

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee

Wednesday, 14th December, 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 16 November 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) 134990 Riseholme College

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 1 - 16)

b) 134720 Land South of Hemswell Cliff

Outline planning application for up to 180 residential units with access to be considered and not reserved for subsequent applications on land south of A631 Hemswell Cliff. (PAGES 17 - 44)

c) 133741 Saxilby

Planning application to erect 6 detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road on land to West of Fosdyke House, Gainsborough Road. Saxilby. (PAGES 45 - 70)

d) 135031 Caistor

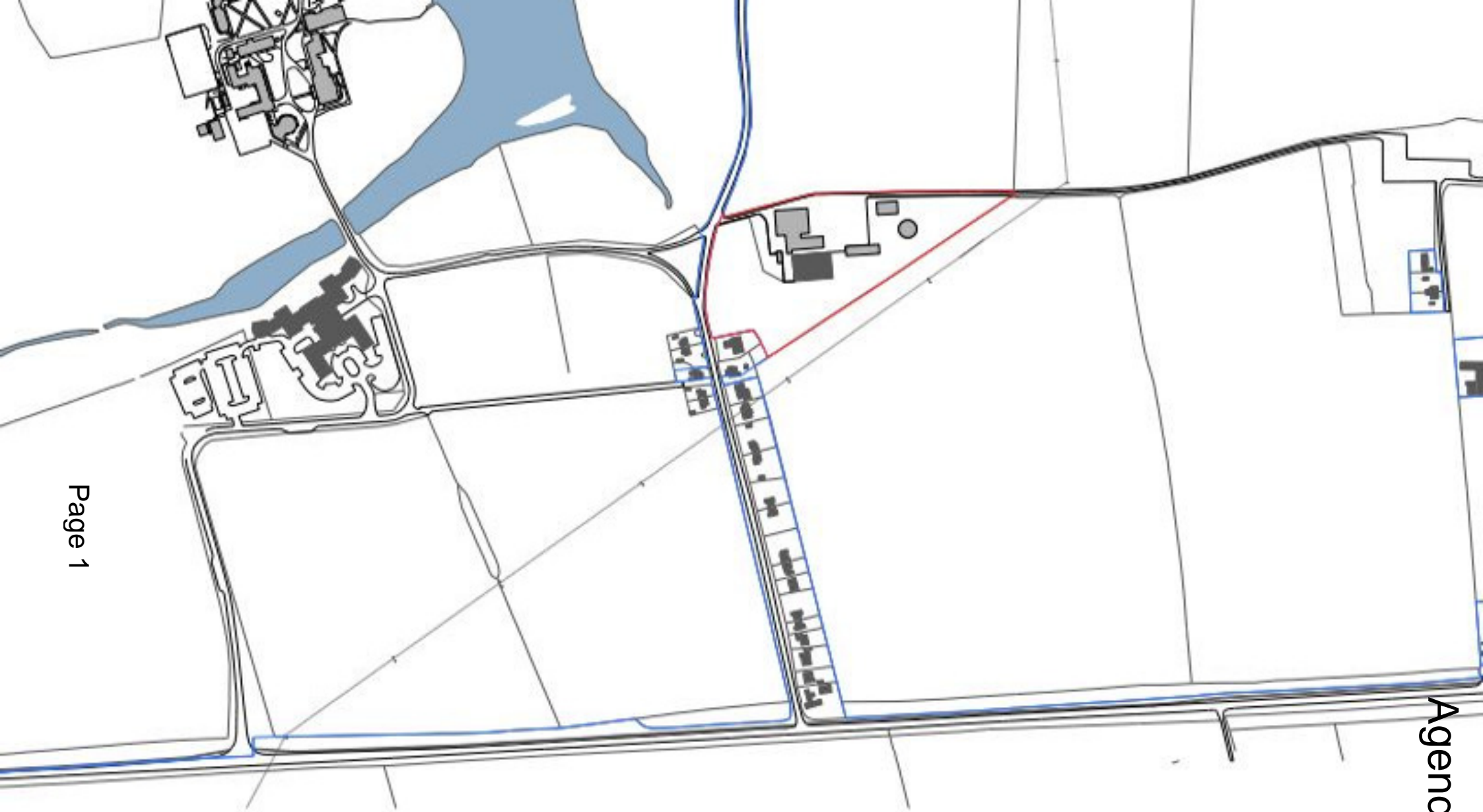
Planning application for proposed 17 rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings at Hillcrest, Caistor Top, Caistor. (PAGES 71 - 88)

7. Pre-consideration Site Visit - Riseholme Campus

(PAGES 89 - 92)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 6 December 2016



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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): N/A

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.

The application was presented at committee on 16th November 2016 where it was deferred for a site visit which took place on 18th November 2016.

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#crt6>
- 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 was fully adopted on 14th November 2016. The Plan therefore, can now be afforded full 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 in

full prior to the occupation of the building and maintained in perpetuity thereafter.

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 in full prior to the occupation of the building and maintained in perpetuity thereafter.

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 only be carried out in 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:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European

Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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

Representors to be notified -
(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

Prepared by : Simon Johnson

Date : 31st October 2016

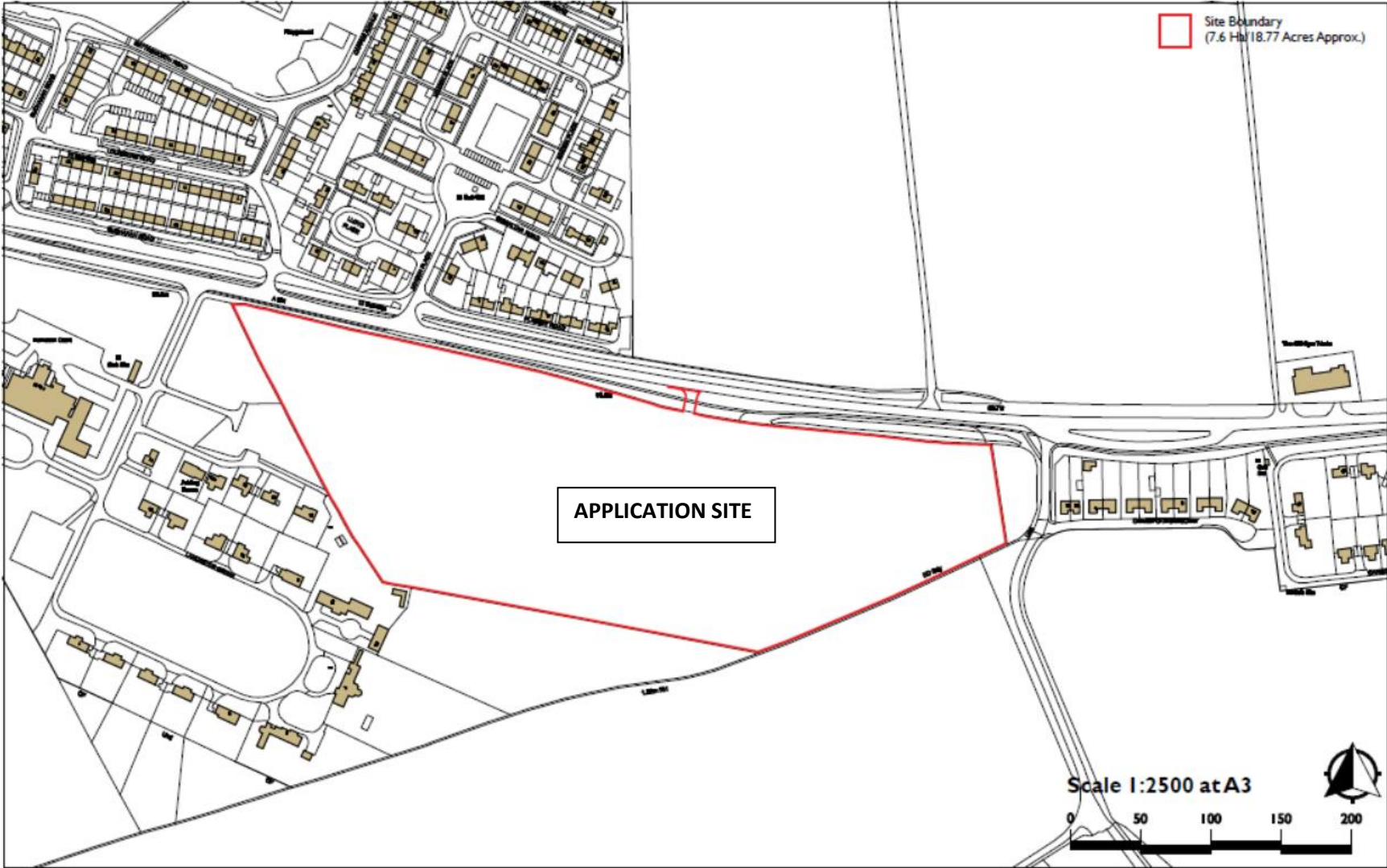
Signed:

Authorising Office **Date:**

Decision Level (tick as appropriate)

Committee

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PROJECT	CLIENT
Land South of the A631, Hemswell Cliff	Hemswell Estates Ltd

SITE BOUNDARY

Drawing Number	Rev.	Date	townscape solutions 208 Lightwoods Hill, Smethwick, West Midlands, B67 5EH E: kbrown@townscapesolutions.co.uk t: 0121 4296111, f: 0121 2268789
SB-01	B	14-07-16	

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Officers Report

Planning Application No: 134720

PROPOSAL: Outline planning application for up to 180no. residential units with access to be considered and not reserved for subsequent applications

LOCATION: Land south of A631 Hemswell Cliff

WARD: Hemswell

WARD MEMBER: Cllr P Howitt-Cowan

APPLICANT NAME: Mr Ronald Duguid – Hemswell Estates Ltd

TARGET DECISION DATE: 24/10/2016

DEVELOPMENT TYPE: Major - Dwellings

RECOMMENDED DECISION:

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

- Capital contribution towards primary school facilities (amounting up to £146,593) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- On site provision of or off site provision for the delivery of affordable housing and/or enhancement of affordable housing (as defined within the NPPF) within Hemswell Cliff, equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site);
- Provision of a controlled pedestrian crossing on the A631 to serve the development.

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 has been referred to the planning committee as a Council Member is a Director of Hemswell Estates Ltd and is related to the applicant.

Planning permission is sought, in outline, for up to 180 dwellings with access taken directly from the A631. Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval.

The site, measuring 7.60ha in area, comprises an agricultural field in active arable use. Mature planting and hedges run along the site boundaries, albeit with some breaks/gaps.

The site is located on the south side of the A631.

On the north side of the A631 are open fields (to the north-east) and residential properties (to the north-west).

To the west, is a small wooded copse in private ownership, and enclosed by fencing.

To the south west are detached residential properties within Hemswell Court / Lancaster Green.

To the east, is a small parcel of undeveloped land, between the site and Dog Kennel Road, in private ownership. Beyond Dog Kennel Road are a row of semi-detached residential properties fronting Creampoke Crescent.

Town and Country Planning (Environmental Impact Assessment) 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:

None applicable on the application site.

It should be noted that outline planning permission has recently been granted for up to 40 dwellings, on land at Lancaster Green, Hemswell Court, approximately 150 metres to the west of the current application site. Planning appeal **APP/N2535/W/16/3147051** was upheld following the Council's non-determination of **application 133344** within the prescribed period.

