappropriate and overwhelm the agricultural landscape. Also, due to flooding in severe weather, any new hardstanding or buildings are likely to cause further flood issues.

The neighbour also commented in relation to the large outline application scheme for the whole campus which restricted buildings to certain heights and the neighbour could not understand why this application could be submitted without first obtaining permission for the outline application.

44 Riseholme Lane – Supports proposals as they are not to be located between the existing buildings and number 44 Riseholme lane. If this were to happen there is concern that this would result in flooding issues.

Bishop Burton College, Lincoln Farm Trust et al – Objects as whilst the proposal does not include the demolition of any of the current agricultural and farm husbandry buildings, the red-line encompasses this area and suggests that this proposal will ultimately lead to the ejection of the college and students from the site.

Conservation: Support in principle the continued use and investment in the site however, a condition requiring full details of the materials to be used should be sought. In addition, the application for the single building by itself is acceptable due to the existing surrounding buildings, if they should ever be demolished and efforts should be made to secure a suitable scheme for their replacement.

The Garden History Society: No concerns regarding this building affecting the principal views, especially considering its location and size.

Historic England: Historic England recommend that your authority ensure you have received sufficient information to understand the impact of the entire proposed scheme of development for the demonstration farm site on the

designated heritage assets at Riseholme prior to making your determination. We recommend that it will be for your authority to take a view as to the overall public benefits of the scheme and the justification provided, in conjunction with the impact on the heritage assets affected as described above. We recommend that you should also ensure that all opportunities have been identified through which the harm caused might be minimised and mitigated such as through sensitive design and careful selection of materials.

Public Rights of Way: No comments or observations to make on the proposal.

LCC Archaeology: Although the proposed building is higher than the existing buildings on the site, we do not consider that on this occasion it will have a significant negative effect on the park or scheduled site. However if further development were to happen on this site there may be cumulative effects which would need to be considered carefully.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

(<http://planningguidance.communities.gov.uk/blog/policy/>)

Planning Practice Guidance (PPG)

(<http://planningguidance.communities.gov.uk/blog/guidance/>)

West Lindsey Local Plan First Review 2006

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

- STRAT 1 - Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- STRAT 12 - Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- STRAT13 - Undeveloped Breaks between Settlements and Green Wedges around Lincoln
<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat13>
- STRAT19 - Infrastructure Requirements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS7 - Building Materials and Components
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus7>
- SUS14 – Flood Risk Areas

- <http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus14>
- SUS15 – Derelict, Under-Utilised and Previously Developed Land.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus15>
- CRT 6 – Riseholme Park Campus
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#prt6>
- NBE3 - Listed Buildings and Their Setting
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#nbe3>
- NBE7 - Ancient Monuments, Sites & Archaeology
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#nbe7>
- NBE8 - Historic Parks and Gardens
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#nbe8>
- NBE10 - Protection of Landscape Character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#nbe10>

Riseholme Neighbourhood Plan

The Riseholme Neighbourhood Plan is at a very advanced stage having been through the appropriate stages of being prepared, publicised, independent examination and has also been to a referendum, receiving a majority vote in favour of adoption. The Plan will now proceed to full adoption on 14th November 2016 following a brief time of legal scrutiny (relating to EU or human rights compatibility). The Plan therefore, can now be afforded significant weight.

Policy 3 - Redevelopment of previously developed land at Riseholme Campus

Policy 4 - Local design and development principles

Policy 5 - Character areas (Area 2 Riseholme Campus Park)

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 **Central Lincolnshire Local Plan (CLLP)** has now been submitted to the Secretary of State for examination and is now at an advanced stage. Hearing sessions commenced on 1st November 2016. Whilst not yet adopted, significant weight can now be given to the policies set out within the local plan due to the advanced stage. Relevant policies include:

Policy LP1 Presumption in favour of sustainable development

Policy LP14 Managing water resources and flood risk

Policy LP22 Green wedges

Policy LP25 The historic environment

Policy LP26 Design and amenity

Policy LP32 Lincoln's Universities and colleges

Policy LPP55E Non-residential development in hamlets and the countryside

Main issues

- Principle of Development
- Design and Impact on the Surrounding Area
- Archaeology and Heritage
- Public Rights of Way
- Flood Risk and Drainage

Assessment:

Principle of Development

The proposal is for non-residential development in the countryside, on university grounds in the green wedge around Lincoln. Therefore, the application needs to be assessed against these principle criteria as defined by the West Lindsey Local Plan 2006 (WLLP), The Riseholme Neighbourhood Plan (RNP) and the Central Lincolnshire Local Plan (CLLP). The application will also need to comply with the relevant national policy as required by the National Planning Policy Framework (NPPF).

The proposal is for the erection of a building for education use on an area of Riseholme Park which is currently utilised as a yard area for agricultural education.

Saved policy STRAT 12 of the WLLP supports development in the countryside where the use requires a countryside location.

Saved policy SUS15 of the WLLP is supportive of proposals which make use of underutilised and previously developed land.

Saved policy CRT6 of the WLLP supports the principle of the expansion of existing educational related uses provided that criteria within other policies are met in relation to heritage, highway safety and residential amenity.

Policy 3 of the RNP also supports the redevelopment of previously developed land on Riseholme Campus.

Policy LP55E of the CLLP supports non-residential development in the countryside provided that it is commensurate and justifiable within a rural location, is suitable in terms of accessibility and would not conflict with neighbouring uses.

Section 3 of the NPPF supports the promotion of development and diversification of agricultural and other land-based rural businesses.

The application is therefore principally acceptable with the development plan, emerging and national planning policy provided no other material planning considerations indicate an alternative decision should be taken. The material planning issues are design, impact on surrounding area, impact on heritage assets, impact on the adjacent public right of way, flood risk and drainage.

Design and Impact on Surrounding Area

Saved policy STRAT1 of the WLLP requires (amongst other criteria) development to be of an acceptable design, scale and appearance.

Saved policy STRAT13 of the WLLP requires that development is located and designed as not to cause harm to the character of the area.

Saved policy SUS7 requires that planning permission will be granted where developments use building materials and components with a low environmental impact.

Section 7 of the NPPF requires that proposals are of a quality design that respect their surroundings. Yet, Local Authorities should not attempt to impose their own particular styles or tastes.

The proposed development is to be located in an area which is occupied by numerous existing buildings that have an agricultural appearance, predominantly modular with corrugated sheeting of various rural colours being the prominent material. All the existing buildings are of a different size and orientation, most of them are of a rectangle shape with large footprints.

The proposed building would be nestled in between existing buildings on site and would be constructed from Lincolnshire clay bricks and tiles. The footprint of the building would be square which is not necessarily characteristic of agricultural buildings.

Agricultural buildings by their very nature, are formed strictly by their intended use and the land available in which to locate them. Traditional shapes and sizes of these buildings have assumed a recognisable shape, size and style in order to provide for the widest range of agricultural uses over their lifetime.

The proposed building would have an overall height of 8 metres (to ridge) with the majority of the massing up to a height of 6 metres. This height would not be unexpected for agricultural buildings and would not be overbearing or overly prominent in its immediate setting, whilst it would be slightly taller than some of the surrounding buildings by roughly half a metre.

In this instance, the proposed building would be located in a yard area which fronts onto St Georges Lane. Views from this immediate track would be obvious however, views from the north, south and from Riseholme Lane (north-west) would be minimal, with only glimpses of the building apparent due to the existence of surrounding, existing buildings (Saved policy STRAT13 of the WLLP).

Whilst the materials to be used in the proposal would not ordinarily be associated with cost effective agricultural buildings like the existing buildings on site; it would utilise Lincolnshire clay materials which would represent the local vernacular when developing more permanent and expensive barns, sheds and stables. The use of materials from Lincolnshire also offers less environmental damage due to local sourcing of these heavily processed (but usual) building materials (Saved policy SUS7 of the WLLP).

The existing built form around the proposal site has been designed and sited in a functional format with minimal architectural merit. The proposed building would represent a functional yet, aesthetically high quality addition to this group of buildings and is considered to represent good design and materials

within the meaning of the development plan and national policy (Section 7 of the NPPF, Saved policy STRAT1 of the WLLP and LP26 of the CLLP), provided that the exact material details are submitted to and approved by the Local Planning Authority prior to development commencing.

The proposal is therefore considered acceptable in terms of design.

Archaeology and heritage

Saved policy NBE3 of the WLLP requires that development proposals which affect Listed Buildings and their setting will only be permitted where they preserve their special interest.

Saved policy NBE7 of the WLLP requires that development will not be permitted where it detrimentally affects archaeological remains (scheduled or not) or their setting.

Saved policy NBE8 of the WLLP requires that development will not be permitted where they adversely affect historic parks and gardens whether registered or not.

Policy LP25 of the CLLP requires development proposals to protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Section 12 of the NPPF requires the conservation of the historic environment generally and seeks much the same requirements as the above mentioned policies.

The proposal site lies in an area of below ground and above ground heritage importance. The wider site is a Grade II listed registered park and garden which contains a number of listed buildings including a church and Riseholme Hall country house, to which the registered park relates. There is also a Scheduled Ancient Monument located close to the site known as the medieval village and monastic grange of Riseholme. Which is located to the north-east of Riseholme Lane (northern side).

The proposal is for the erection of a building within the confines of an existing agricultural based yard where existing hardstanding remains. The County Council's Historic Environment Officer has reviewed the submitted documents and considers that the proposal would not, in this instance, have a significant effect on the registered park or the scheduled site (Saved policy NBE7 of the WLLP, Policy LP25 of the CLLP and section 12 of the NPPF). However, they have indicated that if further development of this site occurs, this may create cumulative effects that would need to be considered carefully.

The Conservation Officer has mirrored these observations in relation to Listed Buildings stating that, with the existing built area around the proposal, it is unlikely to cause significant impacts on heritage assets but the further development and/or demolition of other buildings on the site would require further assessment (Saved policy NBE3 of the WLLP, Policy LP25 of the CLLP and section 12 of the NPPF). The final material details also need to be considered, in terms of the brick bond and mortar mix, this may be secured by condition.

As the proposal is sited within the Registered Park, the Garden History Society were also consulted as part of the application process. Having reviewed the submitted details, they have indicated that they have no concerns with the proposal effecting principle views, especially considering its location and size (Saved policy NBE8 of the WLLP, Policy LP25 of the CLLP and Section 12 of the NPPF).

Historic England have provided an extended response incorporating other comments in relation to the wider site however, they have not made a recommendation in terms of the decision and instead defer any decision to the appropriate local experts.

The proposal is for a single building to be located within an existing yard. Whilst the proposal is not necessarily characteristic of the registered park, listed buildings or agricultural structures, its contextually minimal size and existing built screening, ensures that it would not have a significant adverse impact on; views within the site, principal views pertaining to the registered park and garden; or, any other views forming a setting corridor/envelope of heritage assets in the local or wider area.

The proposal is therefore considered acceptable in terms of heritage assets in accordance with the development plan and national policy.

Public Rights of Way

The proposal site is accessed from St Georges Lane which is also a public Right of Way. Whilst the proposal is located close to this Lane and provides access to the site, it would not impact upon it to any detrimental extent. The Countryside Access Officer have not made any comments or observations in this regard.

This is also on the basis that any temporary diversion or obstruction would also need to go through the correct legal process and the granting of a planning permission does not overrule this requirement. It is however prudent to ensure that this is not the case before any permission is granted.

In this instance it is not considered that the proposal would lead to any such diversion requirements which was noted as a particular point of concern to the local Parish Council.

Flood Risk and Drainage

Saved policy SUS14 of the WLLP requires a number of elements to be considered when proposed developments are in areas of flood risk.

Policy LP14 of the CLLP requires that development proposals do not increase flood risk and that they have incorporated Sustainable Drainage Systems unless they can be shown to be impractical.

Section 10 of the NPPF requires that development proposals take into account the challenges of climate change including flood risk.

The proposal site is not located within an area identified to be at high risk of flooding either by the environment agency's flood maps (flood zone 1) or the Council's Strategic Flood Risk Assessment (not in any hazard zone).

Notwithstanding this information, it is important to encourage sustainable drainage solutions so that the proposal does not increase surface water drainage issues in the immediate area which could exist regardless of the high level mapping that identifies low flood risk. The local Parish Council has also raised this as a pertinent issue.

Whilst the proposed building would be situated on an area which currently comprises of a compacted yard, it is important that any drainage solutions follow a sequential approach starting with the most sustainable. Therefore, a condition requiring full details of the surface water drainage is required prior to work commencing on site so these details can be secured in the most sustainable way (Policy LP14 of the CLLP and section 10 of the NPPF).

Foul drainage is also proposed as there is the provision of a WC located within the ground floor of the proposed building. The applicant has indicated that drainage from this toilet would be through the use of a septic tank.

Whilst a septic tank is a generally suitable method of foul water disposal in the countryside, no further details have been provided. Regardless of the suitability of existing systems or alternative options for foul drainage, it is clear that they do exist. Therefore, a condition requiring this detail prior to development commencing is an acceptable method of assessing the actual method of drainage and its detail.

The proposal in principle is therefore acceptable in terms of flood risk, surface water drainage and foul drainage, subject to conditions requiring full details of the proposed methods prior to development commencing on site.

Other matters

The proposal seeks to provide an additional building to be used for education purposes. This would be located in a wider area which is currently occupied by Bishop Burton College of Agriculture. Bishop Burton provide the majority of land-based education on the site which is shared with the University of Lincoln.

A number of questions have been raised with regards to the loss of Bishop Burton from this site as a result of any application which seeks to develop the university's own interests in land-based education.

Whilst it can be wholly understood that the local community etc would not wish the loss of Bishop Burton College from the wider site, this is an ownership issue and will relate to planning only in the certificates that have been served which, if are later found to be incorrect, would nullify any planning permission granted.

In this instance the proposal involves the provision of an additional building and this in itself would not result in the demolition or eradication of the existing occupants of the immediate or wider site. This would result in an ownership and legal issue which cannot be undertaken through the planning legal process. This is a response primarily to the comments from Riseholme Parish Council and the comments received from Bishop Burton College, Lincoln Farm Trust et al.

Riseholme Parish Council have also raised concerns that there are a number of unanswered questions which were raised as part of the Design and Access Statement. Whilst it is noted that there are some anomalies in the submitted statement, the plans, application form and the other supporting information contain exact and factual information which allows the application to be determined on that basis. The reference to any further development etc. in the submitted documents would not form part of any approved plans condition for which this development ultimately relates.

Conclusion

The proposal is for the erection of a single building to be used for education purposes on an existing education based site. The building would be nestled in amongst other agricultural style buildings of minimal architectural merit close to an existing public right of way on a wider site of significant heritage interest.

The proposal is of a high standard of design, would not have adverse impacts on the adjacent public right of way, heritage interests or on neighbouring land uses including residential amenity. The application can therefore be approved in accordance with relevant policies of the West Lindsey Local Plan (2006), the Riseholme Local Plan (2016), the Central Lincolnshire Local Plan (2016) and the National Planning Policy Framework (2012), subject to a number of conditions.

Recommendation: Approval subject to conditions.

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

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

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

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

2. No development shall commence until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in

writing by the Local Planning Authority. Such scheme shall be completed to the satisfaction of the Local Planning Authority and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is imposed to prevent increased pollution of the water environment in accordance with saved policy SUS14 of the West Lindsey Local Plan.

3. No development shall commence until a scheme for the provision and implementation of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completed to the satisfaction of the Local Planning Authority and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is imposed to prevent increased pollution of the water environment in accordance with Saved policy SUS14 of the West Lindsey Local Plan.

4. No development shall commence until full details of the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: This condition is imposed as the proposed materials provided were generally considered acceptable however, the information lacked the intricate detail which would need to be considered to ensure the development remains compliant with Saved policies STRAT13 and SUS 7 of the West Lindsey Local Plan.

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

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

Site Location Plan – MP_00_0005

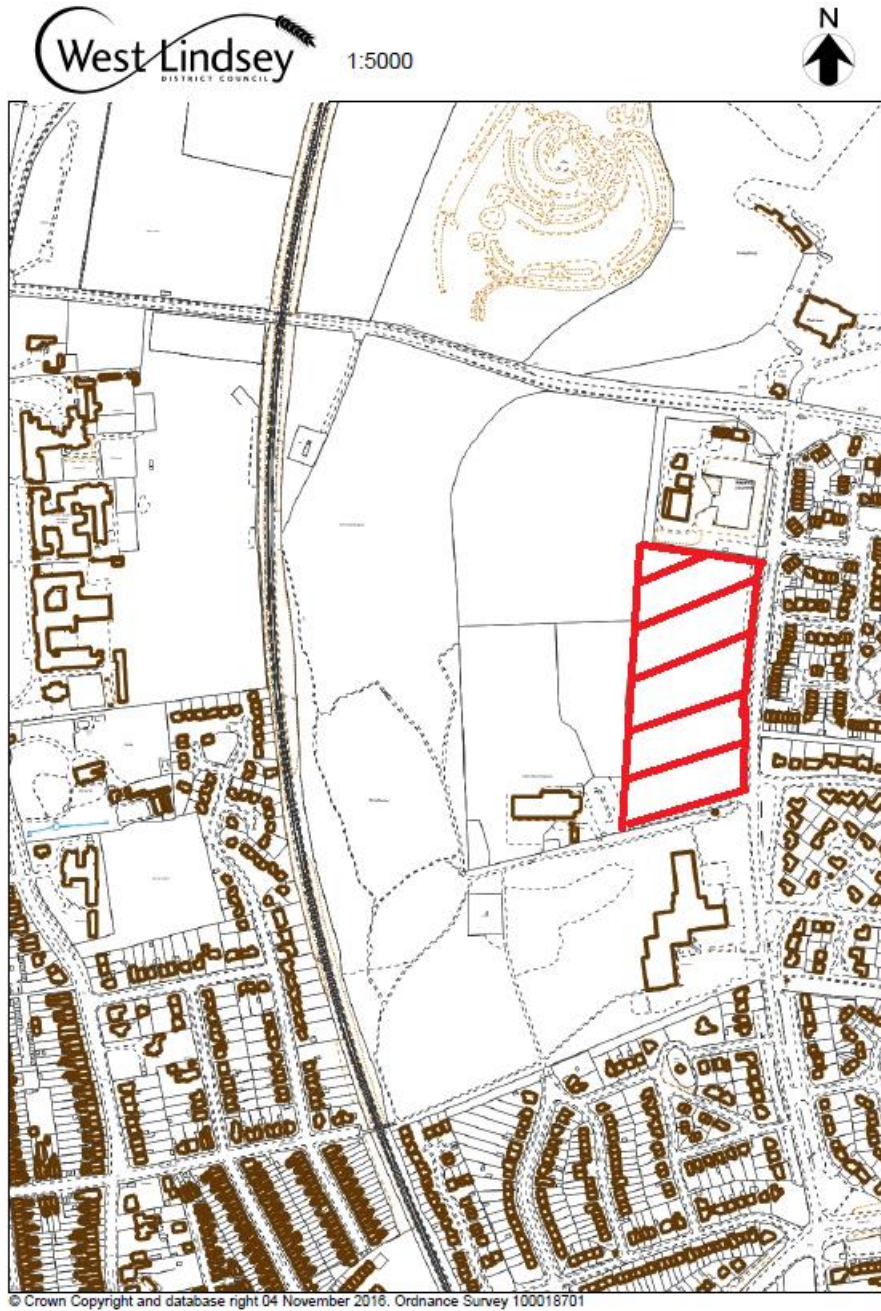
Proposed Site Plan – 03_02_1200

Proposed Elevations – 03_04_2200 Rev A

Proposed Floor and Roof Plans – 03_02_2200 Rev A

Reason: For the avoidance of doubt and to ensure the development proceeds in accordance with the National Planning Policy Framework and the development plan comprising of relevant policies within the West Lindsey Local Plan, relevant policies within the Riseholme Neighbourhood Plan and relevant policies within the Central Lincolnshire Local Plan.

Human Rights Implications:



Officers Report

Planning Application No: 134663

PROPOSAL: Outline planning application for the erection of up to 43 residential dwellings (Use Class C3) with access to be considered and other matters reserved for subsequent applications.

LOCATION: Land between Castle Hills and The Avenue Gainsborough
Lincolnshire

WARD: Gainsborough North

WARD MEMBER(S): Cllr Bardsley, Cllr Bibb & Cllr Boles

APPLICANT NAME: (*Thonock & Somersby Estate*)

TARGET DECISION DATE: 12/10/2016

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Jonathan Cadd

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:-

- 25% affordable housing (to be delivered on site; and/or through an offsite contribution)
- A capital contribution (£101,487) in lieu of on site Education provisions
- Provision of a LEAP & open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.
- Contribution to the provision of a Travel Plan Officer.

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

Description:

This application seeks outline planning permission for a residential application for up to 43 dwellings with all matters reserved (appearance, scale, layout and landscaping) except access. An indicative plan has been provided showing an arrangement of dwellings fronting the Avenue to the east and open space to the west. The access would be positioned centrally onto The Avenue.

The application site is located on land immediately to the west of the Avenue, Gainsborough. 2.58 ha in area, site is roughly rectangular in shape. Ground levels fall considerably to the west by approximately 8m. The site is currently open grassland with footpaths cut into longer grass for access. Fronting the site to The Avenue is mature hedging and trees some of which are protected

by a Tree Preservation Order. To the north is a dense bank of mature trees and hedges. The western boundary to the school is formed of paladin fencing whilst the site is open to the former playing fields north west of the site. The southern boundary is formed of paladin fencing to the school driveway.

Beyond the school driveway is open playing fields to the Leisure Centre. To the west is the Castle Wood Academy School, its playground and sports field. Also to the west is an area of former playing fields (see planning history) which are currently over grown, whilst to the north is the Anglian Water Treatment Centre. To the east is The Avenue a 9.5m wide road with paving to both sides (with street lighting to opposite side only) of the highway. Beyond the road is the Sunningdale Way housing estate.

Relevant history:

The application site has planning history only as much through the approval of a residential scheme on the former Castle Hills College site as the access crosses the current application site.

- 131606 Outline planning application for proposed residential development with access to be considered and not reserved for subsequent applications. Approved 6 Oct 2016

This 130 dwelling permission is a resubmission of 128915 which has now expired. The access approved for this development runs through the current application site to The Avenue. This route is utilised in the current application under consideration.

- 130435 Outline planning application for residential development-means of access to be considered and not reserved-to replace extant outline planning permission 126101. Approved 25 Oct 2013
- 126101 Outline planning application for residential development - means of access to be considered and not reserved - to replace extant outline planning permission 120344. Approved 21 Sep 2010
- 120344 Outline Planning Application for residential development (Means of access to be considered and not reserved). Approved 13 July 2007

Representations (in summary):

Chairman/Ward member(s): None received

Gainsborough Town Council: Object

- Concerns about the impact of this application on the traffic on the already dangerous Belt Road and the Avenue leading to the Belt Road.
- Concerned about the loss of amenity space for dog walkers and access to the nearby Castle Hills Woodland.

- Believe the site should be for higher value executive housing given the shortage of such housing in Gainsborough and its location near to the golf club.