Representations, in summary:

Hemswell Cliff Parish Council: Wishes it to be noted that the Parish Council would prefer to see applications brought forward on the north side of the road. Have a number of questions which, if can be addressed, the application would not be objected to:

- (1) Safety concerns with crossing the road. Can a crossing be incorporated? Can a 40mph speed limit be introduced?
- (2) Will roads and street furniture be installed to an adoptable standard?
- (3) What studies have been undertaken to ensure sewage management has capacity?
- (4) Would it be possible to reduce the number of houses being built and improve the quality of the build?
- (5) What steps are being taken to ensure there is enough capacity at local schools?

Consider that WLLP policies RES1: Housing Layout and Design, STRAT19: Infrastructure Requirements, SUS2: Transport Assessments and NBE14: Waste Water Disposal are particularly relevant. Consider that NPPF paragraphs 39 (car parking), 64 (good design), 72 (school places), 100 (flood risk), 103 (flood risk sequential test) are particularly relevant.

Growth & Projects Officer (Economic Development):

In principle and subject to normal planning considerations the Growth Team are supportive of this outline planning permission from an economic and regeneration perspective.

Hemswell Cliff currently has 275 households with a population of 739. 65% owner occupation. There is a high proportion of rented in comparison to number of houses. It currently does not have the level of population and needs to sustain services and therefore lacks a number of them necessary for a vibrant village; there is no doctors, community centre and Hemswell Cliff lacks transport links to Gainsborough and Market Rasen.

A volatile rented sector means the school has a high turnover of pupils. The Primary School had a mobility rate of 31% 15/16 year. This is a major issue. Additional population growth in quality houses would offer increased numbers and help stabilise a good primary school.

An increased population together with an increase in workers on the business park will assist the village in getting additional services.

Good quality housing would help bring more quality choice of accommodation and be an attractive pull to existing businesses and new businesses to the Food Enterprise Zone as an offer of live and work in close proximity.

The contribution that Hemswell Cliff will give in terms of employment land development and high value job creation is reflected in the Central Lincolnshire Local Plan Proposed Submission with Hemswell Cliff being put forward as a Strategic Employment Site suitable to accommodate large scale development in the agri-food sector.

Whilst the site at Hemswell Cliff was assessed in exactly the same way as all other proposed employment sites, the additional weight carried by the LDO and Food Enterprise Zone was considered too. These unique features added

strong rationale to the identification of Hemswell Cliff as a proposed Strategic Employment site.

The FEZ Scheme expects to generate approximately 1000 jobs over the next 15 years, representing an increase of nearly 28% on the numbers employed in the sector within West Lindsey in 2014. It will also build on the current strength of the agri-food sector in West Lindsey which represents 10% of the workforce and generates a GVA of approximately £94m.

LCC Highways / Lead Local Flood Authority: Recommend refusal of the application based on the lack of drainage information supplied as part of the application. There are no infiltration tests to prove that infiltration will work and there is no alternative method of drainage being offered.

If WLDC is otherwise minded to grant permission, recommend conditions to: secure a 1.8m footway adjacent to the A631 (from Dog Kennel Road to Lancaster Green); to secure a signalised crossing over the A631; roads and footways to be constructed to an adoptable standard; details of a SUDS drainage scheme.

Health & Safety Executive: Do not advise against, on safety grounds, the granting of planning permission in this case.

National Grid: The National Grid apparatus that has been identified as being in the vicinity of your proposed works is: High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment.

Housing Zone Programme Manager:

Current policy within the West Lindsey Local Plan 1st review 2006 is that where there is a demonstrated need the council will seek to negotiate in the region of 25% affordable housing. This is always subject to the viability of the site.

- Due to the evidence of need on site provision is favoured by the Council to meet identified need.
- The West Lindsey SPG Off Site Contributions in lieu of Affordable Housing presents the opportunity for the applicant to provide an off-site contribution in lieu of on site provision in certain circumstances for which I believe this site would qualify
- The off-site contribution in this instance based on the SPG would equate to £2,179,530.00 (45 x £48,434.00)
- The emerging Central Lincolnshire Local Plan 2012-2036 Submission Draft April 2016 policy LP11, allows in exceptional circumstances, on site provision on another site or the payment of a financial contribution (equivalent in value to it being delivered on-site)
- Advice has been sought on the spend of off-site contributions in response to the applicants request
- In response to the advice and for the purposes of agreeing Heads Of Terms to move the application forward we could agree to an off-site contribution being spent on the 'provision or enhancement of affordable

- housing' the detail of which to be agreed with the Council and the Council's legal representative at a later stage
- Affordable Housing has the meaning given to it within the NPPF 2012 or any amendment or supplemental guidance.

LCC Education: This development would result in a direct impact on local Schools. In this case just the primary schools at Hemswell Cliff are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. The PPR calculation illustrates that some 36 primary places will be required in the locality as a direct consequence of this development and there is insufficient capacity available.

At present projections show that, excluding the effect of the development in question, Hemswell Cliff Primary School will have 23 permanent surplus places (to 95% capacity) places by 2018 when it is reasonable to presume this development would be complete or well on the way. Seek a capital contribution, amounting up to £146,593. This will be spent on improvements to Hemswell Cliff Primary School.

NHS England: Seek a capital contribution of £425 per dwelling (up to £76,500). The GP practice that is most likely to be affected by this proposed housing development is The Ingham Surgery. The practice currently has a list size of 3388 (July 2016); the anticipated increase in population of 414 would be a significant increase in the practice list size. Any further increase in practice population will add additional pressure to the GPs and the existing infrastructure. Monies being considered to be used for increased parking and/or reconfigure the use of consulting rooms to multi use clinical rooms to accommodate the increase services that would be needed.

Trees Officer: I have no objections in terms of impact to existing trees or hedges. The indicative layout in this outline application shows a landscape belt along the south and southeast sides of the site. This should be required as a condition so the development is well screened and its impact on the adjacent countryside is reduced and softened. Details would be required in a subsequent application. Gaps and thin sections of the boundary hedgerow should be infilled with locally characteristic native countryside hedge mix. Details should be submitted in a subsequent RM application. A scheme of landscaping should be required for amenity value, to improve biodiversity value of the site, and to soften the impact of the built environment.

Environment Agency: Consider permission could be granted subject to planning conditions. The proposed development site is in or near to the catchment for Hemswell RAF Water Recycling Centre (WRC) ANNNF2068. Flow compliance data we hold for 2015 indicates that there is currently limited headroom for additional flows at the works. It is therefore expected that capacity will need to be upgraded to accept the increase in sewage volume from this development. Connection to the mains sewerage network is the only acceptable solution for the wider area.

The site lies on Lincolnshire Limestone (principal aquifer) outcrop, and in an SPZ 2 for public water supplies 4km to the east. There are closer licensed abstractions within 350 m of the site. This site is very sensitive with regards to groundwater issues. Any contamination not previously identified could impact on groundwater quality and ultimately on licensed abstractors or base flow to surface watercourses if not adequately addressed.

Recommend planning conditions to require details of foul sewage conveyance and treatment; and, protection of groundwater from existing contamination.

Anglian Water: Requests informative notifying that Anglian Water has assets close to or crossing the site. Site layout will need to take this into account or will need formal application under Water Industry act 1991 to divert. The site is in the catchment of Hemswell Water Recycling Centre which does not have the capacity available. Development will lead to an unacceptable risk of flooding downstream. A condition is required to secure a foul water drainage strategy.

Archaeology: No further archaeological input required.

Lincolnshire Police: Appreciates outline permission only. Offers advice for detailed plans on parking provision, clearly delineating public and private space, boundary treatments, design and layout.

Lincolnshire Fire & Rescue: Object to the application on the grounds of inadequate water for firefighting purposes & inadequate access. Recommend fire hydrants be installed at the developer's expense although not yet possible to determine number required. Access to buildings must meet with Building Regulations. 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.

Objections from **10, 15A, Hampden House (Lancaster Green):**

- Unsustainable for size of Hemswell Cliff;
- In accumulation with nearly 40 dwellings at Hemswell Court, the impact of 180 houses as well is going to change the village forever;
- Lancaster Green (a small, quiet community of around 20 detached houses) will be sandwiched right in the middle of it all;
- Home Office guidelines are 9% growth, but in extreme circumstances no more than 25% is allowed. This development plus that already permitted at Hemswell Court is exceeding these limits by astounding proportions;
- To my knowledge this area is prime agricultural land and should not be sacrificed to enable either a farmer (or developer) to make a huge amount of money;
- There is a high pressure gas main running through the site;
- This development, if it goes ahead, will also have an adverse impact on the environment;

- In this particular area there are a number of disused RAF installations which are ripe for redevelopment for both private and affordable housing instead of diminishing the English countryside for the sake of profit;
- for the village to become a coherent settlement, development needs to take place to the north and east of present main village site so that it can be further developed to make provision for a proper village centre with amenities such as at least one shop and a meeting place such as a village hall and other facilities;
- If this application were to go ahead it would not develop the village but it would further split it up so that future development would be impeded by an untidy lot of houses in the wrong place;
- The FEZ is a pure speculative venture. As such, no weight should therefore be given to this development from such a proposal.
- The Hemswell Court is a newly listed Grade II building. The listing itself, was persuasive not just from the building itself, but of the surrounding area of the site;
- Do not consider that applicant's pre-consultation exercise was adequate.

Relevant Planning Policies:

National guidance

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

National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG)

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 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- STRAT6 – windfall and Infill Housing Development in Primary Rural Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat6>
- STRAT 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- STRAT 12 Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

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

Emerging Planning Policy

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

The **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.

The Plan and background papers can be viewed here: <https://www.n-kesteven.gov.uk/central-lincolnshire/>

Hemswell Cliff is allocated as a “Medium Village” under **policy LP2**. It states that *“Unless otherwise promoted via a neighbourhood plan, these settlements will accommodate a limited amount of development in order to support their function and/or sustainability. Typically, development proposals will be on sites of up to 9 dwellings... However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings... where proposals can be justified by local circumstances.”*

Policy LP4 considers levels of growth in Medium Villages. At paragraph 3.4.7 it explains that *“Hemswell Cliff village is identified for a greater level of growth than would otherwise be the case... The reasoning for this exceptional approach is due to the adjacent Hemswell Cliff Business Park area being*

identified as a national Food Enterprise Zone, which will lead to significant investment and job creation. As such, this Local Plan makes specific allocations for dwellings in Hemswell Cliff (see Policy LP53), to complement the employment and other growth associated with the Enterprise Zone, rather than a more general, no allocation, percentage increase approach.”

The application site is proposed as a residential allocation in the CLLP (**policy LP53**). Site CL4673 is allocated for an indicative number of 180 dwellings.

Hemswell Cliff Masterplan

In June 2016, the Prosperous Communities Committee approved the Hemswell Cliff Masterplan as the basis of the Council’s strategy to further develop the Food Enterprise Zone (FEZ) and drive forward the social and economic regeneration of the wider settlement. A two year Regeneration Improvement Programme has now commenced to help deliver the vision and principles within it.

The Masterplan does not form part of the Statutory Development Plan, but is a material consideration in the determination of the application.

The Masterplan indicates housing on the application site. It states that *“new development south of the A631 will help to connect the two residential areas that side, which are currently isolated from each other and the main part of the village”*.

Main issues

- Provisions of the Development Plan
- Emerging Planning Policy
- National Policy
- Highway Access & Safety
- Flood Risk & Drainage
- Landscape & Visual Impact
- Loss of Agricultural Land
- Ecology
- Infrastructure
- Affordable Housing
- Heritage & Archaeology
- Amenities

Assessment:

- (i) *Provisions of the Development Plan*

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

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.