Local residents: 64 The Avenue, 133 Ropery Road, 16 Dog & Duck Lane: Objections, in summary:

- Access/Exit Recently the road has been remarked making one lane on each side of the road and leaving the centre hatched. Vehicles often park on the two lanes and the road is on an incline from the Golf Club and other vehicles have to use the hatched area. The 30mph speed limit is often not observed.
- The dense landscape boundary and tree planting along the Avenue will be retained as promised in the Savills leaflet.
- The bench near the entrance to the site I hope would be retained or even renewed.
- The proposal will effectively end, Gainsborough Parkrun – How will this impact on the Council's Joint Health and Wellbeing Strategy. Up to 30 people use this area as part of a running route each Saturday.
- The information about access to open space is flawed, the Golf Club is not a general park it's a private golf club, also the Queen Elizabeth High School field is not generally accessible to the public. Some of the sites shown are also down for redevelopment. Finally, the space between the Riverbank and Wilson Street is an overgrown waste land not an amenity open space.
- Should the developer be made to open up a route in the woodland to the rear of the site to allow the weekly park run to continue?

Health & Safety Executive (HSE):

- The proposal does not lie within a consulting distance of a major hazard site or major hazard pipeline.

Lincolnshire Fire & Rescue:

- Object on the basis of inadequate access and water supply. To overcome this objection proposals should conform to the requirements specified within Building Regulations 2000 Part B5. As a minimum carrying capacity for hard standings should be able to accommodate pumping appliances of 18 tonnes (not 12.5 tonnes as detailed in building regulations). It is also recommended that fire hydrants be installed on the development. Details cannot be determined at this stage.

Natural England: No comments.

LCC Highways/ Lead Flood Authority: No objection to the proposal but request conditions relating to surface water run off being limited to 8.1litres/sec discharge into the Seven Trent Water Sewer, full details of the surface and foul drainage system to be agreed and details of access to be agreed.

LCC Education: Gainsborough North Primary Schools will reach capacity in 2018 and 9 spaces are required. A contribution of £101,487 is requested for

0.5FE extension to Castle Wood Academy to 1.5FE including 4 additional class rooms and ancillary facilities.

Environment Agency: The site is close to a borehole water extraction site. The site has not been previously developed. Subject to conditions being imposed to protect water quality, no objections are raised.

Archaeology: There is insufficient information provided to determine the impact on the setting, on the archaeological potential of the site or indeed of the impact of the site on any archaeology in the area. A heritage assessment should be provided which is proportionate to the assets importance. As a minimum the historic register should be consulted.

Lincolnshire Police: Provides guidance on design.

Trees & Woodlands Officer:

- No objections to development of this site, although the access and visibility splays in its currently proposed position would involve the removal of a good quality oak which was planted as a replacement following the removal of a TPO beech, and the splays are highly likely to impact on the important TPO beech tree T8 and the TPO replacement for T10 within their RPA's.
- Any development should take adequate consideration of existing good quality trees, especially TPO trees and TPO replacements, and avoid development within their RPA's.
- If consent is issued, a scheme of landscaping should be conditioned to be required in any subsequent application, to mitigate any unavoidable tree loss and hedgerow removal for access, and for improved amenity and biodiversity value of the site.
- Existing trees and frontage hedgerow would require appropriate protective fencing erecting at the outer extents of RPA's.
- There should be no changes in existing ground levels within RPA's

NHS England: Consulted but no response received.

Revised Plan

Trees and Woodlands Officer: Raises concerns re the impact of the access on a protected tree to the frontage, also the detailed designs of footpath internally within the site. The loss of trees to the northern boundary is also a concern.

Archaeology: Additional information required to ensure harm is not caused to any heritage assets.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Policy Guidance (NPPG):

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

West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission

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

STRAT3 – Settlement hierarchy

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

STRAT4 – Windfall and infill housing development in Gainsborough and the urban areas of Lincoln

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat4>

STRAT9 – Phasing of housing development release of land.

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

SUS1 – Development proposals and transport choice

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

SUS4 – Cycle and pedestrian routes in development proposals

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

MT1 – Market Towns

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

RES1 – Housing layout and design

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

RES2 – Range of housing provision in all housing schemes

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res2>

RES5 – Provision of play space/ recreational facilities in new residential developments

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res5>

RES6 – Affordable housing

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

CORE9 – Retention of Important open space and frontages within or adjoining the settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core9>

CORE10 – Open space and landscaping within developments

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

NBE14 – Waste water disposal

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

NBE15 – Water quality and disposal

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

Submitted Central Lincolnshire Local Plan (June 2016)

<https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17818.pdf>

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP9: Health and wellbeing

LP10: Meeting housing needs

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP21: Biodiversity and geodiversity

LP24: Creation of new open space, sports and recreation facilities

LP25: The Historic Environment

LP26: Design and amenity

LP41: Regeneration of Gainsborough

The CLLP has completed its third and final round of public consultation and has now been submitted for examination by the Planning Inspectorate. The Plan is subject to an Examination in Public (EIP). In accordance with paragraph 216 of the NPPF the weight to afford policies within this draft of the Local Plan can be significantly increased particularly where policies have not been objected to and are deemed in conformity with the NPPF.

Main issues

- *Principle of dwellings in this location and policy issues*
- *Sustainability*
- *Loss of open space*
- *Character & design*
- *Highways & accessibility*
- *Trees, landscaping & ecology*
- *Archaeology*
- *Drainage*

Assessment:

- *Principle of dwellings in this location and policy issues*

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

The site is located within the town of Gainsborough, as defined in the WLLP 2006. Gainsborough is identified at the top of the Local Plan's settlement hierarchy (policy STRAT3).

Saved Policy STRAT4 indicates that planning permission will be granted for new residential development on previously developed land within the settlement boundary of Gainsborough... The application site, however, is located on a private greenfield site that is tenanted by a farmer but which has restricted public access by reason of a private agreement through a Higher Level Stewardship scheme which runs until 2020. The frontage of the site provides an attractive wooded character to the street scene of The Avenue. The open space was also being used by dog walkers, walkers and runners at the time of the site visit.

The whole site is allocated within the WLLP as important open space CORE9 which indicates that development will not be permitted on areas shown to remain undeveloped on the proposals map. Para. 3.36 indicates that infill development is important to sustain housing and other developments within towns and villages of the district. However, as open spaces can in some circumstances make an important contribution to the character and appearance of a settlement, the Council will seek to protect them from development.

As the application for 43 houses is proposed on undeveloped, or greenfield land it also falls on the bottom rung of policy STRAT9's sequential approach towards the phasing of housing development and release of land.

This residential development is not therefore in compliance with policies STRAT4, STRAT9 or CORE9 of the WLLP. The principle of development as proposed on this site is therefore contrary to the provisions of the statutory development plan, and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

(ii) National Policy

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

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

The latest Housing Land Availability Assessment (Sept 2016) identifies a need of 12092 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.26 years (12,712 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 (from year two)

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 examination has begun and it is expected to be concluded by the second week in December 2016.

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.”* The relevant policies are not therefore made ‘out of date’ by virtue of paragraph 49.

¹ Paragraph 47

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 may be considered not fully up to date and may be afforded more limited weight in the application process and planning balance.

Applying NPPF paragraph 215 the WLLP's policies for the supply of housing could therefore be considered to have less weight in any determination. However, the test is the consistency with the NPPF, it can therefore be considered that some or parts of policies could maintain their full weighting. Nonetheless, even where policies are not deemed to be fully consistent with the NPPF whilst this may limit the weight to be afforded to them within the planning balance it does not mean they should be disregarded or otherwise carry no weight. It is for the decision maker to determine the weight which each policy should be given, taking account the provisions of the NPPF.

The application should be considered against 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.

Given that the WLLP housing allocations are largely built out and that greenfield sites will be required to meet Central Lincolnshire's housing need it is considered that the spatial housing policies of the WLLP are deemed to be largely out of date and the planning balance is activated. Other WLLP policies however, remain fully compliant with the NPPF and should be given full weight.

(iii) Emerging Local Policy

In the event Central Lincolnshire is now proceeding at an advanced stage with a replacement Local Plan which is considered NPPF compliant and the NPPF paragraph 216 provides advice on the weight to be afforded to emerging policies.

Paragraph 216 is clear that decision makers may give weight to relevant policies of emerging plans from the day of publication. The weight attached to such policies however, depends on:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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.

The Submission Central Lincolnshire Local Plan (CLLP) is considered to be at an advanced stage in the adoption process having completed three consultation stages and is now at examination, with public hearings taking place. Its policies can now attract at least a moderate weighting in any planning balance subject to the consideration of outstanding objections to any particular policy.

It is worth noting that in terms of allocated housing supply approximately 60% of the 5 year supply now has the benefit of planning permission, in addition to this, a further 20% of allocated sites have reached examination stage without objection. Finally, taking account of windfall development rates over a significant period some 7% of housing will come forward through these means. On this basis it is considered that the vast majority of predicted housing supply can be considered achievable. Of the 13% of sites which do have objections and will be considered in detail at examination some have only minor objections to them. On these grounds it is therefore considered that the housing policies of the CLLP can be attached moderate weight.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Gainsborough is designated as a main town – category two of six hierarchical categories.

The Proposed Submission CLLP (policy LP2) indicates that the spatial role of main towns is to maintain and enhance their roles, and to meet the objectives for regeneration. Sleaford and Gainsborough will be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. Additional growth on non-allocated sites in appropriate locations will also be considered favourably.

This role is supported through policy LP3 which seeks development where it is best suited and most attractive to the market, whilst ensuring there are no locations that are overburdened or that other locations are not starved of growth. Gainsborough is noted for around 12% (4,435 homes) of growth through a combined strategy of urban regeneration and sustainable urban

extensions. Whilst the draft CLLP seeks to meet this target through the SUEs and other sites proposed for allocations, the site will accord with this remit.

It is considered, therefore, that Gainsborough is, in general, a sustainable place to develop and despite the lack of an allocation in the submitted CLLP the development of housing in this location, subject to other plan policies, could be considered acceptable and would assist Gainsborough to meet its housing growth agenda.

The CLLP, unlike the WLLP, does not allocate the site as Local Green Space or Important Open Space. The evidence report to the CLLP provides limited guidance on why the designation was not carried over to the current plan. Other sites previously allocated in the WLLP as Important Open Space have been re allocated as such in the CLLP, however, and so consideration will be required below to consider why this site has not.

Submitted CLLP policy LP17 indicates proposals should: 'protect and enhance the intrinsic value of landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man – made features within the landscape and townscape which positively contribute to the character of the area...'. This site, or perhaps more importantly its mature landscaped frontage is important to the character of the street and this policy is deemed important and will be considered below in more detail.

Submitted CLLP policy LP21 seeks to minimise the impacts on bio diversity and geo diversity, and seek to deliver a net gain in bio diversity and geo diversity. This site has been the subject of a Higher Level Stewardship Scheme from Natural England. This has allowed the site to be left as scrub land with the allowance of public access to the site. This element will be considered further below.

- Sustainability

Sustainability is a golden thread that runs through the National Planning Framework. Para 6 indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development (para 7): an economic role, social role and an environmental role. These roles should not be considered in isolation because they are mutually dependent.

As note previously, the site is located within Gainsborough which is a major town with all the facilities required to live without reliance on private motor vehicles. Nevertheless, certain locations within towns are more accessible than others and it is right to consider the site relationship to shops, facilities and other services.

The site is located on a wide road and is connected to the footpath/ cycle path network of Gainsborough. This would provide access to the majority of facilities in this town.

Facility	Distance (Approximate using pedestrian footpath network)
Castle Hills Primary School	0.118km
Trent Valley Academy	2.0km
Town Centre	1.2km
Bus Stops	0.6km & 0.725km
Rail Station (Lea Road)	3.0km
Retail Convenience Store (SPAR)	1.1km
Leisure Centre and open space	0.3km
Medical facilities	1.3km

It is noted with Manual for Streets (DoT 2007) that the 'walkable neighbourhood' equates to a walking distance of 800m for facilities. It also notes, however, that 2km is a still a viable distance for walking to replace motor vehicle use. The proposals would, with the exception of Lea Road Station, meet the maximum distance levels. In addition to this, the Institute of Transport Guidelines (2000) also provide further guidance on the matter.

	Town Centre (metres)	Commuter/School Sight Seeing (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Max.	800	2000	1200

Here with the exception of access to the town centre/ rail station the site would be within acceptable walking distance of most facilities and within 600m of a bus stop providing acceptable access to further facilities and the town centre. It is considered therefore that the proposal would conform to saved policies STRAT1 and SUS1 of the West Lindsey Local Plan. Equally policies LP1, LP2, LP13 and LP18 of the CCLP would be met.

The development would impact on local services and although no additional contributions have been requested for NHS facilities, a request has been made for primary school contributions to extend the Castle Wood Academy to a 1.5 form entry school. This contribution amounts to £101,487. The applicant has indicated a willingness to agree to this through a s106 agreement.

In addition to this, the proposal seeks to offer a mixture of housing sizes including 4 – two bed, 28 – three bed, 11 – four bed properties. 25% affordable housing is also required to accord with WLLP policy RES6. Whilst this is usually requested on site it has been suggested that a contribution could be accepted in this instance to allow the monies to be used to assist affordable housing lead regeneration within the Gainsborough Housing Zone. At this stage whilst options are available there are no specific schemes which could be identified to utilise these funds. On this basis it is recommended that a flexible approach is taken to allow a s106 planning legal agreement to be drawn up for either on site provisions or a commuted sum to be agreed at

reserved matters stage. This will allow the Housing Zone projects to develop before committing funds. Such an approach would conform to policies RES6 of the WLLP and exceed the requirements of policy LP35 of submitted CLLP.

- Loss of open space

As noted above the site currently forms part of a collection of open spaces which link the Belt Road with The Avenue. This includes fields next to the leisure centre, school fields attached to the Castle Hill Academy, former playing pitches and the application site. This area, however, is being diminished through the approval of 131606 for housing on the former playing pitches and its road being shown dividing the current application site into two.

It is also noted that the site is private land with public access only agreed through a Higher Stewardship Scheme. Participation in this could be withdrawn at any time, removing the right to access the site. This would reduce the site's wider social role to visual amenity only. In addition, the loss of this area through either development or the any limitation of access would not represent a significant loss of amenity area as the leisure centre adjoining the site has a significant open fields for recreation. Richmond Park is also close by with a footpath link under the Barnetby to Gainsborough Central railway line.

It is accepted that the development of the site would restrict access for runners, pedestrians, dog walkers and children, however, access to the site is currently available only through agreement with the site owner, which as has been stated can be revoked at any time. In addition to this it has been shown that alternative facilities are available close by. In this way, the loss of this area for recreation / access is not deemed to be a significant issue.

The proposal is in outline, but the indicative plan shows provision for amenity open space and a play area to the lower parts of the site. Policy RES5 requires 7.5% of the site area be available for open space. The area shown designated for open space (combined with drainage systems) would conform to this requirement and with the play area proposed would provide a lasting facility for the local population. The use of this area for drainage would clearly restrict occasional access to this area, but as a dip of only 600mm would be created this still leaves the site to be used for recreation and amenity. Equally the position of the open space could adjoin the proposed open space at the Castle Hill development to create an extended attractive area for residents to use and relax within.

- Character of area and design

The application site, former Castle Hills College site and leisure central group together to provide a pleasant break in the developed area of Gainsborough. Its importance as such is diminished, however, due to the approval of 130 dwellings on the former school fields known as the former Castle Hills College site. Here, not only are the former school fields be developed but the access

road approved would divide the current application site into two with the junction required to remove a number of trees and a hedge to gain access to The Avenue.

When viewing the site from the Avenue, the key characteristics are not perhaps defined by the open space but rather the trees and hedges that front the site. These mature trees and hedges soften the road and give it an edge of settlement character along with the trees to the north beyond The Belt road. The erection of housing in this area would, subject to the retention of the majority of trees and the hedgerow to the road side maintain this character.

It is noted that the proposed access to the Avenue would include the loss of a small number of trees, including one mature tree, would detract from this character. This loss, however, would occur with the granting of this permission or not as the access has been agreed in the approved scheme at Castle Hills, which itself was a resubmission of a previous approval. The application has also not raised an significant objection from the Council's Trees & Woodlands Officer subject to conditions. Where concerns are raised these have been amended or can be addressed through the reserved matters application or the imposition of conditions.

As noted previously, the site has not been allocated as Local Green Space or Important Open Space within the submitted CLLP. Whilst no detail is provided as to why the protected allocation in the WLLP has not been carried over, potential indications could include: the relocation of the original school and its grounds, the approval of housing development on the lower parts of wider Castle Hills area (includes the construction of a road through the application site) and perhaps the private ownership of the land through which public access has only been agreed through the Higher Stewardship Scheme for a limited period.

It is not considered, given the sustainability of the site and Gainsborough, the limited impact the proposal would have (subject to the retention of trees and hedging to the Avenue) on character / amenity of the area and the availability of other amenity open space locally that the restrictive policy CORE 9 of the West Lindsey Local Plan could be defended if this proposal were resisted on these grounds.

The proposed layout provided is indicative and cannot be given significant weight in any outline determination. The layout does, however, provide sufficient detail to ascertain that an attractive well designed layout can be provided that would both protect the trees and hedging to The Avenue to the east and provide open space to the west. The design utilises the approved access road to the Castle Hills development (131606) and would have the potential to front onto the road creating an attractive set back frontage to The Avenue and the open space proposed to the west. To the southern side a 4m band of landscaping is proposed to assist to soften the rear of the properties to the school entrance. The density proposed at 23 dwellings per ha is not dissimilar to the surrounding area and is perhaps even considered to be quite low whereby providing the area with an attractive residential environment.

- *Highways & accessibility*

The proposed access onto The Avenue has been approved previously under planning permission 131606. The Avenue is a wide road with paving to both side and lighting opposite. At 30mph visibility splays proposed are deemed acceptable maintaining safety. This has been confirmed by the Highway Authority as only conditions have been requested with respect to transport.

The access road would be 5.5m wide with paving either side which would allow easy access to both pedestrians and vehicles without congestion or safety concerns. The layout proposed whilst indicative shows a mix of adopted and private access ways which would provide sufficient access to properties and turning area for service vehicles. Similarly parking could be made available for each property.

As noted above the proposal would connect to the footpath network within the area providing good connections to the wider area.

- *Trees, landscaping & ecology*

As noted above the mature trees and hedging to the site frontage provides an attractive natural frontage to The Avenue. The indicative plan shows that the site would maintain the vast majority of the important trees and hedges on site. In addition to this, the applicant has undertaken a tree survey.

The Trees and Woodland's officer has outlined some slight concerns re the formation of visibility splays at the site and as a result the plans have been altered slightly so that potential harm to a mature class A tree is avoided. The applicant has agreed to this, change despite the access already having approved under planning application 131606.

In other areas the proposals would encroach into the root protection areas of the trees, however, the indicative layout is such that rear garden areas are generous and would allow access ways and dwellings to be pulled away from the trees providing further protection. This could be adequately achieved at reserved matters stage. Conditions are also proposed. Additional planting is proposed although given the outline nature of the application this is likely to be conditioned.

The site has not specifically allocated for ecology reasons, Natural England has not objected to the proposals and a phase 1 Ecology Report has indicated limited ecological interest in the area. Perhaps unsurprisingly the areas of most quality (although even this is limited) is within the parts of the site covered by trees and hedges. A number of mitigation measures and proposals to enhance the ecological interest in the area are recommended as a result of the survey. Conditions are therefore proposed to meet these requirements.

It is also important to note that the site has not been enhanced as a result of the Higher Stewardship Scheme at the site. The site has been left to grow longer grass but this has not produced any specific interest ecologically. Natural England has confirmed that no specific planting has been proposed at this site as a result of the stewardship scheme and that any closure of the agreement would not involve any repayment of funding. This together with the quality of the current grass land leads, this instance, not to require invertebrate surveys which were initially considered.

- *Archaeology*

The site is close to the Castle Hills Scheduled Ancient Monument (SAM) and as a result there is potential for finds of archaeological interest. The NPPF places significant weight on the protection of such historic assets within Chapter 12 of the NPPF.

The applicant has not yet produced an investigation which adequately considers the impact on the significance these important historical assets and as such the LCC archaeologist retains an objection until this work has been undertaken.

It is of interest, however, that the adjoining site at former Castle Hills College site to the north west has been the subject of archaeological investigations to allow the approval of 131606. These investigations did not identify any particular issues. Given that, that site adjoins the current application site and is closer to the SAM this is deemed significant and perhaps reduces the likelihood of finds at The Avenue. Nevertheless, consideration of the application site is required and additional information is being provided by the applicant and will be considered by LCC. The recommendation below is therefore subject to the submission to and acceptance by LCC archaeological advisers that the site is of limited interest. It is therefore recommended that a verbal update be provided to the Planning Committee when this information has been examined.

- *Drainage*

The site levels fall considerable to the west. Investigations have indicated that the site is unlikely to achieve any significant infiltration due to the geology of the area and there are no water courses available for connection to. A surface water sewer is available to the Avenue but this is at the top of the site making a pumped system a requirement, this would limit the viability of the scheme. To the south western corner of the site, however, is a Seven Trent combined sewer connection. This is the preferred connection point for surface water. Seven Trent have indicated that an attenuated rate of 8.1 litres/sec (green field rate) could be accepted into the system subject to additional network modelling taking place or 5l/s without modelling. Such levels they indicate (subject to modelling) could be accommodated within the network capacity.

To achieve such levels the applicant has indicated a SUDs system of controlled road side swales leading to an attenuation basin. These basins

would be 600mm deep and grassed and would be constructed so that their bases were porous allowing any water to soak into attenuation crates below. These crates would store excess water whilst releasing it at a controlled rate into the sewer. The benefits of this system is to provide a useable amenity area for residents which at the same time would be utilised for drainage at times of heavy rainfall. The areas shown on indicative plans indicate the attenuation basins being suitable for retention of the level of water generated from the development and to allow release of rate of 8.1l/s into the Seven Trent system. It should be noted that only a small additional basin area would be required to meet the lower 5l/s discharge required which given the level of land available on site can be achieved.

In a similar way investigations have shown that the foul connections could be fully achieved through the Seven Trent network without any concerns over network capacity.

Planning Balance

The site is located quite centrally within Gainsborough with good access to the majority of services, facilities, jobs and public transport connections normally required for everyday living. Both the WLLP and the CLLP indicate that Gainsborough is the focus for significant sustainable growth even on sites which have no housing allocation. This should be given significant weight in the planning balance.

Although not yet independently examined Central Lincolnshire is considered to have a 5 year supply of housing land available and therefore the weight attached to providing additional dwellings is therefore slightly lessened. Nevertheless, the 5 Year supply of housing land is a minimum requirement and where sustainable proposals accord with up to date Local Plan policies development should be granted (NPPF).

In this instance, the West Lindsey Local Plan allocations are generally deemed insufficient to meet the housing need identified and therefore its housing supply policies may be deemed to be out of date, greenfield sites not identified in the WLLP are required to meet the housing need unless other material concerns outweigh such considerations.

This site is noted in the WLLP as being part of an area of important open space where development should not be granted, saved Policy Core 9. This saved policy would therefore weigh against the proposal. As this policy seeks protect the character of important areas and as such is deemed to accord with the NPPF, There is no detail as to why this site was allocated as such and in any case a large proportion of the allocation has already been approved for housing (ref.no. 131606). In addition to this, the submitted CLLP does not allocate this site as Important Open Space, indeed it has no allocation at all. Other sites allocated as Important Open Space in the WLLP have been included as protected sites under a reciprocal policy in the CLLP. Given the lack of a corresponding policy in the CLLP, this reduces the weight to be afforded to WLLP policy CORE9 in this instance.

In addition to this, it should be noted that development has been approved on part of the original CORE 9 allocation and the limited permissive nature of public access over this private land is only possible through agreement with the land owner. The weight that can be attached to WLLP saved Policy CORE9 is therefore reduced further particularly given the presence of other areas of amenity open space in the vicinity and the amenity area and LEAP proposed on site.