Policy STRAT3 allocates Hemswell Cliff as a Primary Rural Settlement. Policy STRAT6 will permit limited small scale and infill housing development (in the range of 5 to 10 dwellings) within the confines of the settlement boundary.

The site lies outside the settlement boundary as set within Inset Map 33.

For the purposes of the Plan, the site is within “Open Countryside” and policy STRAT12 applies. This states that:

“Planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.”

The development is for up to 180 dwellings which does not meet this criteria.

As a green field site, it is likely to fall within category D under policy STRAT9 “Greenfield land essential for the economic regeneration of the settlement”.

Development is therefore contrary to the provisions of the West Lindsey Local Plan (First Review).

(ii) Emerging Planning Policy

The WLLP was adopted in 2006, and its housing requirements are derived from the, now revoked, Regional Spatial Strategy (RSS). It no longer meets with the full, objectively assessed needs for market and affordable housing in the District.

In February 2015, the Greater Lincolnshire Local Enterprise Partnership (GLLEP) was successful in attracting funding from Defra to support three pilot schemes for developing Food Enterprise Zones (FEZs) in the geographical area consisting of West Lindsey, North East Lincolnshire and South Holland. The food sector is of enormous importance to Greater Lincolnshire; it's the third biggest sector and contributes £2.5 billion every year to the area's economy.

The Zone would capitalise on the opportunities associated with the nearby new specialist agricultural Campus developed by Bishop Burton on the Lincolnshire Showground and the University of Lincoln Institute for Agri-food Technology”. The three FEZs will establish a triangular hub serving the key agri-food clusters in the Greater Lincolnshire area (arable crop sector and food processing in Central Lincolnshire, fish processing in the South Humber Bank and fresh produce at Holbeach). The “A15 growth corridor” links all

three FEZ areas and is thus important strategically in facilitating growth of the food chain across the LEP area.

The CLLP, and Hemswell Masterplan, anticipates that the FEZ will lead to significant job creation and investment. To compliment this, the CLLP proposes that Hemswell Cliff is not allocated a percentage of growth like other small and medium villages, but instead has a specific allocation for residential development.

The CLLP proposes the application site (reference CL4673) for an indicative 180 dwellings (as is now being proposed). This accords with the approach advocated in the Hemswell Cliff Masterplan.

Accordingly the application accords with the emerging Local Plan proposed by the Central Lincolnshire Authorities.

(iii) National Policy

Paragraph 216 of the NPPF states that, from the day of publication, 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 (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 CLLP is at a very advanced stage. It is presently at examination, with Hearings having commenced on 1st November and scheduled to complete by 14th December.

The Proposed Submission Consultation: Key Issues Report (June 2016) indicates support for the approach to Hemswell Cliff under policy LP4, support for the Hemswell Cliff Strategic Employment Site (SES) under policy LP5. Comments on site CL4673 (the application site) are summarised as *“level of growth from this site is broadly appropriate; preference for development in area to occur north of the A361.”*

In the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) response to the Initial Questions raised by the Local Plan Inspectors (August 2016) – Site CL4673 is listed as a site without planning permission and without objections.

Modifications to the approach for Hemswell Cliff were not proposed at the CLLP examination.

It is considered that there are not significant unresolved objections to the CLLP's approach to Hemswell Cliff or the allocation of site CL4673.

The approach towards Hemswell Cliff is considered to be consistent with the core planning principles proposed by the NPPF (paragraph 17), particularly that planning should:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...”

It is therefore considered that a significant amount of weight can be applied to the relevant policies of the draft CLLP.

The NPPF expects local planning authorities to *“Significantly boost the supply of housing”* and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The latest assessment (September 2016) identifies a 5.26 year supply with in Central Lincolnshire.

The Assessment anticipates that the application site is a deliverable site which will make a contribution of 50 dwellings within five years.

(iv) Highway Access and Safety

WLLP Policy STRAT1 requires development to be satisfactory in terms of:

- ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;*
- iii. The scope for providing access to public transport;*
- iv. The scope for reducing the length and number of car journeys;*

The NPPF (paragraph 32) requires planning decisions to 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.

Access is not reserved for subsequent approval and is to be considered as part of this outline application.

A Transport Statement has been submitted (as recommended by NPPF 32).

Vehicular access is proposed directly off the A631. It would have a 5.5m wide carriageway width, 6m corner radii and 2m footways on either side. Drawing J32-2482-PS-001 Rev B shows that a 215 metres by 2.4 metres visibility splay can be achieved.

Pedestrian access to the site will be achieved via the existing pedestrian footway located along the northern perimeter of the site along the A631 within the existing grass verge. An additional pedestrian route will be provided within the site that will link into the existing pedestrian footway on the A631 to the east of Lancaster Green.

Facilities within Hemswell Cliff (employment, primary school) are located on the north side of the A631. The applicant has agreed to the provision of a controlled crossing point on the A631 to ensure safe access to facilities on the north side of the road. This can be secured through the S106 planning obligation.

Safe and suitable access can therefore be achieved for all people.

The Transport Statement anticipates the following trip generation:

	AM Peak (0800 – 0900)			PM Peak (1700 – 1800)		
	Arrive	Depart	Two-way	Arrive	Depart	Two-way
Trip Rate	0.189	0.446	0.635	0.408	0.230	0.638
Trips	34	80	114	73	41	114

The TS has undertaken a Junction Capacity assessment at the following junctions:

- Site access/A631 priority controlled T-junction;
- ‘Caenby Corner Roundabout’ A15/A631 roundabout junction; and
- A631/B1398 roundabout junction.

The statement concludes that the junctions will continue to operate well within capacity, following traffic generated by the development.

Based on 2011 Census data for the Hemswell ward, the Statement anticipates the following modal split:

Mode	AM Peak (0800 – 0900)		PM Peak (1700 – 1800)	
	Arrive	Depart	Arrive	Depart
Vehicles	34	80	73	41
Car Passenger	2	5	5	3
Public Transport	1	2	2	1
Bicycle	0	2	2	1
On foot	5	11	10	6
Other	1	2	2	1
Total	43	102	94	53

Bus stops are available on the eastern side of the site in Dog Kennel Lane and on the A631. They are served by the 103 service bus which operates a service every two hours to Lincoln / Scunthorpe.

However, one of the key drivers of the development, advocated by the Hemswell Cliff Masterplan, is to secure regeneration and housing for Hemswell Cliff to support the Food Enterprise Zone. The strategic aim of the CLLP allocation is to bring homes to proximity of the employment allocation, thereby reducing the reliance on private motor vehicles to access employment opportunities. This is one of the key aims of the NPPF and policy STRAT1.

(v) Flood Risk and Drainage

The site lies within Flood Zone 1 (low probability). It therefore accords with the NPPF's sequential approach towards locating new development to those areas at lowest risk of flooding.

A Flood Risk Assessment (FRA) has been submitted with the application, in accordance with NPPF (paragraph 103).

It confirms that the sites is in flood zone 1 and that the West Lindsey Strategic Flood Risk Maps confirm the site is not at risk of surface water flooding.

It is proposed that the surface water runoff generated by the development site will be drained to soakaway, via an infiltration basin. The basin would include storage to attenuate surface water from the development site up to a 1 in 100 year storm event (including an additional allowance to account for climate change – 40%) to help reduce flood risk elsewhere. The FRA calculates a storage requirement of approximately 2100m³ for the development area.

The site is underlain by Lincolnshire Limestone foundation bedrock – the FRA expects therefore that it is likely that the majority of run-off from the site infiltrates within the ground naturally.

Planning Practice Guidance¹ states that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate.

The Guidance puts forward a sequential hierarchy, as follows:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*

¹ Flood Risk & Coastal Change: [Paragraph: 079 Reference ID: 7-079-20150415](#)

3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer.*

The FRA puts forward that infiltration should be likely. The applicant has been asked to demonstrate as such, but has declined stating that this *“will result in further delays and costs... because it will require consultants to complete soakaway tests to establish the soil conditions and a redesign of the submitted conceptual material.”*

They have also declined to show an indicative SUDS scheme should infiltration be proven to not be feasible. Primarily this is because they are not currently seeking permission for the layout of the development – which would dictate any such surface water drainage layout. If an alternative drainage scheme is required, this may reduce the capacity of the site to accommodate the full 180 dwellings.

The applicant has not demonstrated that 180 dwellings would still be achievable in order to accommodate a full SUDS scheme – in response they state that as permission is sought for “up to” 180 dwellings – a lesser number could still be considered at the reserved matters stage in order to accommodate SUDS.

The Local Lead Flood Authority (Lincolnshire County Council) have recommended that planning permission is refused on the basis that insufficient information has been provided to demonstrate that the surface water flood risk has been adequately addressed.

Whilst the concerns of the LLFA are noted, the Planning Practice Guidance is that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate. The applicant has indicated that they intend to deliver a SUDS scheme (even if it may result in a reduction in housing numbers). There is no evidence provided that would indicate that this would not be feasible or otherwise inappropriate, or that the site is particularly at risk from surface water flooding.

On that basis, it is considered that planning conditions to secure details of infiltration and a full detailed surface water drainage scheme which would incorporate SUDS principles is appropriate, reasonable and necessary.

Both the Environment Agency and Anglian Water have confirmed that the Hemswell Water Recycling Centre is not likely to have capacity to accommodate the development. Neither body object to the development but do recommend a planning condition to secure a Foul Water Drainage Strategy.

(vi) Landscape and Visual Impact

Policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District.”*

A Landscape and Visual Impact Assessment has not been provided as part of the application.

The site falls within the Limestone Dip Slope Local Landscape Character Area (LCA) within the West Lindsey Landscape Character Assessment 1999.

The West Lindsey Countryside Design Summary describes the Limestone Dip Slope as “an expansive agricultural landscape crossed by straight wide enclosure roads and tracks”.

The site comprises an arable field enclosed by mature but broken planting. This offers it a degree of separation from the much wider open fields to the south, without boundary enclosures.

The site sits as an undeveloped field between existing development at Lancaster Green to the west, and Canberra Crescent / Creampoke Crescent to the east. It would visually function as bridging the gap between the settlement proper, and the otherwise separated residential development to the east.

In terms of visual impact, the development would be most perceptible to traffic on the A631 and along Dog Kennel Road. As vehicles along the A631 will be traversing through the village in any event, and will currently be in transition between two residential areas at this point, the development would not be expected to have a significantly adverse visual impact.

The development will be visible from Dog Kennel Lane to the south, primarily due to the openness of the intervening landscape. However, the site is currently, in part, screened by the landscape boundary, and would be “infilling” between two residential areas. It would not be overly intrusive into the wider landscape or open countryside.

It is concluded that the development would be unlikely to have a significantly adverse impact upon landscape character or have a significant visual impact upon any sensitive receptors.

It is concluded that development would be able to accord with saved WLLP policies NBE10 and NBE20 in this regard.

(vii) Loss of Agricultural Land

Paragraph 112 states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be*

necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 2 – Very Good. Natural England does advise that *“These maps are not sufficiently accurate for use in assessment of individual fields or sites”*

The applicant has been unable to provide any site-specific evidence. They do advise that *“In terms of farming practice, the land is segregated from the rest of [the applicant’s] ownership by the A631 road and [the applicant] is unable to get a water supply to it to irrigate crops so its use for crop production is limited compared to the rest of the holding.”*

In the absence of any data to the contrary, development would be expected to result in the loss of 7.6ha of very good agricultural land. This needs to be considered as an adverse impact in the overall planning balance.

The Natural England map does however show the entirety of Hemswell Cliff and surroundings in ALC2. There is therefore no evidence of reasonably available poorer quality land that could accommodate the development.

(viii) Ecology

An Ecology Assessment has been submitted with the application. The survey found no evidence of any protected species on the site.

The report recommends that a nesting bird survey will be required should works be undertaken during the bird nesting season (March to September) – this can be secured by planning condition.

The report also recommends that the gaps in the hedge are infilled with wildlife friendly species so as to provide a source of nectar, berries as well as a place to shelter and nest. It also recommends that in the planting regime for the open spaces, planting should include insect (especially bee) friendly plants as well as plants with berries etc. for birds. This should increase the wildlife potential for the area.

Landscaping is a reserved matter – it is however recommended that a condition is applied to ensure a biodiversity enhancement scheme is provided and implemented.

(ix) Infrastructure

WLLP policy STRAT19 states:

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

on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.

The Local Education Authority has confirmed that the Hemswell Cliff Primary School will not have capacity to accommodate the development and that a capital contribution is sought (up to £146,593) to enable an additional 36 Primary places. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

NHS England seek a capital contribution of £425 per dwelling, to create additional capacity for the 414 patients expected to be generated by this development. The surgery most likely to be affected is the Ingham Surgery. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

It is considered that, subject to such a S106 planning obligation, development will accord with policy STRAT19.

(x) Affordable Housing

WLLP policy RES6 requires “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 Strategic Housing Market Assessment (SHMA, 2015) identifies a need for 17,400 affordable homes in Central Lincolnshire across the CLLP’s lifetime (2012-2036).

The applicant proposes to meet with the 25% requirement – equivalent for up to 45 affordable dwellings.

The applicant notes that, at their pre-application consultations there was a “*a clear preference for financial assistance to improve the existing affordable housing stock within the village in lieu of constructing new affordable housing as part of the proposed development. There was not support for new rented accommodation but clear support for affordable market housing.*”

In response, the Housing Zone Programme Officer considers that, due to the evidence of need, on-site provision is favoured by the Council. Nonetheless, there may be a case for some off-site contribution towards improving the village’s affordable housing (as defined in the NPPF²) stock.

This provision will need to be secured through a S106 planning obligation, with the final details of any share between on and off site provision to be agreed with the Council.

² <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>

The applicant has not provided evidence of viability (despite being requested) – nonetheless, they have committed to signing up to a legal S106 planning obligation to deliver a 25% contribution. Previous mechanisms under the Planning Act 1990 to provide a process to review affordable housing obligations on economic viability grounds were repealed at the end of 30 April 2016. The S106 obligation could only be renegotiated where the Council is amenable to do so – or where the S106 obligation is five or more years old.

(xi) Heritage and Archaeology

A Heritage Statement has been submitted with the application. It incorporates a desk-based assessment and geo-physical assessment of the site.

It concludes the site has low archaeological potential – the County Archaeology team have advised that no further archaeological investigation is required.

It concludes that, as the nearest scheduled monument lies 1.7km west-north-west and the nearest listed building 1.5km south-west within Glentworth Conservation Area, the development would not be expected to adversely affect the setting of any heritage assets.

During consideration of the application, Hemswell Court has been added to the national list (4th November) as a Grade II Listed Building. Under the reasons for designation citing architectural interest, interior, degree of survival, historic interest, it states:

“Context: it retains its immediate contemporary setting, character and relationship to other buildings, including the carefully designed layout of the tree-lined approach road and the green around which the Officers’ housing is arranged.”

The proposed development would be adjacent to, but would not materially affect the original surrounding context of the newly listed building – the tree-lined approach and Officer’s housing around Lancaster Green would not change.

It should also be recognised that the building has been listed in the context of planning permission having been granted for up to 40 dwellings, on appeal, immediately north of Hemswell Court.

It is considered that the proposed development would preserve the building and its setting and any features of special architectural or historical interest which it possesses.

(xii) Amenities

Layout is a matter reserved for subsequent approval. Nonetheless, it is considered that the site can accommodate the level of development proposed

without having an unduly adverse effect upon the amenities presently enjoyed at existing properties.

The only properties which directly adjoin the site are those at 8, 8A and 17 Lancaster Green. It is considered that development can be achieved without compromising their amenities – consideration will need to be given to this with any subsequent application for reserved matters.

The indicative layout shows that the site can accommodate in excess of the 10% minimum requirement for recreational land set by WLLP policy RES5. The indicative plan shows 1.6ha of the 7.6ha site as such, equivalent to 21% of the site.

Other Matters

Lincolnshire Fire & Rescue object to the application on the grounds of inadequate water for firefighting purposes & inadequate access. The application is in outline only – these are matters appropriate for consideration at the detailed matters stage. There is no evidence that would indicate that the site could not accommodate or address these matters.

A resident makes reference to “Home Office guidelines for growth”. As previously stated, planning applications are to be determined in accordance with the Development Plan unless there are material considerations which would indicate otherwise. The appropriate policies for Hemswell Cliff are those set out within the West Lindsey Local Plan (First Review) and emerging Central Lincolnshire Local Plan, as listed above.

The Parish Council have enquired as to whether the roads will be adopted. This is outside the remit of a planning application – but it is advisable for a condition to require that roads are built to an adoptable standard, as has been recommended by the Local Highways Authority.

The Parish Council have raised that WLLP policy SUS2 is relevant – this is not a saved policy and therefore no longer forms part of the statutory development plan. In any event, a Transport Statement has been submitted with the application.

Measures to vary the speed limit on the A631 is within the control of the Local Highways Authority.

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 would indicate otherwise.

Development would run contrary to the provisions of the West Lindsey Local Plan (First Review). It does not comply with the ‘open countryside’ policy STRAT12.

Nevertheless, a significant material consideration are the proposals to develop Hemswell Cliff as a Food Enterprise Zone (FEZ). The emerging Central Lincolnshire Local Plan recognises this and proposes the site for residential development in order to support the FEZ in a sustainable manner, and the regeneration of Hemswell Cliff.

There are no significant outstanding objections to the CLLP's approach and this can therefore be attached a significant amount of weight.

Development would result in the loss of over 7ha of very good agricultural land. However, there are no known reasonably available alternative sites of poorer quality agricultural land that could serve Hemswell Cliff.

It is concluded that there are no significant adverse impacts that would demonstrably outweigh the benefits of development.

It is therefore recommended that planning permission is granted, subject to conditions and a S106 planning obligation.

Recommendation

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

- Capital contribution towards primary school facilities (amounting up to £146,593) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- On site provision of or off site provision for the delivery of affordable housing and/or enhancement of affordable housing (as defined within the NPPF) within Hemswell Cliff, equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site)
- Provision of a controlled pedestrian crossing on the A631 to serve the development

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

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **layout, scale and appearance** of the buildings to be erected, 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 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.

Reason: In order to minimise the risk of flooding and 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, including phasing for the provision of mains foul sewerage conveyance and treatment infrastructure on and off site, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied, unless the approved details have been implemented in full.

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

6. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xi) Measures for tree and hedgerow protection;

- (xii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

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

7. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the recommendations set out at Section 4.2 of the Preliminary Ecological Appraisal by KJ Ecology Ltd. Development shall thereafter proceed in accordance with the approved details.

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

8. No 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.

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

9. Access to the site shall be provided in accordance with drawing J32-2482-PS-001 rev B, as contained within the Transport Assessment (December 2015) by Mode Transport Planning.

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. 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 will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: As advised by the Environment Agency, the site lies on Lincolnshire Limestone (principal aquifer) outcrop, and in an SPZ 2 for public water supplies 4km to the east. There are closer licensed

abstractions within 350 m of the site. This site is very sensitive with regards to groundwater issues. Any contamination not previously identified could impact on groundwater quality and ultimately on licensed abstractors or baseflow to surface watercourses if not adequately addressed.

11. 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 a nesting bird survey has been undertaken 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 Preliminary Ecological Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

12. 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:

13. No dwelling hereby permitted shall be occupied before the works to improve the public highway (by means of upgrading the frontage footway from Dog Kennel Road to Lancaster Green to a 1.8 metre wide footway) has been completed, and this has been confirmed in writing to the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

14. No dwelling hereby permitted shall be occupied before the works to improve the public highway (by means of providing a signalised crossing to aid pedestrians across the A631) has been completed, and this has been confirmed in writing to the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

15. Before each dwelling 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 in the interests of residential amenity, convenience and safety, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

16. No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to maximise the sustainability of the development in accordance with paragraph 36 of the National Planning Policy Framework.

Notes for the applicant

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Human Rights Implications:

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

Legal Implications:

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

Officers Report

Planning Application No: 133741

PROPOSAL: Planning application to erect 6no. detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road

LOCATION: Land to West of Fosdyke House Gainsborough Road

Saxilby LN1 2JH

WARD: Saxilby

WARD MEMBERS: Cllr D Cotton; Cllr J Brockway.

APPLICANT NAME: Mrs Mel Holliday

TARGET DECISION DATE: 29/01/2016

DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Refuse

Description:

The application site is a plot of paddock land to the west of garden space to Fosdyke House. The site has an approximate area of 0.45 hectares. The site is covered by a number of trees within the site and along its boundaries and is in an overgrown condition. It sits adjacent the highway to the south with a lit footpath in between. There is no current vehicular access. The north boundary is screened by a wire fence and trees of different sizes. The east and west boundaries are screened by a mix of trees and overgrown vegetation. To the south boundary is low hedging and trees. The Fosdyke Navigation sits adjacent to the north with residential dwellings on the other side. Residential dwellings sit to the east and south with the Bridge Inn (Indian Restaurant/Takeaway) to the west. The site is entirely located in flood zone 2 with small sections to the north of the site in flood zone 3.

Permission is sought to erect 6 detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road

Relevant history:

None

Representations

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

Saxilby Parish Council: Objections

- Impacts on amenity
- Design, layout and appearance of the proposal does not fit in with surrounding area

- Retention of trees and the Natural Environment
- Road safety and the impact on traffic. Due to its proximity to the A57/Broadholme junction

Local residents: Representations received from:

Aberfoyle, Gainsborough Road, Saxilby
4, 9, 10 West Bank, Saxilby

Objections:

- Is the access to the development and the building work opposite our driveway as it is already often difficult to exit our drive onto the main road due to the speed of traffic
- The entry and exit will be on to the A57 near an already difficult junction to navigate out of and this will only increase the dangers
- Dwelling and balconies having an overlooking impact on privacy of West Bank
- Height of dwellings will be overbearing on West Bank
- The site is in flood zone 3 and there are other more suitable sites in Saxilby
- The proposed houses are not in keeping with the style and manner of the surrounding area and will have be a blight on the gateway to Saxilby from vehicle and boat. The site is a stone's throw from the conservation area and modern cladding bears no resemblance to anything quite so discernible in the locality.
- The proposed development is on a greenfield site
- They are going to have the bedrooms on the ground floor in a flood risk area.
- Removal of nearly all the trees that are alongside the canal and the screening they provide, there seems to have been some missed or misplaced on the plan that presumably are to be removed too.
- This is a crucial habitat for owls and impact on the bank which is used by Kingfishers. The houses are so close to the bank this is going to ruin the habitat and wildlife which use it.
- The canal footpath will be within 1-2 metres of the full length windows of the houses bedrooms. This will impede on the privacy of the residents and of those using the footpath for leisure.
- WLDC already has over 5 year's worth of housing, and Saxilby is already over the proposed housing number in the CLP consultation number.