Another key issue in the loss of this open space is the character of the area. This character has been assessed and it is considered that key element of the site with reference to the area's pleasant character is not particularly due the open space itself but the mature green hedge and tree belt which fronts onto The Avenue. Despite, the need to clear an access to the site (already agreed through the approval of ref. no. 131606), the vast majority of this important frontage would be maintained and an additional landscaped area provided to soften the southern boundary. Given this, it is considered, subject to conditions, that this important character can be maintained to The Avenue.

Central Lincolnshire has a significant need for affordable housing and the applicant is willing to provide 25% affordable housing either on site or as a contribution to be used in the regeneration in other parts of Gainsborough. This should be given significant positive weight. In addition to this, a mixture of house types is shown. Contributions to educational facilities has also been requested to mitigate any impact on local services. No response has been provided by the NHS. These contributions would therefore reduce any negative weight attached to the impacts of the proposal.

The retention of the trees and hedges on the site would maintain the ecological importance of the site, and subject to conditions and careful detailed designs at reserved matters stage, this is not deemed to be a negative issue.

Access and accessibility is deemed to be acceptable and would not generate significant concern from the Highways Authority, the access has been previously been approved under 131606 for 130 dwellings and the addition of 43 more would not detract from safety and capacity. In a similar manner both surface water and foul drainage is deemed subject to conditions and s106 legal agreement to be acceptable.

In conclusion, therefore, it is considered that the proposal, whilst a departure from the adopted West Lindsey Local Plan would generally conform to the submitted Central Lincolnshire Local Plan and would provide an attractive, sustainable addition to the growth agenda of Gainsborough without have a detrimental impact on the surrounding area, open space provision, character, safety, residential amenity, ecology or drainage of the area in accordance with saved Policies STRAT1, STRAT3, STRAT9, RES1, RES5, RES6 and CORE10 of the West Lindsey Local Plan, policies: LP1, LP2, LP3, LP9, LP11, LP12, LP13, LP14, LP17, LP18, LP21, LP25 and LP26 of the submitted

Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

RECOMMENDATION: 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:-

- 25% affordable housing (to be delivered on site; and/or through an offsite contribution)
- A capital contribution (£101,487) in lieu of on site Education provisions
- Provision of a LEAP & open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.
- Contribution to the provision of a Travel Plan Officer.

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:

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, 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 three years from the date of this permission.

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

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

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

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

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to the 8.1 litres per second green field run off rate (unless further modelling suggests 5 litres per second);
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: 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 a wastewater and foul water strategy for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure infiltration systems are only used where it has been demonstrated that they will not pose a risk to groundwater quality. Only surface water from roofs and paved areas not accessible to vehicles should be discharged to

soakaway. The scheme shall be implemented as approved before the dwellings are first occupied.

Reason: To ensure satisfactory drainage of the site and part of the development site is within Source Protection Zone I and as such the protection of controlled waters is of high importance in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. No development shall commence until a scheme for the construction of foul sewers has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:
- Confirmation that all foul sewers shall be constructed with a secondary Cured in Place Plastic (CIPP) liner or with an equivalent lining technology;
 - Any foul sewer chambers / manholes and pumping stations shall be constructed with a full concrete surround;
 - Confirmation that any pumping stations shall be constructed with a full concrete surround incorporating internal benching;
 - Details of how any lining measures will be constructed and how they will tie into any new or existing sewers lying outside Source Protection Zone 1.

The approved scheme shall be implemented in full and certification that the liners have been installed to the correct standard submitted to and approved in writing by the Local Planning Authority, prior to occupation.

Reason: The proposed development lies within a Source Protection Zone which is an area of sensitive groundwater used for human consumption. Lining the sewers will minimise any pollution of the groundwater from the sewers

7. 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 routeing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection;
- (xii) Measures to ensure no encroachment onto the public right of way, or pose any dangers or inconvenience to its users;
- (xiii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

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

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

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

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

9. No dwellings hereby permitted shall be commenced before the first 60 metres of the estate road from its junction with the public highway including visibility splays has been completed.

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

10. No development or other operations shall take place on site in connection with the development hereby approved until, (including any; ground stripping, tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operation shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme

- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

REASON: For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well being of the trees in the interest of the amenity of the locality in accordance with West Lindsey Local Plan First Review Policies STRAT1 and CORE 10.

11. Notwithstanding the indicative plans no development shall extend within the root protection areas shown within the Tree Constraints Plan drawing no. 1 by Enviroscope unless approved at reserved matters stage by the Local Planning Authority.

Reason: To maintain the character of the area and important tree and in accordance with Saved Policy STRAT1 if the West Lindsey Local Plan.

12. The reserved matters applications shall include an area of not less than 7.5% of the site area for use amenity open space.

Reason: To maintain amenity and an open character to the area in accordance with saved Policy STRAT1 and RES5 of the West Lindsey Local Plan.

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

13. Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

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

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

14. All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed

construction shall thereafter be retained throughout the lifetime of the development.

Reason: To prevent the contamination of clean surface water run-off. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of controlled waters and in accordance with saved Policies STRAT1 and NBE14 of the West Lindsey Local Plan.

16. This development hereby permitted shall not exceed 43 dwellings.

Reason: To maintain the character of the area, provide sufficient open space and the maintain the health of trees and hedges in the area and in accordance with saved policies STRAT1, RES1 and RES5 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

17. Access to the site shall be provided in accordance with drawings PL03 rev H.

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

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

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

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

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

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

20. Before the first dwelling being occupied the developer shall submit to and be agreed by the Local Planning Authority a revised Travel Plan based on the Draft 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.

Notes for the applicant

Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 part B5.

Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Other matters

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



Planning Committee

16 November 2016

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial : FIN/92/17 Where a cost order is issued by the Planning Inspectorate, relevant costs incurred by the appellant in relation to their planning will be submitted to the Council in order for agreement to be reached on the amounts of costs payable.

It is considered that costs of appeals included in this report can be met from within existing budgets.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr Wilf Walker against the decision of West Lindsey District Council to refuse planning permission for three bungalows with attached garages on land adjacent to 8 Church Road, Laughton, Gainsborough.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by W E Barton Ltd against the decision of West Lindsey District Council to refuse planning permission for prior approval of proposed change of use of agricultural building to 3 dwelling houses at Clay Farm, Clay Lane, Gate Burton.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr J Bateman against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect three 4 bedroom detached dwellings - all matters reserved – at 23 High Street, Sturton by Stow.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Dr Chris Hacking against the decision of West Lindsey District Council to refuse planning permission for a dwelling in the grounds of 23 Sudbeck Lane, Welton.

Appeal Allowed and Permission Granted - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- v) Appeal by PCC Consultants Ltd against the decision of West Lindsey District Council to refuse outline planning permission for new residential development with a mixture of three and four bedrooms with associated parking, private gardens and landscaping on land on the North Side of Waterford Lane, Cherry Willingham.

Appeal Allowed, Costs Awarded and Permission Granted - See copy letters attached as Appendix Bv.

Officer Recommendation – Grant permission

Committee Decision – Refuse Permission

Appeal Decision

Site visit made on 20 September 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 12th October 2016

Appeal Ref: APP/N2535/W/16/3152199

Land adjacent to 8 Church Road, Laughton, Gainsborough DN21 3PP

- 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 Mr Wilf Walker against the decision of West Lindsey District Council.
 - The application Ref 134072, dated 23 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is 3 no bungalows with attached garages.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved for future consideration except for the means of access and layout. Drawings showing the site location, block plan, layout and location of access points were submitted with the application and I have had regard to these in determining this appeal.
3. In the interests of clarity, I have slightly amended the address to reflect that in the appellant's appeal form and Council decision letter, as this provides a more accurate description of the location than that given on the original planning application form.
4. The Council has confirmed that since the consideration of the original application, the Central Lincolnshire Local Plan Proposed Submission (CLLP) document (2016) has entered the formal Examination period. Whilst I have had regard to the stage the plan is at in its preparation and the consistency of policies with the National Planning Policy Framework (the Framework) I have not been provided with any information relating to the extent to which there are unresolved objections to relevant policies. As such, and in line with Paragraph 216 of the National Planning Policy Framework (the Framework), this has reduced the weight that I have afforded these policies in my decision.

Main Issues

5. The main issue is (i) the effect of the development on the character and appearance of the area and (ii) whether the development would represent sustainable development in light of local and national policies on new housing in the countryside.

Reasons

Character and appearance

6. The appeal site forms part of a large open agricultural field on the edge of the village of Laughton. Laughton is identified as a 'small rural settlement' by saved policy STRAT3 in the West Lindsey Local Plan First Review (2006) (WLLP). This is the lowest category in the settlement hierarchy, reflecting the limited number of services and facilities within the village. The site is outside the defined settlement boundary and for the purposes of local and national policy, should be considered as open countryside.
7. The appeal site forms the start of a large and relatively unbroken swathe of generally flat open countryside stretching out from the edge of the village on this side of the road. 8 Church Road, which is a large and prominent detached dwelling, lies to one side of the appeal site and provides a strongly defined edge that demarcates a clear change in character between the built form of the village and the open countryside beyond. A number of detached properties of different styles, layouts and ages are located opposite the site. As a result, the site forms part of an attractive open setting to the edge of the village which reinforces the rural character of the settlement.
8. The site has no screening of any form and would be extremely prominent in the street scene, particularly when travelling toward the village along Church Road. The southern and eastern boundaries of the site would not follow any natural or logical features, but would simply cut into the open field. The plans provided indicate that the three bungalows would be arrayed in a uniform row across the width of the site. The formal and linear layout of the dwellings in this exposed location would strike a jarring contrast with the more informal and irregular form of development on the opposite side of the road. This would not reflect the prevailing character of this part of the village. Furthermore, I do not consider that this would form a natural extension to the village, or that it would be capable of being absorbed into the existing built form. Rather, the siting and layout of the bungalows would appear as an incongruous row of dwellings, which would create a new and unsympathetic artificial edge to the settlement with little regard to its character or that of the wider area.
9. The appellant has suggested that any unacceptable harm to the setting of the village could be addressed through landscaping. However, this is a matter reserved for future consideration and, with no details before me, I have insufficient evidence to conclude that this would be capable of providing suitable or sufficient mitigation for the unacceptable level of harm I have identified.
10. I recognise there is existing development on the opposite side of the road to the site but this does not alter my view that the siting of three bungalows in this location, along with all associated domestic paraphernalia, would result in an unduly discordant and urbanising encroachment into the open countryside. The development would significantly diminish the contrast between the settlement and the countryside to the detriment of the rural character and setting of the village. There would, therefore, be material harm to the character and appearance of the area in conflict with WLLP policy NBE20 which seeks to resist development that detracts from the rural character of the settlement edge. This policy has a high degree of consistency with the

Framework, which recognises the importance of protecting the intrinsic beauty of the countryside.

Sustainable development

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 dictate that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. WLLP Policy STRAT12 states that development will not be permitted outside the defined settlements listed in Policy STRAT3 unless it is essential to meet the needs of the specific uses listed in the policy. The development would not meet these criteria and thus there would be conflict with the WLLP. Policy STRAT9 establishes the priority for the release of housing land, with greenfield sites being the lowest priority. However, this does not completely preclude greenfield development.
12. The Council have confirmed that the WLLP does not contain sufficient allocations to meet housing needs in the area and departures to the plan are necessary to make up the shortfall. The relevant policies for the supply of housing in the WLLP are, therefore, out of date. In these circumstances, Paragraph 14 of the Framework requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
13. The Framework states that housing in rural areas should be located where it can help to maintain or enhance services and facilities within settlements. In addition, it states that isolated development in the countryside should be avoided unless there are special circumstances. STRAT12 has some consistency with the Framework in this regard. However, a blanket restriction of development outside defined villages is not consistent with the Framework, particularly where the underlying aim, as expressed in the supporting text to the policy, is to protect the character of the countryside. In the context of this appeal, this issue is adequately addressed by policy NBE20 and the Framework.
14. The Framework requires the balance between the benefits and impact of a development to be considered. As such, this limits the weight that I have given to STRAT3, STRAT9 and STRAT12. In this context, the fact the development would be on a greenfield site and is outside the defined settlement boundary are not the determining factors in the consideration of the appeal. This is also confirmed by the Council's acceptance that exceptions to STRAT12 will be required to meet the district's housing needs.
15. The issue of whether the site constitutes sustainable development against the policies of the Framework must still be considered. Paragraph 7 of the Framework identifies the three dimensions to sustainable development as social, economic and environmental.
16. The Framework refers to a need for accessible local services. The village contains a primary school, two churches, a day nursery and a pub. While this would provide some service provision for future occupants, there would still be a requirement to visit other settlements to meet most day-to-day needs, including shopping, healthcare, leisure and, in all likelihood, employment. This limits the weight I attach to the social dimension of the scheme.