Supportive comments:

4 West Bank, Saxilby

- Although we object to the proposal the plus points are density of housing and material.

LCC Highways: No objections subject to conditions

Response received 8th February 2016:

As the development access road is serving more than 5 dwellings it will be required to be designed and constructed to an adoptable standard. Typically a 5m wide carriageway with 1.8m wide footway or a 5.5m wide shared surface with a 1.8m wide soft service margin, to include street lighting, adequate drainage and turning provision etc.

There is inadequate parking provision for the size of properties proposed; a minimum of 3 spaces per dwelling is required.

The Highways Authority (HA) request the applicant submits a layout drawing to this effect.

Response received 20th July 2016:

The original submitted drawing did not indicate a 1.8m wide service margin was present, only a 5.5m wide carriageway. That said the current layout is acceptable, however the turning head shown is sub-standard and will require a slight increase. Adoptable road standards/specification can be found on Lincolnshire County Councils website.

Parking provision is assessed on all applications commented on by the Highway Authority. A dwelling of this size requires a minimum of 3 spaces, this doesn't include a garage.

Response received 11th October 2016:

Requests that any permission given by the Local Planning Authority shall include the conditions listed in the response.

Environment Agency: No objections with comments and subject to conditions

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (SGA, November 2015) and the Proposed Site Levels and Flood Risk Strategy (SGA, November 2015), including the following mitigation measures:

- Finished floor levels to be set no lower than 6.3m above Ordnance Datum (AOD)
- Access road and driveways to the dwellings to be set no lower than 6.0m AOD
- Dwellings to have a minimum of two storeys

The above mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

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

Informative comments

The proposed finished floor level is 600mm above the 1% (including climate change) flood level, not the 0.1% (including climate change) flood level as incorrectly stated in the Flood Risk Assessment.

The following document contains information on flood resilience and resistance techniques that could be used: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007). This is available online at <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Drawing 325-A-100 (November 2015), indicates that although the dwellings will be two-storey houses, sleeping accommodation will be provided on the ground floor. As the site is located in Flood Zone 3 we are concerned about the residual flood risk posed to future residents in case of extreme flood events. As that this is a new development, there is scope to move sleeping accommodation to the first floor. We would advise that a more conventional design, with sleeping accommodation provided on the first floor, is seriously considered.

We also advise that future occupants subscribe to our Floodline Warnings Direct service.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Public Protection: Comments

There is a lack of detail with this application that requires satisfying before consideration is given to granting any permissions and as there is no statutory duty upon the lead flood authority to consult, I recommend that the application be properly considered at a Multi-Agency meeting

Drainage

Flood risk:

The Flood Risk Assessment is lacking in detail, doesn't address in its own right the full range of flood risks, and is unattributed. Albeit that the Environment Agency are accepting of the proposed finished floor and access route levels (6.3m and 6.0m respectively), I am similarly concerned as to plans that place bedrooms on the ground floor in a flood zone and flag the apparent disparity of there being no stance around building in the flood plain.

NB I seek assurances that all surface water is discharged within the site boundary. There is nothing apparent in the application to negate or allay perception of increased flood risk elsewhere that arise out of loss of flood plain through building and raising levels

Continued appropriate access to the Fosdyke Navigation Canal needs to be assured for the purposes of ongoing and essential maintenance

Surface Water:

There is no assessment of risk in a 1:100 year storm event + 30% climate change nor is there indication how this might be managed with a SuDS system within the site boundary and wholly within the Flood Zones. There is no indication as to how surface water will be discharged or indeed how the site is intended to be managed other than suggestion of the roads not being adopted.

Sewage:

There are no foul sewers in the area and no indication in the application as to how foul sewage is to be dealt with in this 'Flood Zone'

Ownership and management:

There is no indication as to what is intended in terms of ownership and management of infrastructure (roads, drainage, sewage) outside of there being no intent to have the roads adopted

Noise:

Suggestion in the Design and Access Statement is that distancing ought to address apparent potential for noise: *'the land can be developed without unnecessary noise mitigation or operating restrictions being placed on the business due to the acceptable separation distance that will be left between the existing buildings and the site.'*

Added to this, the proposed development is adjacent to a car park, licenced premise and restaurant and main road, as such I suggest that a noise report is required to identify and assess potential for noise impact and propose mitigation as and if appropriate.

Upper Witham Drainage Board: Objects in principle

The Board Objects in principle to any development in flood plain (Zones 2 and 3). However it is up to West Lindsey District Council as the planning Authority to grant planning permission. The site is adjacent to a watercourse that has had issues previously and is considered to be at capacity. As the applicant proposes to use SUDS as a method of surface water disposal the Highways SUDs Support team at Lincolnshire CC need to agree the details. It is unclear whether there is a discharge point and if it discharges to the Fosdyke or one of the other watercourses adjacent to the site. The plan has no levels on the West of the site to determine if the water is retained on the site or over spill into the adjacent watercourse.

Any works within the 9m Byelaw distance from the rear of the flood defence of the Fosdyke Navigation require consent from the Environment Agency. The Board would recommend a permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank to allow future maintenance works to be undertaken. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all

the other watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. This includes any culverts or outfalls. Guidance notes and a consent form is attached for the use of the agent.

Archaeology: No objection subject to conditions

The site lies adjacent to the Foss Dyke which is believed to originate as a Roman canal. Roman material has been recovered from the Foss Dyke at other locations. The Foss Dyke has been re-cut on several occasions over the centuries, and therefore it is possible that the route has shifted slightly and that the original Roman route is on the development site.

It is recommended that, prior to development, the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the LPA. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

Landscape and Tree Officer: No objections

Overall, I have no objections to the proposed development, but it should be clarified what trees are intended to be retained, and to provide information to show they can be retained rather than just showing a few trees on a plan, which when it comes to the excavation work can't actually be safely retained and so have to be removed. Details of the trees Root Protection Areas should be provided and protective fencing should be placed at the outer extents of the RPA's of any trees intended to be safely retained.

Protective fencing should be erected in the correct positions prior to site clearance, and be retained in position throughout development works. Any clearance work within the RPA's should be carried out by hand to avoid machinery compacting the soil or damaging shallow roots.

There should be no changes in existing natural ground levels within the RPA of any trees to be retained, to avoid tree decline and risk of collapse. N.B. This will affect the intended lowered ground for flood attenuation. A scheme of landscaping should be required, including tree planting and hedge reinstatement.

Canal and River Trust: No objection subject to suitable conditions

Drainage:

We suggest that this matter be secured via a planning condition. Additionally, we would advise that any proposed discharges to the Fosssdyke Navigation will require the prior consent of the Canal & River Trust, and an assessment of their acceptability to us will have to be undertaken.

Landscaping and Boundary Treatments:

We would suggest that appropriate measures should be secured for the protection of all trees to be retained and that an appropriately detailed landscaping scheme is also secured in order to ensure that the visual impact of the development on the waterway corridor is minimised and to offset the impact on local wildlife from the loss of existing trees.

Further Comments as Adjoining Landowner:

There is a strip of land approximately 5-7m deep between the northern boundary of the application site and the Fosdyke Navigation which is owned by the Canal & River Trust. Any access to or oversailing of the Trust's land at any stage during development operations will require our prior consent, as would the removal of any trees or other vegetation on this land. The applicant/developer should ensure that the development does not encroach onto our land.

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

Any drainage discharges to the adjacent Fosdyke Navigation will require the prior consent of the Canal & River Trust. Please contact the Canal & River Trust Utilities Team at the Hatton Office on 01926 626100 in the first instance for further advice. Please also be advised that the Trust is not a land drainage authority and such discharges are not therefore granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement.

The northern boundary of the application site adjoins a strip of land approximately 5-7m deep which is owned by the Canal & River Trust. Any access to or oversailing of this land, or removal of trees or other vegetation on it will require the prior consent of the Trust. Please contact the Trust's Estates Team at the Fazeley office on 01827 252000 for further advice.

Natural England: Comments

Statutory nature conservation sites

No objection

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

The consultation documents indicate that this development includes an area of priority habitat. Paragraph 118 of the National Planning Policy Framework. States if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Protected species

You should apply our standing advice to this application

Local Sites

If the site is on or adjacent to a local site e.g. Local Wildlife Site, Regionally Important Geological/Geomorphical Site or Local Nature Reserve the authority should have sufficient information to fully understand the impact of the proposal.

Biodiversity and Landscape enhancements

The proposal could provide opportunities to incorporate wildlife benefits or benefits to positively contribute to the character and local distinctiveness.

Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Impact Risk Zones for Sites of Special Scientific Interest (SSSI)

The local planning authority can use the recently published set of mapped Impact Risk Zones to determine if the proposal is likely to affect an SSSI and the need to consult Natural England.

Strategic Housing Manager: No representation received to date

Lincolnshire Wildlife Trust: No representation received to date

IDOX checked: 29th 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 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the Open Countryside

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

RES 1 Housing Layout

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

CORE 10 Open Space and Landscaping within Developments

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

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

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

NBE 14 Waste Water Disposal

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

NBE 20 Development on the Edge of Settlements

<http://www2.west-lindsey.gov.uk/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

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP26 Design and Amenity

LP55 Development in Hamlet and the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Draft 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 1 Housing Mix

Policy 2 Design of New Developments

Policy 3 Comprehensive Development of Land at Church Lane.

Policy 13 Development along the Fosdyke Canal

<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)

National Planning Practice Guidance (NPPG)

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

Other

Institution of Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000.

Central Lincolnshire Five Year Land Supply Report 1 April 2016 to 31 March 2021 (CLLSR)

Main issues

- Principle of the Development
- Visual Impact
- Residential Amenity
- Highways
- Archaeology
- Ecology
- Impact on Trees
- Foul and Surface Water Drainage
- Garden Space

Assessment:

Principle of the Development

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

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. The CLLP additionally has a similar framework set out in LP policies

West Lindsey Local Plan Review 2006:

The site lies adjacent the settlement boundary of Saxilby therefore policies STRAT 3, STRAT 9 and STRAT 12 of the WLLP are relevant to be considered plus submission draft policies LP2, LP4 and LP55 of the CLLP.

Saved policy STRAT 12 states that '*planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other plan policies*'. The proposal

is not essential to the countryside area and so the proposal falls to be refused unless material considerations indicate otherwise.

The position of the proposed dwellings will be entirely on green field land which is on the lowest rung of sequential release of land advocated through policy STRAT 9 (Class E).

Submitted Central Lincolnshire Local Plan:

Submission draft policy LP2 states that development proposals in Saxilby (Large Village) will meet appropriate growth *'via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings'*. In this case the proposal is below the 25 dwelling threshold and the exceptional circumstances put forward by the agents for the applicants include the high level sustainable design of the dwellings and the new footpath to aid access to the village.

In considering the exceptional circumstances the benefits of the new footpath have to be examined. The additional footpath would run along the southern bank of the Fosdyke Navigation to the village centre via the Fosdyke footbridge and then the railway crossing. Whilst accepting there are some limited benefits of an extra footpath away from a busy road the introduction of the footpath is not considered as exceptional as there is already an existing good footpath along Gainsborough Road which provides access to the centre of Saxilby from the dwellings along the north of Gainsborough Road. This is of a very similar distance to the proposed footpath around the site so any benefits are modest and not exceptional. The design and access statement states on page 11 paragraph 5.7 that the *'design of the dwellings is also based upon the principles of energy efficiency'*. The methods and technology used to meet the energy efficiency principles are further described in the Sustainability and Energy Efficiency statement received 23rd November 2016. In summary these include:

- *heavily-insulated external envelope of high thermal mass, triple-glazed windows and low air permeability.*
- *heat recovery system will be installed for each property.*
- *space heating will be provided by passive thermal gain, occupants and electrical appliances, with op-up heating via infrared wall panels.*
- *water heating will be by cylinders with immersion heaters powered by P.V. panels mounted on the roofs of each house.*
- *heat recovery systems on all shower wastes will reduce the water heating requirement substantially.*
- *each property will have a Rainwater Harvesting system.*

The target for the dwellings will be Passivhaus standard which have an excellent thermal performance, exceptional airtightness with mechanical ventilation. Heating requirements in Passivhaus is reduced to the point where

a traditional heating system is no longer considered essential. This is to be welcomed however this is not considered to constitute an “exceptional circumstance”.

National Planning Policy Framework:

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that “*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

The latest five year supply assessment for Central Lincolnshire was published in September 2016. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,283 dwellings which equates to a deliverable supply of 5.26 years.

Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan does not include sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, it is considered that saved policies STRAT 3 and STRAT 9 should be given less weight within any planning balance. It is also considered that the application should still be considered against the NPPF’s presumption in favour of sustainable development.

Sustainability:

Nonetheless, when applying the presumption balance test, the ability of the Authority to demonstrate a five year supply means that the ability of the applicant to contribute towards the five year supply may still carry weight, this is less significant than previously found. The proposal will contribute six additional dwellings which is a positive outcome but it is only afforded limited weight in the decision making process. This is due to amount of dwellings making an extremely minimal difference to the housing supply figures.

The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Submitted Central Lincolnshire Local Plan is only afforded some weight itself, policy LP2 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT 1, RES 1, CORE 10 and NBE 14 of the West Lindsey Local Plan First Review 2006:-

Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)

The site sits opposite the settlement boundary of Saxilby and is divided by the Fosdyke Navigation. There is adjacent built form to the east, south and west but these are outside the settlement.

Accessible and well related to existing facilities and services (social and environmental sustainability)

The village of Saxilby has a good level of local facilities and services available. The services and facilities available are located in different parts of the settlement and future residents could walk to them along pedestrian footpaths via two separate routes.

- Route 1 – Walk east along Gainsborough Road to Mill Lane junction
- Route 2 – Walk east along Gainsborough Road until you reach public right of way saxi/227/1 (enclosed hardstanding with lighting). At the end of the public right of way walk over the bridge and then turn right over the railway line.

Using the two routes above the distances to the different services by foot along main roads are listed in the below table.

Service/Facility	Route 1 (approx metres)	Route 2 (approx metres)
Shops (Bridge Street)	1235	426
Primary School (Highfield Road)	1380	1535
Doctors (Sykes Lane)	2210	1440
Railway Station (Station Approach)	1450	725
Bus Stop (Bridge Street opposite junction with West Bank)	1040	400
Bus Stop (Queensway at near to junction with Mill Lane)	725	825

Suggested acceptable walking distances suggested by the Institution of Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000.

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

On comparison of the two tables only the bus stops and railway stations are within acceptable walking distances if the shortest route is used. Therefore most services within Saxilby are considered to be outside acceptable walking distances but are predominantly within the maximum preferred distance. This suggests that the services are on the extremity of the walking distances and

would be less attractive to people particularly those whom are less ambulant. It is more likely that residents would use their vehicle as it would be less attractive to walk.

Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability)
Saxilby has a main public transport bus route providing regular services to Lincoln and Gainsborough. The walking distances to the railway station and nearest bus stops are provided in the tables above.

Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)
The level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities.

Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)
The site has no special designation and is not an important open space.

Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)
The site sits entirely within flood zone 2 and a small section to the north sits within flood zone 3 due to its close proximity to the Fosdyke Navigation. Sites within flood zone 2 are at risk of from between a 1:100 year and 1:1000 annual probability of river or sea flooding. Sites within flood zone 3 are at risk from an annual 1:100 year event from river flooding and 1:200 risk from sea flooding. The National Planning Policy Framework (NPPF) requires application's for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

An FRA has been submitted with the application and has been accepted by the Environment Agency. This is subject to a condition ensuring that the proposed ground floor level, access road/driveways level and scale of the dwellings are adhered to, to safeguard the occupants from being inundated.

The proposed use of the site for dwellings is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being more vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site is predominantly appropriate for dwellings, however a small part of the site to the north would be required to pass the exceptions test if the sequential test is passed.

Guidance contained within paragraph 100 and 101 of the NPPF indicates that development should be directed away from areas at highest risk from flooding. Guidance notes states that the application of the Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and only Zone 3 if there are no other readily available sites in any of the less vulnerable locations.

Paragraph 5.12 of the design and access statement completed by JH Walter dated November 2015 provides a justification as to why in their opinion the development passes the sequential test. It states that the '*search should be limited to that in direct vicinity of the affordable housing to the west, within the applicant's ownership and within the Fosdyke flood zone 3a*' for the following reasons (summarised):

- a) In the interest of sustainability the marginalised affordable homes to the west would be better integrated into the rest of the village and this can only be achieved by residential development between the village and this housing on the north side of the road. It will additionally provide the potential to enhance pedestrian linkages through the provision of frontage footway.
- b) The applicant's business is an important employer within the village and the development provides the potential for supplementing their business income and providing a source of funds that can be invested into this business.
- c) Where the actual probability of flooding is defined by the Strategic Flood Risk Assessment as being low provides the opportunity for housing to be built to respond to flooding issue in an environment where it is predicted that future residents of the development and neighbouring residents will be safe from such events.

The sequential test which is applied by the Local Authority is normally a district wide search for more appropriate sites with a lower risk of flooding unless there are justifiable reasons to suggest otherwise. A district wide search would result in a considerable amount of more suitable land on sites of this size which are available in West Lindsey.

No details have been submitted in relation to a search for sites in flood zone 1 either in or around Saxilby or the district as a whole.

Saxilby village is very developed and the availability of land within the village to accommodate 6 dwellings in Flood Zone 1 appears unlikely. However, taking into consideration the land evidenced for Saxilby in the Strategic Housing and Economic Land Availability Assessment dated October 2014 there are sites available which could accommodate 6 dwellings or more. Some of these sites are in Flood Zone 1 and some are in Flood Zone 1/2. These are:

- Land east of Sturton Road (CL2183) – Flood Zone 1
- Land west of Sturton Road (CL2184) (currently under appeal) – Flood Zone 1
- Land off Mill Lane, Saxilby (CL1430) – Flood Zone 1 and 2
This site has a high percentage of land in flood zone 1 with a smaller area to the front and north west corner in flood zone 2.
- Land off Sykes Lane, Saxilby (CL4130) – Flood Zone 1/2
This site is approximately two thirds in flood zone 1 and a third in flood zone 2.

Therefore there are a number of sites on the edge of Saxilby which has less vulnerability to flood risk and would provide a safer site for residents to occupy. There may also be other sites with more thorough investigation within the village that would be suitable,

The reasons for limiting the search to the site in question have been considered, however they are not considered as sufficient justification and the site does not pass the sequential test.

The provision of a footpath to aid access to the affordable housing whilst positive is not sufficient reason, indeed consent was granted for those houses without the additional access so clearly the proposal was seen as acceptable at that stage. So whilst beneficial the path does not provide any special benefits. Secondly, the development would benefit the applicant's business. There is no detailed case as to why this would benefit the business, no financial details to show that the business needs an injection of funds and no mechanism to secure the funding would be used for the business, when or how. Thirdly the development will better integrate the affordable homes into the rest of the village by completing the built form along this part of Gainsborough Road. This section of Gainsborough Road is outside the settlement boundary of Saxilby and clear separation is identified by the Fossdyke Navigation. As previously stated in this report there are other sites adjacent Saxilby which are more appropriate in terms of flooding. Therefore reducing the sequential search area to better integrate to affordable homes into the village is not exceptional. Finally, although it is accepted that the development could be made safe for residents the site would still be at risk of flooding in an extreme event. Access could be cut off, facilities (foul sewage etc.) unusable making normal day to day living impossible during an event. This is not therefore considered environmentally sustainable and would not meet the tests required by the NPPF.

Guidance contained within paragraph 102 of the NPPF states that '*If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

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

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

The application has provided two different options to meet the exceptions test. They are:

- To enhance the existing footpath along the A57 Gainsborough Road
- To install a footpath link from Gainsborough Road to the footbridge over the Fosseydyke (see plan 324-A-009 dated May 2016)

The site in question is already served by an existing pedestrian footpath of good standard to the front which in turn leads to public right of way saxi/227/1 to the east and then the footbridge into the village. This runs alongside Gainsborough Road which at this point has a 40mph speed limit. The current pedestrian footpath runs to the west past the Bridge Inn, Fosseydyke Court (affordable homes) and terminates at Southview and Griffin House.

The two different options would therefore not provide a wider sustainability benefit to the community as there is already a perfectly good footpath to the front which has a similar length route to Saxilby over the footbridge. The installation of a new footpath from Gainsborough Road, along the south bank of the Fosseydyke and to the footbridge is viewed as a very minor benefit to the development. The existing footpath is seen as a perfectly acceptable route to the village albeit alongside a 40mph 'A' road and has no greater distance to the village than the suggested canal side footpath.

The Saxilby with Ingleby Neighbourhood Plan (DSINO) is still at the draft stage but has been through an initial consultation period. The relevant policies within the current draft are listed in the policy section of this report. The DSINO in its current form does not provide any proposed allocated sites for housing. Its housing growth relies on the completion of outline planning permission 131174 dated 9th December 2015 for 230 dwellings off Church Lane. The DSINO does include a policy based on development around the Fosseydyke Canal including support to development which enhances its setting. This development does propose a footpath enhancement to the south. The DSINO is still in draft form and is subject to amendments therefore only carries some weight in the decision making process.

It is considered that the site is in the open countryside opposite the settlement boundary of Saxilby but the services are on the extremity of the suggested walking distances. The site therefore has at best the minimum links/distances to the services in Saxilby making the use of a vehicle a more attractive proposition to the residents. The proposal is not on an allocated site in the CLLP and does not provide any reasoning to meet the exceptional circumstances set out in local policy LP2 of the CLLP for development on the edge of the village. Central Lincolnshire can currently evidence an over-supply of housing as stated in the CLLSR. It is considered that the reasons put forward to pass the sequential and exceptions test are not justified and have failed and there are more appropriate sites with a lower risk of flooding within the district and the village. The mitigation measures which will demonstrate a reasonable degree of safety for the future occupants does not overcome the requirement imposed by the sequential test to direct development away from areas at flood risk. Therefore the principle of the development cannot be supported as the harm outweighs the benefits.

Visual Impact

The application site is within the open countryside but has built form in each direction. The site is covered by a number of trees that although not protected do have some amenity value to the north of Gainsborough Road. The proposal will mean removing some trees particularly a number close or on the north boundary. As the trees are not protected they can be felled at any time by the owner without consent from the Local Planning Authority. The site is a little overgrown but it does provide a softer feel and break between the built form of Fosdyke House and The Bridge Inn. The site currently therefore has a positive impact on the character of the area.