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17. The lack of local services would lead to an increased need to travel. There is a reasonably frequent bus service running through the village between Scunthorpe and Gainsborough. I observed that the bus stops were roughly a five minute walk from the site. Part of the pedestrian route would have no pavement, but I did see street lighting in the vicinity of the site. This situation is not unusual in a rural location and while the route is not ideal, it is only a short distance and I do not see it discouraging those who are inclined to use public transport. There would, therefore, be some opportunity for residents to use alternatives to the car which weighs in favour of the proposal, to an extent, from an environmental perspective. The lack of services within the village is still likely to lead to an increase in car journeys, even if only to other nearby villages. While this would not be unusual in a rural location, it does weigh against the development.
18. There would also be inevitable economic activity and jobs associated with the building of the houses though these would be temporary and would apply to any housing development. There would be some expenditure on services somewhere. However, as there are few services within the village, it is likely that the majority of the expenditure would take place elsewhere. Therefore, the benefits would be the same regardless of where the house was constructed, so carry limited weight in terms of this development.
19. The creation of three homes would contribute to the social role of sustainable development. The Council have provided information which they suggest demonstrates they have a five year supply of housing land. As this is subject to an on-going Examination, I have given this limited weight in my decision. Therefore, in the context of the WLLP being out of date and the Framework's stated aim of boosting the supply of housing, the delivery of housing is an important factor. However, I have already concluded that there would be material harm to the character and appearance of the area and this would conflict with the environmental role of sustainability. While I have noted the potential for using public transport, the lack of service provision and the increased need to travel would still contribute to the negative effect in terms of the environmental dimension of sustainability.
20. While I have given limited weight to the conflict with policies STRAT3, STRAT9 and STRAT12, I consider that the environmental harm resulting from the development would significantly and demonstrably outweigh the benefits of three additional dwellings. As such, the development would not constitute sustainable development and the 'presumption in favour' set out in Paragraph 14 of the Framework does not apply.

Other matters

21. The appellant has drawn my attention to the Policy LP2 in the emerging Local Plan which indicates that small villages such as Laughton may be capable of accommodating a small amount of growth. I also understand that a Neighbourhood Plan is in the very early stages of preparation and that a call for sites has been made. It is suggested that this demonstrates Laughton is a sustainable location for development. However, neither the policy nor the call for site establishes precise locations for development and thus each individual application must be considered on its own merits. As such, the harm I have identified outweighs the benefits associated with the development. Therefore,

neither policy LP2 or the fact that a Neighbourhood Plan is being prepared would alter this conclusion.

Conclusion

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

S J Lee

INSPECTOR

Appeal Decision

Site visit made on 27 September 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/N2535/W/16/3151561

Clay Farm, Clay Lane, Gate Burton, Gainsborough, Lincolnshire, DN21 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by W E Barton Ltd against the decision of West Lindsey District Council.
- The application Ref: 133584 dated 8 October 2015 was refused by notice dated 11 March 2016.
- The development proposed is prior approval of proposed change of use of agricultural building to 3 dwelling houses.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the transport and highways impacts of the proposed development.

Reasons

3. Access to the proposed dwellinghouses from the A156 would be via Clay Lane. The distance from the A156 to the appeal site along Clay Lane is around 1.4 kilometres. Clay Lane has a single surfaced carriageway varying from approximately 3 metres to 2.8 metres in width. It is not a through road and it serves Clay Farm House and Sweet Meadow Cottage. It has grass verges to either side. Clay Lane climbs for over 200 metres from Gate Burton to a bend in the road and then, after a second bend, falls down towards a further bend, then a rail bridge and the appeal site. Visibility is somewhat restricted at the bends and there are few places to pass unless vehicles pull over onto the grass verges. The majority of the carriageway is adopted from the A156 until the rail bridge.
4. It was clear at the site visit, from tracks in the verge, that vehicles were having to leave the carriageway just beyond the dwellings at the A156/Clay Lane junction to either turn around or avoid oncoming vehicles. Grassed field accesses are located past the first section of bends. There is another field access at a bend before the rail bridge and a surfaced area next to the rail bridge. These latter two points have a degree of surfacing that would allow vehicles to pull off the carriageway in a relatively safe manner. However, there is a long straight stretch of Clay Lane and the area of bends towards the A156

- where it is likely that vehicles travelling in opposing directions could meet, necessitating drivers to pull onto the grass verges or to reverse to one of the existing points where passing is possible.
5. The appellant has submitted a highway report which concludes that the increase in traffic from the proposal will be imperceptible even in the context of the low baseline flows along Clay Lane. The Highway Authority estimates that there would be an increase of around 21 trips per day. It is advised by the appellant that there are no safety issues, with no recorded accidents in the last 10 years, and that the geometry is constrained, which has the effect of reducing vehicle speeds. There was previously a dog kennel business at Clay Lane which generated traffic including delivery vehicles, but that has closed. The reduction in storage facilities at the barns would also reduce the number of movements of agricultural vehicles. The appellant considers that the residual cumulative impact of the traffic generated by 3 dwellings will not result in a severe impact on the highway network, therefore there is no justifiable rationale to resist development on highway grounds.
 6. Paragraph 32 of the National Planning Policy Framework (NPPF) advises, amongst other things, that plans and decisions should take account of whether:
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
 7. From all the evidence before me I find that Clay Lane would not be a suitable access to the site in its present condition because of the likelihood of opposing vehicles meeting on the single carriageway road with no convenient space to pass. The appellant has provided no compelling reasons why improvements could not be undertaken to provide formal passing places, appropriately surfaced in view of the rural location, in order to limit the impacts of the development in terms of inconvenience from opposing vehicle movements and damage to verges.
 8. I accept that the increase in traffic using Clay Lane would be limited and that the appellant has control over the movements of larger agricultural vehicles at harvest times. However, there would be a greater mix of residential traffic and farm vehicles using Clay Lane than at present. It is also likely that the 3 dwellings would occasionally generate larger vehicles such as delivery wagons. The lack of passing places could be a particular problem for private cars in harsh winter conditions. In terms of the severity of impact I consider that, despite the location of the proposal in a rural area, the substandard width of the road and lack of surfaced passing places would be a constant concern for any occupants of the proposed dwellings when driving along Clay Lane.
 9. All other matters raised have been taken into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR

Appeal Decision

Site visit made on 27 September 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 14th October 2016

Appeal Ref: APP/N2535/W/16/3154229

23 High Street, Sturton by Stow, Lincoln, LN1 2AE

- 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 Mr J Bateman against the decision of West Lindsey District Council.
 - The application Ref 132943, dated 20 April 2015, was refused by notice dated 11 February 2016.
 - The development proposed is an outline planning application to erect 3no. 4 bedroom detached dwellings - all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposal from the Council's decision notice. This more accurately describes the proposals and this is reflected by the appellants on their submitted appeal form.

Main Issues

3. The main issues are the effect of the proposed development upon the a) character and appearance of the area, b) flood risk and c) highway safety.

Reasons

Character and Appearance

4. The appeal site comprises of an open grassed field which is located behind the rear garden of No23 High Street, and separated by a wire fence and gate along its eastern boundary. Boundaries to the north, south and west of the appeal site comprise of mature hedgerows and trees with open fields and paddocks beyond.
5. Due to the length of the rear garden to No23, the appeal site is located a reasonable distance behind this property. The general area comprises of detached dwellings fronting the High Street as ribbon development, typically set in large plots, with the open countryside beyond. I consider that the appeal site is clearly distinctive from the built up character of the village, and is characterised by its open and rural nature, which positively contributes to the rural landscape setting of Sturton by Stow.

6. The loss of this area to built development would therefore intensify and consolidate the built form of Sturton by Stow into its surrounding landscape, giving rise to an urbanising effect. The overall impact would be to intrude into and erode the open and rural character of the site, causing harm.
7. The appellant has drawn my attention to recently approved development at No37 High Street, however while I do not have any details of the particulars of this case which led to the approval by the Council, I understand that this development will be located within the garden area of this dwelling, rather than into open fields beyond the residential curtilage.
8. In respect of future development proposals for 50 dwellings adjacent to the appeal site itself, details of this scheme have not been provided to allow for any meaningful analysis. In any case, I have determined this appeal on its planning merits, based on the information before me.
9. Furthermore, I agree that allowing the appeal would make it more difficult for the Council to resist future planning applications for similar developments in the area, which would exacerbate the harm I have identified above.
10. On this matter I therefore conclude that the development would adversely affect the open and rural character of the area. This would be in clear conflict with saved policies STRAT 1, STRAT 12, RES3, NBE10 and NBE20 of the West Lindsey Local Plan First Review 2006 (LP) which, amongst other things, seek to restrict encroachment into the countryside and protect rural landscape character. The proposal also fails to accord with the National Planning Policy Framework (the Framework) which recognises the intrinsic character and beauty of the countryside.

Flood Risk

11. It is understood that adequate drainage would not be possible to be achieved through conventional means such as soakaways and connections to main drainage. No details of proposed drainage systems have been submitted with the application to allow for the assessment of the effects of such measures.
12. In assessing the principle of the erection of 3 dwellings in this location, I consider that there is a significant degree of uncertainty surrounding the impacts of this locally, given the specific ground conditions of the site and the potential risks involved. I am also mindful that Planning Practice Guidance (PPG) states that "*applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.*" (Reference ID: 34-020-20140306). I am therefore not persuaded that such details can be conditioned on the grant of consent.
13. Accordingly, I consider that it needs to be clearly demonstrated why development would not have a detrimental effect in respect of drainage and flood risk. The lack of any such information runs counter to saved LP Policy STRAT 1 which seeks to avoid the development of land where there is flood risk.

Highway Safety

14. The Council refused the proposals on highways grounds in respect of a lack of visibility from users. However, the application is in outline with all matters

reserved and therefore there are no specific details in respect of access into the appeal site.

15. At my site visit, I observed that High Street does bend around a corner in proximity to the appeal site which would limit visibility to the North. However, No23 High Street is set within a reasonably large plot with a wide frontage to the road. I am also mindful that, subject to meeting standard highway requirements in respect of visibility splays and the width of the access, the Highways Authority raised no objection to the application.
16. On this basis, I conclude that the development would not be likely to give rise to material harm to highway safety, subject to details to be assessed at the reserved matters stage in accordance with saved Policies STRAT 1 and RES 1 of the LP in respect of the provision of satisfactory access.

Other Matters

17. There is no evidence in respect of the support of the Council for proposals at pre-application stage, and following the determination of the application. I therefore have no reason to consider that the alleged advice was anything other than informal. In any case, under section 78 of the Town and Country Planning Act 1990, it now falls to me to determine the appeal, and I have done so based upon the submitted evidence and the planning merits of the case.

Conclusion

18. While I have found that highway safety would not likely to be compromised, subject to detailing at the reserved matters stage, this does not outweigh my findings in respect of character and appearance and flood risk. The adverse impacts of the proposal clearly and demonstrably outweigh any benefits of the proposal.
19. For the reasons given above, and taking into account all matters raised, I dismiss the appeal.