The application form stated that the proposed dwellings will be constructed from:

- Walls - Light coloured render and silver-grey timber boarding
- Roof - Dark blue - grey artificial slate
- Windows - Dark grey PPC aluminium frames
- Doors – Dark grey PPC

It is considered that the proposed materials are acceptable.

The Paragraph 3.2 (appearance) of the design and access statement completed by JH Walter dated November 2015 states that the dwellings will be proposed dwellings will be '*modern in terms of the architectural language*' and '*the external elevations are characterised by sinuous curves faced predominantly with vertical timber cladding*'. It is agreed that the dwellings are unique in their design and completely different to other dwellings in the vicinity. Some objections have been received in relation to the proposed design being out of character with the area.

The proposal for timber cladded dwellings references the dominant feature of trees on the site. Given the retention of trees on the site the proposal will only be in view from close quarters when traveling along West Bank, Gainsborough Road or the Fosdyke Navigation and from some dwellings off the two vehicle highways. The site will additionally be in view from the most northern section of public right of way saxi/227/1.

The proposal will increase the built form and form a continual run of ribbon development along the north side of Gainsborough Road whilst removing an attractive soft break between Fosdyke House and The Bridge Inn. Although the proposal will introduce a modest urbanising affect on the site, the retention of trees to the boundaries will however limit this impact on the surrounding area and this affect is not a significant enough reason to use a reason for refusal.

It is considered that the proposal will not have a significant adverse visual impact on the site, the street scene, the Fosdyke or the open countryside.

Residential Amenity

Objections have been received in relation to the development having an overbearing impact and causing overlooking on neighbouring dwellings.

All of the existing neighbouring dwellings to the north and south are a good distance from the site by being on the opposite side of Gainsborough Road or the Fossey Navigation/West Bank. The proposal will not harm the living conditions of these dwellings due to the separation distance.

Fossey House and its main garden space sits to the east of the site. The closest dwelling sits in the north east corner of the site with its side elevation facing Fossey House. All of the first floor windows on this elevation are secondary windows which serve the living area, the kitchen (x2) and the study/snug. Although some overlooking may occur on the end section of Fossey House's garden it is not considered as significant enough to warrant refusal. The separation distance will allow plenty of privacy to the garden area immediately around Fossey House. The proposal will not harm the living conditions of Fossey House.

It is additionally relevant to assess the privacy of the potential future occupants of the dwellings. All of the dwellings are adequately spaced to not have any overbearing impact or cause a significant loss of light on each other.

The four dwellings to the north of the site will modestly overlook each other mainly due to the position of the terrace aspect to the west side elevation. However each dwelling will have an area of private garden space to the rear and the terraced area will not be able to clearly view into any windows serving primary living accommodation.

The two dwellings to the south of the site are not positioned in such a uniform position as the four dwellings along the north boundary. The concern with the layout is the overlooking on the garden space of the dwelling (A) to the south west corner from the terrace of the dwelling (B) nearest the access. The garden space of dwelling A is approximately 7 metres from the terrace of dwelling B. It is therefore considered that some obscure screening to the first west elevation of dwelling B is required if it was minded to approve the application and this would be secured by a condition.

The Public Protection Officer has recommended a noise report is undertaken. Approximately 50 metres to the west of the nearest proposed dwelling is a former public house (Bridge Inn) converted to an Indian Restaurant with a takeaway service. The associated car park sits between the restaurant and the site and is approximately 2-10 metres from the nearest dwellings to the west of the site. The main building is a good distance from the site and most noise will be from cars and customers entering and exiting the car park. The site is additionally adjacent a busy 'A' road. After consideration the position and use of the restaurant will create some noise which can be heard from the site but not to an extent which will significantly affect any future occupants. In addition to this the Indian Restaurant is an existing business and any occupants choosing to live on this site will be fully aware of its presence.

It is not considered therefore to be harmful to the living conditions of future residents.

Highways

The proposal provides a new vehicular access point to Gainsborough Road in the south east corner. This section of Gainsborough Road has a 40mph speed limit. Gainsborough Road includes a couple of vehicular accesses close by on the opposite side of the road but these are to single dwellings (Cherry Cottage and Aberfoyle). Further to the east is a junction connecting Gainsborough Road and Broadholme Road. As assessed on site the observation views from the proposed access are good due to the clear view provided by the grass verge and footpath to the front. No concerns on the new vehicular access has been received from the Highways Authority at Lincolnshire County Council.

On assessment of the layout it appears that the driveways will be of a size to allow vehicles to turn within the plots and leave each plot in a forward gear. The access road is a cul-de-sac with a low speed limit and no through traffic. Therefore a high percentage of the traffic using the site will be the occupants and visitors. The site additionally includes a turning space in the layout of the access road.

The Highways Authority have requested for the access road to meet the required adoptable standards. The current proposed road is at least 5.5 metres wide but does not provide a 1.8m footway (with a 5m wide road) or a 1.8m wide soft service margin (with a 5.5m road). It additionally needs to include street lighting, adequate drainage and turning provision. Highways have additionally commented that the development does not provide at least 3 parking spaces which is a minimum requirement for dwellings with 4 bedrooms

The agent has submitted an amended proposed site plan (325-A-004 dated August 2015) which has now met the requirements of the Highways Authority explained above. The Highways Authority subsequently have no objections subject to certain conditions. If it was minded to approve the application then these conditions would be attached to the permission.

Archaeology

The Historic Environment Officer (Lincolnshire County Council) has recommended *'that, prior to development, the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the LPA'*. If it was minded to approve the application then this would be secured by a condition.

Ecology

Guidance contained within paragraph 118 of the NPPF states that *'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'

The application has included an Extended Ecological Appraisal & Protected Species Survey Report (EEA) completed by Sherwood Associated dated October 2015. Natural England have stated that the site is stated in the EEA as an area of priority habitat as a deciduous woodland. Guidance within paragraph 117 of the NPPF states that *'planning policies should promote the preservation, restoration and re-creation of priority habitats'*.

To summarise the EEA concludes that:

Great Crested Newts: (Paragraph 6.1.1)

- The proposal is unlikely to have an adverse impact on the species.
- As a precautionary measure the mound of earth and rubble identified in figure 1.0/2.0 is cleared under the supervision of an experienced ecologist.

Bats: (Paragraph 6.2.1 and 6.2.2)

- The site is utilised by low numbers of bats with no indication of roosts.
- The proposed development has the potential to adversely impact on bats through increased artificial lighting and recommendations provided need to be followed.
- Artificial bat boxes are recommended.

Hedgerows: (Paragraph 6.2.2.)

- To maximise their ecological value, new hedgerows should be planted with a mixture of appropriate native species.

Badgers: (Paragraph 6.3.1)

- open trenches should be filled in at the end of each day or 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: (Paragraph 6.4.1)

- To minimise any future impacts it is advised that tall scrub and herbaceous vegetation is cut to a height of 30mm and maintained at such a height to prevent reptiles from moving into the site.

Nesting birds: (Paragraph 6.5.1, 6.5.2 and 6.5.3)

- It is recommended that where possible, trees and hedgerows should be retained.
- Construction activities should avoid the bird breeding season (February - August inclusive) to avoid damage to nesting species. If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to site clearance commencement to identify whether active nests are present. If any are found they should be clearly marked and avoided until after the young have fledged and left the nest.

- Three starling boxes and three sparrow terraces are provided.

Hedgehogs: (Paragraph 6.7.1)

- To retain habitat connectivity for hedgehogs and other species it is recommended that proposed properties and gardens should be bounded by hedgerows or fences with adequate gaps for hedgehogs to pass through freely.

Nectar Resource: (Paragraph 6.8.1 and 6.8.2)

- Each tree felled should be replaced by an appropriate native, nectar rich species such as wild cherry *Prunus avium*, small-leaved lime *Tilia cordata* and field maple *Acer campestre*.
- A minimum of three artificial insect refuges should be placed around the site

The report suggests that there will be no significant impact on protected species of fauna and flora providing the above recommendations and procedures are adhered to. It is therefore considered that the site does have the potential to have a significant adverse impact on protected species.

Therefore if minded to approve the application a suitable number of strict conditions would need to be added to the permission to stop any adverse impact from happening.

Impact on Trees

Natural England have stated that the site is stated in the EEA as an area of priority habitat as a deciduous woodland. Guidance within paragraph 117 of the NPPF states that '*planning policies should promote the preservation, restoration and re-creation of priority habitats*'.

The proposal includes a mix of retaining and removing existing trees on the site. The Authority's Tree Officer has assess the proposal and generally has no objections with the proposal but has provided comments requiring further detailing for reasons of clarity and to protect the health of the trees to be retained. Given this and the lack of an objection from Natural England it is considered that subject to further conditions the proposals are deemed acceptable.

Foul and Surface Water Drainage

The application form states that foul water will be drained to the mains sewer and surface water to a sustainable urban drainage scheme (SuDs). There are no details suggesting what the SuDs method or methods will be and comments have been received from the Public Protection Officer summarising the lack of information needed to provide for a drainage strategy. The intended methods are acceptable providing the appropriateness for the site can be evidenced. This could be addressed by imposition of a suitably worded drainage scheme.

Garden Space

The individual plots will be served by an adequate amount of garden space. The four dwellings to the north of the site have smaller rear garden spaces which could be significantly reduced by the dwellings being extended under Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. It would therefore be considered necessary to remove this permitted development right were the development to be approved

Other considerations:

Waterway

The Canal and River Trust have requested that a number of advisory notes are added to the permission if the proposal is approved. This is considered acceptable particularly protection of the strip of land to the north of the site which is used for access and maintenance purposes.

Conclusion and reasons for decision:

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 12 Development within the Open Countryside, RES 1 Housing Layout and Design, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE 20 Development of the Edge of Settlements 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, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages LP10 Meeting Accommodation Needs, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP26 Design and Amenity and LP55 Development in Hamlet and the Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. In addition consideration has been given to the position and policies of the Draft Saxilby with Ingleby Neighbourhood Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that a convincing case to limit the application of the sequential test to land within the applicants ownership has not been made with no evidence submitted to demonstrate that there are no other appropriate sites in Saxilby that are at a lower risk of flooding the district. The implementation of an upgraded footpath to the front or a new footpath along the towpath of the Fosdyke Navigation is a very minor wider community benefit of the development when an existing footpath connects Gainsborough Road to Saxilby and the affordable homes on Fosdyke Court. Therefore significant weight in the planning decision is given to the proposals failure to pass the sequential flood risk test.