C Searson
INSPECTOR

Appeal Decision

Site visit made on 4 October 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 25th October 2016

Appeal Ref: APP/N2535/W/16/3154465

23 Sudbeck Lane, Welton, Lincolnshire LN2 3JF

- 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 Dr Chris Hacking against the decision of West Lindsey District Council.
 - The application Ref 133479, dated 2 September 2015, was refused by notice dated 5 February 2016.
 - The development proposed is a dwelling in the grounds of 23 Sudbeck Lane, Welton.
-

Decision

1. The appeal is allowed and planning permission is granted for a dwelling in the grounds of 23 Sudbeck Lane, Welton at 23 Sudbeck Lane, Welton, Lincolnshire LN2 3JF in accordance with the terms of the application, Ref 133479, dated 2 September 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Welton Conservation Area (CA) and (ii) the effect on the living conditions of the occupants of 23 and 31 Sudbeck Lane, with particular regard to outlook, privacy and noise.

Preliminary Matter

3. The Council's evidence indicates that the Welton Neighbourhood Plan (WNP) was formally made on 5 September 2016 subsequent to the submission of the appeal. It is clear from the evidence that both parties were aware of the status of the document and had the opportunity to comment on its implications in their submissions. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Reasons

Character and appearance of the Conservation Area

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.

5. The appeal site is part of the rear garden of 23 Sudbeck Lane which is a four bedroomed dormer bungalow with detached garage built in the 1970s. The house is set back from the roadside within a spacious plot. To the rear of the garden is a dense bank of mature landscaping that separates the site from the brook which runs along the rear of the lane. The site also backs on to a recreation ground. The common boundary with No 21 is made up partially of an outbuilding that would be directly adjacent to the extended driveway and a high hedgerow which runs the length of the garden. On the other side of the site, a mixture of boundary wall and landscaping provide the boundary to No 31.
6. I have been provided with the Welton Conservation Area Appraisal (CAA) (1989) which has provided useful information on the historical significance of the area. This indicates that the main aspects of importance are the well preserved medieval street pattern, surviving village greens and the important older buildings which typify the village's rural heritage. Sudbeck Lane is described as having a character "unlike streets in the rest of the village", mainly due to its narrow winding nature, mature landscaping and a number of 18th and 19th century buildings. However, I note that the only reference made to the northern side of the lane, where the appeal site is located, is to the mainly modern houses having less of an effect on the street scene, being set back from the road behind mature front gardens. No mention is made of any importance of these plots to the agrarian history of the village or of their significance to the CA.
7. Reference has been made by the Council regarding the importance of the site to the 'toft and croft' settlement pattern which is a highlighted characteristic of the village. However, the CAA does not specify the location of examples of this pattern exist and the appellant has provided evidence which challenges the Council's assertion that the site typifies this arrangement. Having considered all the information provided, I find the evidence for the site being an example of the 'toft and croft' character somewhat inconclusive. In any case, many dwellings on the northern side of the lane, including the appeal site, show little sign of an agricultural past, either in terms of their design or the layout of the buildings within their plots. Rather, they are of a more modern and suburban character, with large front gardens and drives. Notwithstanding this, I have considered the Council's concern that backland development is not characteristic of the area and the loss of the garden space would undermine the intrinsically rural and agricultural nature of the lane, leading to the unacceptable urbanisation of this low density rural settlement.
8. In the context of the more modern and less distinctive development on the northern side of the line, the dwelling would have very little impact on the rural character of the lane or wider village to any material degree. The importance of this part of the village comes primarily from its distinctive street scene and the nature of the older buildings, particularly those on the southern side of the lane. The narrow winding nature of the road, the verdant landscaping and the character, appearance or setting of key buildings would not be affected by the development. The dwelling would not be prominent from the roadside and would be well screened. There would be only glimpsed views of the dwelling between existing buildings and from a short stretch of the public footpath running by No 31. Neighbouring residents, including those living at No 23, would obviously be able to see the dwelling, but the visual impact on the wider character or appearance of the area would be minimal. Screening from the

recreation ground to the rear of the site is extensive. There may be more visibility in the winter months but even then the dwelling would be seen in the same context as the existing dwellings on Sudbeck Lane and would not appear incongruous.

9. I recognise the Council's concern about the intensification of the plot and loss of the open garden space. However, there are examples of development behind the frontage building on both sides of Sudbeck Lane and in other parts of the CA. Moreover, the dwellings along the northern side of the road have a varying relationship with the roadside, some of which sit very deep within their plots and thus it is not unusual to see buildings further from the roadside. While the exact circumstances and nature of these examples may differ to some extent from the proposal before me, they have helped to confirm my view that well designed and sympathetic development can take place without material harm to the character, appearance or significance of the area. The loss of this small area of garden space would not, in my view, lead to an unacceptable urbanisation of the village.
10. The Council have not raised any particular concern about the design of the dwelling. It has been designed to reflect the local character and, while it would not be particularly prominent in the street scene, it would be a sympathetic addition to the area. The proposed materials and features such as the tumbling brick gable are appropriate to the area and will help to further reduce any effect on local character. The extended driveway would not have a material effect on the appearance of the CA. There are a number of examples of long drives on the northern side of Sudbeck Lane and this would not be a particularly uncharacteristic feature.
11. As a result of the above, I consider the development would have a neutral effect on the rural nature of the CA and thus find it would preserve its character and appearance. Accordingly, there would be no conflict with West Lindsey Local Plan¹ (WLLP) policy NBE1 which seeks to ensure development preserves or enhances the CA. Moreover, there would be no conflict with policy RES3 which specifically seeks to ensure backland development does not adversely affect the general quality of the area or materially change the form, structure or character of the village. The development would also be consistent with policies STRAT1, STRAT7 and RES1 which, amongst other things, seek to ensure development is not significantly detrimental to local character. I also see no conflict with policy STRAT3 which appears simply to set out the settlement hierarchy.
12. While not mentioned in the reason for refusal, policy DP1 of the WNP has been referred to in the Council's evidence and I see no conflict with the requirement of this policy for development to respect local character. Finally, there would be no conflict with the Framework in relation to sustaining the significance of a heritage asset.

Living Conditions

13. The Council have raised some concern over increased levels of noise resulting from the extended access which would run between No 21 and 23. There would be an increase in vehicular movements to the side of No 23 and this is likely to have some impact on the living conditions of the occupants. The

¹ West Lindsey Local Plan First Review (2006)

movements associated with the new house however are unlikely to be excessive and the gap between the side of No 23 and the boundary is reasonably wide. As such, the impact is unlikely to reach an unacceptable level. The separation and boundary treatment between the access and No 21 would also ensure there would be no unacceptable impact on the living conditions at this dwelling.

14. The dwelling would come to within 1m of the common boundary with No 31 and would clearly alter the existing outlook from that dwelling. However, there would still be a reasonable gap between the buildings and No 31 would angle away from the new building. This would help to reduce the direct effect on outlook as the windows in the nearest part of No 31 would not be directly facing the development. Although the boundary treatment is quite high, the ground floor windows of No 31 will allow some visibility across the garden. Although the outlook from these would be restricted to an extent, I do not consider that the development would be sufficiently large or close to the dwelling to create an unacceptable feeling of enclosure or oppression, either within the house or garden of No 31.
15. While not referred to as a concern in the original officer report, the Council's appeal statement makes reference to increased potential for overlooking, mainly in relation to No 31. This is unlikely to be an issue in relation to overlooking *from* the new dwelling as there would be no windows in the roof facing this direction and ground floor windows would not provide views over the high boundary. The upper floor window of No 31 would provide only an oblique view of the ground floor bedroom window, which itself would be restricted at times by existing landscaping. There would be no significant opportunities for overlooking into the private amenity space of the new dwelling from No 31.
16. In terms of the relationship with No 23, there would be only one ground floor window facing the existing dwelling and this would be some distance away. The other opening in the facing elevation would be a small roof light to what is shown as loft space on the submitted plans. This would be at a height that would allow people to look out onto the retained amenity space of No23. However, this would serve a non-habitable room and so is unlikely to be used on a regular basis. There would also still be some distance between the roof light and the garden and rear windows of No 23. Some degree of overlooking is to be expected in a residential area and, in these circumstances, I do not consider that the development would unacceptably impact on privacy.
17. In conclusion on this issue, I find that the development would not have an unacceptable impact on the living conditions of No 23 or No 31. Accordingly, there would be no conflict with WLLP policies STRAT1, STRAT7, RES1 or RES3 which, amongst other things, seek to ensure development does not have a significant adverse impact on the living conditions of existing or neighbouring residents. As above, I see no conflict with policy STRAT3 in this regard as this policy sets out the settlement hierarchy. Nor do I see any conflict with policy NBE1, which addresses issues relating to the character and appearance of the CA.

Other Matters

18. I have considered the concern raised that to grant planning permission here would set a precedent for other similar developments. However, no directly

similar or comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its own individual merits and a generalised concern of this nature does not justify withholding permission in this case.

19. The appellant's Flood Risk Assessment (FRA) states that the dwelling would be within a Flood Zone 1 area and this is confirmed in the Council's officer report. No evidence has been provided which indicates that drainage is a particular issue on this part of Sudbeck Lane or that the development would either be at risk from flooding or exacerbate an existing problem. Equally, I have nothing before me which confirms there are significant issues with the capacity of the local sewers or any risk of contamination to the brook. The Council has also raised no particular concern with this issue and accepted that it could be adequately addressed by condition. I have seen nothing to suggest I should disagree with their conclusions.

Conditions

20. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
21. Conditions requiring the agreement of materials for external surfaces, roof materials and landscaping are necessary in the interests of the character and appearance of the area and the living conditions of nearby residents. I have amended the suggested conditions on materials to remove reference to specific requirements of the mortar as this will be part of what will be agreed. I have also combined the conditions on external materials and roofing materials as two separate conditions are not necessary. I have used the Planning Inspectorate's model condition which is more precise than the suggested conditions. As the site is within a CA, it is necessary to address these issues prior to the commencement of the development.
22. Also in the interests of the character and appearance of the area, I have included a condition requiring the identified tree protection measures to be carried out prior to development starting. I have also imposed a condition requiring the turning head and parking areas to be in place prior to the first occupation of the dwelling in the interests of highway safety. Here I have amended the suggested condition to include reference to the approved plan for clarity and precision.
23. To ensure there are no changes in the use of the building which could give rise to unacceptable impacts on neighbours living conditions, I have imposed a condition limiting habitable rooms to the ground floor. A condition relating to the agreement of foul and surface water drainage prior to commencement of the scheme are also necessary to ensure adequate drainage of the site and in the interests of the living conditions of future occupants.
24. The Council have indicated that there have been finds of archaeological importance in the vicinity of the site and have suggested conditions to carry out an investigation prior to development. The appellant has noted that other nearby permissions have been granted without such a condition. However, I do not have all of the relevant information for these applications and thus the

specifics of the site may be different. Therefore, it would be appropriate to impose a condition requiring a site investigation to ensure that any potential archaeology is properly investigated and recorded. I have amended the condition to increase its clarity in terms of carrying out the development and have rationalised the Council's suggested conditions on this matter. I have not included the individual conditions on commencement of the archaeological investigation, monitoring, reporting and depositing of any finds as these issues would be agreed within the method of investigation and are thus unnecessary.

25. While the Parish Council have not objected to the development on highways grounds they have requested a condition requiring construction traffic to not be allowed to park on the road. However, there is nothing to suggest that such a condition is necessary in the interests of highway or pedestrian safety. As such, I do not consider that it would be reasonable to impose such a condition.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) With the exception of the detailed matters referred to by conditions 3 and 4 of this consent, the development hereby approved shall be carried out in accordance with the following approved drawings:
 - PA4D 020915 Proposed Roof and Floor Plan
 - PA5C 020915 Proposed Elevations
 - SP3A 280815 Site Location Plan
 - SP2B 280815 Site Plan
- 3) No development shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including brickwork, stonework, mortar and roofing materials) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) No development shall take place 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 thereafter implemented in full before first occupation of the dwelling.
- 5) No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter implemented in full before first occupation of the dwelling.
- 6) The development hereby permitted shall not be occupied until the driveway and turning head shall have been constructed in accordance with details shown on approved plan SP3A 280815 and retained in that use thereafter.
- 7) No development shall take place until the tree root protection fencing as shown on approved plan SP3A 280815 has been installed. The fencing shall remain in place for the duration of the development.
- 8) The dwelling hereby approved shall not include habitable accommodation at first floor level.
- 9) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;

- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Appeal Decision

Site visit made on 26 September 2016

by Janine Townsley LLB (Hons)

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

Decision date: 4 November 2016

Appeal Ref: APP/N2535/W/16/3150309

Land on the North Side of Waterford Lane, Lincolnshire, LN3 4AN

- 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 PCC Consultants Ltd against the decision of West Lindsey District Council.
 - The application Ref 133957, dated 25 January 2016, was refused by notice dated 24 April 2016.
 - The development proposed is new residential development with a mixture of three and four bedrooms with associated parking, private gardens and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for new residential development with a mixture of three and four bedrooms with associated parking, private gardens and landscaping at land on the north side of Waterford Lane, Lincolnshire LN3 4AN in accordance with the terms of the application, Ref 133957, dated 25 January 2016, and the plans submitted with it, subject to the following conditions set out in the attached schedule.

Application for costs

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

Procedural and Background Matters

3. The application is for outline planning permission with all matters reserved.
4. The application for planning permission was reported to the planning committee with a recommendation of approval. Members of the planning committee resolved to refuse permission for reasons related to the effect of the development on the character and appearance of the area and the potential noise nuisance from the adjacent railway line on future occupiers of the proposed dwellings.
5. The Council has submitted The Central Lincolnshire Local Plan for examination but the examination process is not yet complete. As such, the saved policies of the West Lindsay Local Plan First Review 2006 (WLLP) comprise the statutory development plan for the district. It is common ground between the parties that since the proposal falls outside of the settlement boundaries that it would represent development in the countryside and that none of the exceptions set

- out within policy STRAT12 would apply. Therefore the development would be contrary to policies STRAT 9 and STRAT12.
6. The Council's position is that policy STRAT12 is consistent with the core principles of the National Planning Policy Framework (the Framework) and in this particular paragraph 17 which requires that development "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.* Whilst the policies of the WLLP may be time expired, they remain to be the statutory development plan and given there is no dispute that the relevant policies are consistent with the Framework, I have determined this appeal by reference to the current local and national planning policies.
 7. Furthermore, the Framework post-dates the WLLP and places a requirement on Councils to "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements", the position of the Council is that the latest Housing Land Availability Assessment (April 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.
 8. The figures (and updated figure within an updated report published in September 2016) show the Council is able to demonstrate a supply of housing land to meet the need over a five year period, at 5.26 years according to the September 2016 figures. However this includes a windfall allowance and is dependent upon departures from the extant plan. The Framework states that housing supply policies should not be considered up-to-date where a five year supply cannot be demonstrated. Whilst the LLP has been submitted for examination, it is still liable to change. As such, I attribute limited weight to its policies and its housing land availability figures. The Council also accept that the spatial strategy of the WLLP is out of date and does not have sufficient allocations remaining in the plan to meet the objectively assessed five year supply. Therefore it is inevitable that departures from the WLLP will be necessary to make up that shortfall. Consequently, the Council accepts that the housing supply policies are considered to be out of date, and therefore presumption in favour of sustainable development as set out within the Framework is a material factor.
 9. The facilities and services within Cherry Willingham include a doctor's surgery, public library, a public house and a number of shops and food outlets. There is also a primary school and community school. There is a bus stop adjacent to the site with a regular bus service to Lincoln. There is no dispute as to the sustainable nature of the location of the site.

Main Issues

10. Taking into account the above areas of consensus, the main issues to be determined are the effect of the development on the character and appearance of the area and the effect on the living conditions of future occupiers with particular reference to noise.

Reasons

Character and Appearance

11. The appeal site lies adjacent to the village of Cherry Willingham. The linear site is situated between by Waterford Road and a raised bank which supports the railway. Mature trees and shrubs divide the site and highway and these generally screen views into the site.
12. The site is currently unoccupied by any permanent buildings and therefore the development of up to 9 dwellings would inevitably result in a change to the character and appearance of the site. However, the character of the general area is derived from the dwelling houses within the adjacent village and the open fields beyond the railway line.
13. The site is generally enclosed by the trees and railway line and this contrasts with the open character of the fields beyond. Furthermore, the presence of the railway line acts as a physical boundary feature, this reinforces the relationship between the site and the dwellings within the village and acts as a visible point for the transition to countryside beyond. Therefore, whilst in policy terms the site falls outside of the settlement, the proximity of the dwellings, the enclosed nature of the site and the presence of the railway line define the character of the site. Consequently the character and appearance of the appeal site relates more closely to the settlement than the fields beyond. I consider this to be a significant factor since it means that the development of the site would not detract from the rural character of the settlement edge and the countryside beyond and in this regard would accord with policy NBE 20.

Living Conditions

14. The linear nature of the site adjacent to the railway track means that much of the site is in close proximity to the track. The railway line is served by both passenger trains and freight trains and is in regular use both day and night. Whilst on site I observed a freight train passing. As such I consider the setting of the site gives rise to the risk of future occupants being exposed to noise nuisance.
15. In recognition of this, the appellant has commissioned a report on sound measurements and recommendations. The report recommends a scheme of sound insulation for the dwellings including acoustic double glazing, specialist plasterboard ceilings and ventilators, together with the installation of a 2 metre acoustic boundary treatment to mitigate sound levels within private gardens.
16. I have taken into account Planning Policy Guidance "Noise" which advises that sound mitigation measures can be utilised to ensure no significant adverse effect on receptors. Whilst I note the concern of the Council that future occupiers of the dwellings may be exposed to unacceptable noise levels due to the proximity of the railway line, there is nothing before me to suggest that the programme of mitigation suggested by the appellant would not be able to secure a good standard of amenity for future residents. Accordingly, this is a matter which could adequately be addressed by means of a condition. Furthermore, matters such as the optimal siting and orientation of the dwellings to avoid noise disturbance from the train line and adjacent road are matters which can be addressed further at the reserved stage when site layout would be considered.

17. I note that no objection was recorded by the Council's Environmental Protection Officer in relation to the potential impact of noise from the railway line and this adds further weight to my conclusions.

18. Overall therefore, I conclude that through the use of appropriately worded conditions, future occupants would not be exposed to unacceptable levels of noise from the adjacent railway line.

Conditions

19. Other than the standard conditions relevant to a grant of outline planning permission for the submission of reserved matters and the standard time limit condition, conditions requiring the submission of a construction method statement and requiring the construction of a pedestrian footway along the frontage of the site are necessary in the interests of amenity and in the interests of highway safety and. Conditions requiring appropriate foul and surface drainage to facilitate satisfactory drainage of the site and to prevent the risk of pollution. A condition requiring an adherence with the ecological report submitted with the planning application is necessary in the interests of nature conservation. Conditions relating to potential works near the railway operators boundary and exterior lighting are necessary to ensure the safety of the railway network and a condition dealing with the required sound insulation measures for the proposed dwellings is required in the interests of the living conditions of future occupants of the appeal site.

20. I have considered requested conditions to ensure motor vehicles can egress the site in forward gear and relating to the loss of existing trees and hedgerows, however, these are matters which can be dealt with at the reserved matters stage.

Conclusion

21. Whilst I have concluded that the development would fail to accord with policies STRAT9 and STRAT12 of the WLLP, I consider that for the aforementioned reasons, there are significant factors which weigh in favour of the development. Accordingly, the appeal should be allowed.

Janine Townsley

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") 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) An 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) No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 5) No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 6) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 7) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - iii) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- iv) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- v) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - vi) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway along the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied unless otherwise agreed with the local planning authority.
- 11) No development shall take place until full details of any excavations and earthworks to be carried out on or near the railway undertaker's boundary fence have been submitted to and approved by the Local Planning Authority acting in consultation with the railway undertaker. Any works shall only be carried out in accordance with the approved details.
- 12) The development shall be carried out in accordance with the ecological report submitted (Ecology and Protected Species Survey: Land off Waterford Lane, Cherry Willingham, Lincolnshire dated December 2015) with the application, including provision of any proposed details of habitat protection.
- 13) The dwellings shall be constructed to provide sound insulation from the railway and shall include the following mitigation methods unless otherwise agreed in writing by the local planning authority -

- vii) Double glazing comprising 8mm and 16.8mm acoustic glass separated by a 16mm air gap
 - viii) Plasterboard ceiling consisting of two layers of 12.5mm acoustic plasterboard (eg. Soundbloc or similar) with mineral wool above
 - ix) Passive ventilation provided by Greenwood MA3051 acoustic ventilators or their acoustical equivalent
 - x) External walls constructed using cavity block work or brickwork
 - xi) Garden boundary fence constructed to an acoustical standard (ie, imperforate with no air gaps or sightlines between boards or under the fence.)
- 14) 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:
- xii) the parking of vehicles of site operatives and visitors
 - xiii) loading and unloading of plant and materials
 - xiv) storage of plant and materials used in constructing the development
 - xv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - xvi) wheel washing facilities
 - xvii) measures to control the emission of dust and dirt during construction
 - xviii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - xix) details of noise reduction measures;
 - xx) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xxi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - xxii) details of the use of any vibro-compaction machinery to be used in development
- 15) Details of any proposed exterior lighting shall be submitted to and approved in writing by the local planning authority in consultation with railway undertaker before the dwellings are first occupied. The development shall be carried out in accordance with the approved details.

Costs Decision

Site visit made on 26 September 2016

by Janine Townsley LLB (Hons)

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

Decision date: 4 November 2016

**Costs application in relation to Appeal Ref: APP/N2535/W/16/3150309
Land North of Waterford Lane, Cherry Willingham, Lincoln, Lincolnshire,
LN3 4AN.**

- 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 PCC Consultants Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for new residential development with a mixture of three and four bedrooms with associated parking, private gardens and landscaping.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance (PPG) provides that an award of costs may be made 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.
3. The Appellant claims that the Council prevented the development when it should have been permitted and that it produced no objective evidence in support of its refusal. The PPG advises that local planning authorities are at risk of an award of costs if they prevent or delay development which should clearly be permitted or fail to produce evidence to substantiate their stance.
4. The application relies substantially on the decision of the planning committee being contrary to the recommendation of Council officers. It is submitted that the Council has failed to produce any objective evidence in support of either reason for refusal.
5. Whilst the Council's planning officer concluded that the development would not cause significant harm to the character and appearance of the area, there is an element of subjectivity in this judgement in terms of attributing weight. Consideration of planning applications and appeals, however, often involve finely balanced judgment on matters. The Planning Committee was entitled to weigh matters differently and to conclude as it did, considering potential conflicts with the development plan.

6. The second reason for refusal relates to the alleged harm caused by noise and vibrations from the nearby railway line. The appellant had, during the application phase, provided a detailed noise and vibration assessment which concluded that mitigation measures could be incorporated to ensure that future resident's living conditions would not be harmed in accordance with the relevant PPG. Furthermore no objections were raised by the Council's Environmental Health Officer. In my decision I concluded that there the Council did not produce any evidence to challenge this objective assessment and for this reason it failed to substantiate its concern that the development would have a harmful impact. In the absence of any evidence to support the second reason for refusal, resulting in the applicant being put to unnecessary expense in appealing this element of the decision.

Conclusion

7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense as described in the PPG has not been demonstrated in relation to the first reason for refusal but has been demonstrated in relation to the second reason for refusal. For this reason, and having regard to all other matters raised, a partial award for costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsey District Council shall pay to PCC Consultants Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the appealing against the second reason for refusal which relates to the impact on noise of the adjacent railway line.
9. The applicant is now invited to submit to West Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Janine Townsley

Inspector