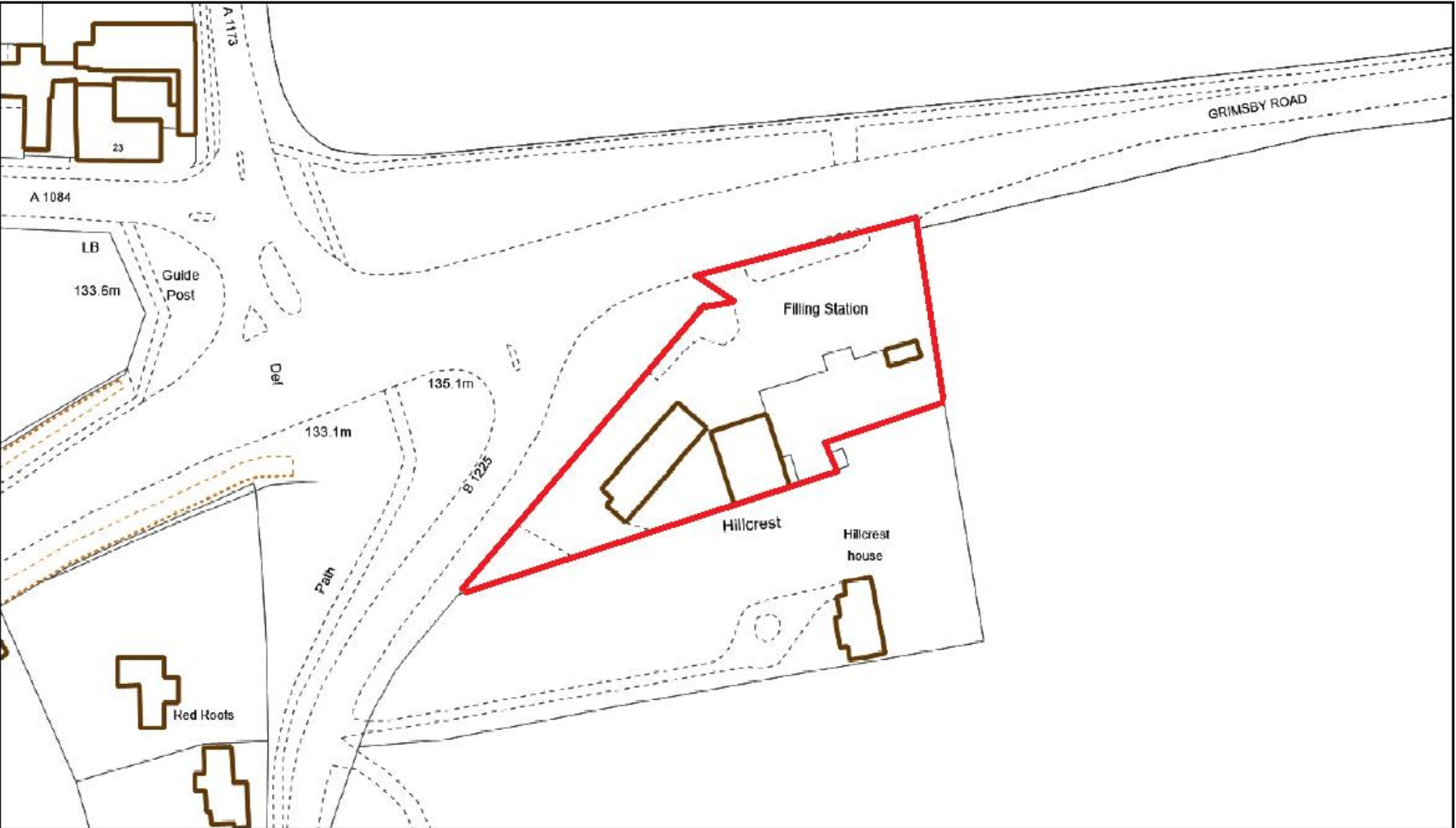
The proposal is not an allocated site and has not provided any reasoning to meet the exceptional circumstances for housing development on the edge of

the village. The proposal is therefore contrary to local policy STRAT 1 of the West Lindsey District Local Plan, local policies LP1, LP2 and LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036 and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The proposal would not, however, have an adverse visual impact on the site, the street scene, the Fossey Navigation or the open countryside. It would not have a significant adverse impact on the living conditions of existing or future residents. The proposal would not have an adverse impact on protected species providing appropriate mitigation measures are employed or have an archaeological impact subject to a scheme of archaeological works. It will not have a harmful impact on highway safety.

RECOMMENDATION: Refuse

1. The proposal represents an unsustainable form of development located within an attractive greenfield site, outside the village of Saxilby at the extreme extent of acceptable walking distances. The proposal is also located within a flood zone without adequate or justified reason or overriding benefit when less vulnerable sites to flooding are available. The proposal is therefore contrary to saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan Review 2006, local policies LP1, LP2 and LP14 of the Submitted Central Lincolnshire Local Plan and Saxilby with Ingleby Neighbourhood Plan policy 3 and the provisions of the National Planning Policy Framework.



Officers Report

Planning Application No: 135031

PROPOSAL: Planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings.

LOCATION: Hillcrest Caistor Top Caistor Market Rasen LN7 6JG

APPLICANT: Mr O Lawrence

Ward Members: Cllr O Bierley, Cllr Lawrence

WARD: Caistor and Yarborough

TARGET DECISION DATE: 30/11/2016

DEVELOPMENT TYPE: Minor - Manufacture/Storage/Warehouse

CASE OFFICER: Ann Scott

RECOMMENDED DECISION: Approve subject to conditions

Description:

The proposal involves the erection of 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings at Hillcrest Caistor Top, Caistor. The application site is on the A46 close to the junction with the B1225 and the A1173.

There are a number of existing buildings on the site including a former retail unit which is the subject of an application for the change of use to a gym and another building used in connection with car sales on the site. To the east of the site is a café and to the south of the site is a residential property in close proximity to the boundary with the site. The site is situated in the Wolds Area of Outstanding Natural Beauty and is visually prominent in the landscape. A fence of mesh type defines the perimeter to the rear of the site. Opposite the site is the former Montessori School which is a Grade II Listed Building.

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. 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. Therefore the development is not 'EIA development'.

Relevant history:

128839 - Retrospective planning application for the change of use from Workshop to A1 Retail – approved 10/9/2012
135007 – Planning permission for change of use from A1 Retail to D2 Gymnasium. Pending decision.

Representations:

Chairman/Ward member(s): None received

Town Council: Caistor Town Council has no comments/objections to make.

Neighbour Comments –

Objections: Hillcrest House & Red Roofs Horncastle Road.

- Concerns can be summarised as: Adjoining property too close and will lead to noise, disturbance and odour reducing amenity. This is due to the use being for industrial and restaurant operations which are not appropriate in this location. There is a history of noise complaints from this site.
- Highway safety issues: The site is located at a major junction which is an accident black spot. Speed limits should be reduced. A lot of heavy conflicting traffic movements occur in this location. There should be a highway management plan.
- Possible contamination is a major concern that should be addressed in detail.
- Details are very limited on issues such as: extract and air conditioning equipment, machinery, the hours of operation. The development cannot be properly considered without such details.
- The bin storage area is deemed too close to the adjoining property leading to concerns over health, odour, noise and vermin.
- Hours of operation are a concern due to concerns over proximity and residential amenity.
- This is a significant increase in the size of the development on site and a Design & Access Statement should have been provided to outline how the site will operate. This has not been provided so the impacts from this development cannot be quantified.
- Trees/landscaping: there are trees on the boundary to the site but on neighbouring land which have not been assessed and could be impacted upon as a result of development.

- With particular reference to the AONB the scale of the proposal is deemed to detract from the appearance and character of the AONB. Its position on the ridgeline and the general rural character of the area is noted.

Support: Three letters of support from the occupiers of: Amberley Close, Grimsby, Keepers Cottage Caistor Road, Swallow, and Chichester Drive, Caistor have been received. They support the provision of the units appropriate for small businesses and consider the proposal would support business development in the community.

West Lindsey Growth and Projects Officer – support the proposal on the economic and regeneration benefits the proposal will bring to the area. There is a need for good quality small business units that they confirm is required following research by the Council.

LCC Highways: No objections but have requested conditions on access, pedestrian crossing and drainage

Archaeology: No objections to the proposal.

Lincolnshire Wolds Countryside Service: Comment that the site is in an area of AONB and mention that account should be taken of the likely impact that this development have on the landscape character of the Lincolnshire Wolds Area of Outstanding Natural Beauty. This should include evidence of how such development can enhance the landscape character of the AONB. This should including minimising night time light levels.

Public Protection: Comment on possible contamination of the site due to the previous use for a garage and car sales. A condition requiring the investigation into the potential for contamination on the site prior to the commencement of the development is likely to be appropriate in this instance. Conditions are also requested in relation to noise mitigation measures,

Trees and Landscape Officer: The site plan shows a row of low level landscaping to the west of the site and details will need to be provided for prior approval on species and sizes, to check suitability to the site and the character of the area. Most of the trees on the front have been cut down and provided that they are replaced with good quality trees there are no objections.

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance (NPPG)

West Lindsey Local Plan First Review 2006

[STRAT 1: Development Requiring Planning Permission](#)

[STRAT 12: Development in the Open Countryside](#)

[NBE 9: The Lincolnshire Wolds Area of Outstanding Natural Beauty](#)

[ECON1: Employment Development Provision](#)

Central Lincolnshire Submitted Local Plan 2012-2036
<https://www.n-kesteven.gov.uk/central-lincolnshire/>

The Central Lincolnshire Local Plan has been submitted to the Secretary of State for examination and it is now officially in the 'examination period'. Accordingly it can be afforded more weight in decision.

LP1: A Presumption in Favour of Sustainable Development
LP2: The Spatial Strategy and Settlement Hierarchy
LP5: Delivering prosperity and jobs
LP6: Retailing and town centres
LP13: Accessibility and transport
LP16: Development on land affected by contamination
LP17: Landscape, townscape and views
LP26: Design & amenity

Caistor Neighbourhood Plan

This is a made plan and as such forms part of the development plan utilised to assist in determining planning applications

Policy 6. Business units and start up units. New business units will be supported where they are within existing employment areas, or conversions of existing empty derelict buildings or previously developed land and include the opportunity for flexible floor space arrangements.

Main issues

- Principle of Development/Planning Policy
- Area of Outstanding Natural Beauty (AONB)/Visual Impact
- Economic benefit/employment opportunity
- Footpath/Highway Safety & Car Parking
- Residential Amenity/noise
- Foul and Surface Water Drainage
- Flood risk/drainage
- Other matters

Assessment:

- Principle of development/Planning Policy

West Lindsey Local Plan

Saved Policy STRAT12 of the West Lindsey Local Plan indicates that: planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.

The proposal represents development in the open countryside as it is located outside the settlement limit of Caistor. Saved Policy NBE9 (Lincolnshire Wolds Area of Outstanding Natural Beauty) seeks to protect this location which is an exposed site on a high vantage point in the Lincolnshire Wolds. This is to protect the character of the countryside and because this site is not usually convenient or accessible to those without cars.

Saved Policy ECON1 indicates employment generating development or the construction of buildings for business...will be permitted on sites not allocated for any of these uses provided that the proposal; meets all of the following criteria:

- i. There is no available allocated site within the nearby settlements or an established employment area in existence within the locality;
- ii. It would not generate traffic of a type or amount inappropriate for the character of access roads or require improvements which would damage the character of those roads;
- iii. It would not harm the character or appearance of the countryside;
- iv. It would not harm the character, appearance or setting of the local settlement or the amenity of nearby or adjoining residents or other land uses;
- v. It would not harm any site of nature conservation value or archaeological importance or any building of architectural or historic interest, conservation area or historic landscape or their setting;
- vi. It would blend into the landscape in design, siting and choice of materials;
- vii. It is not sited in a Green Wedge, AONB, protected settlement break or other protected landscape area or feature;
- viii. The site can adequately accommodate the proposal in terms of size and shape for the layout incorporating suitable access, parking, landscaping or any other requirements of the proposed development;
- ix. The proposed development should be in scale with the size of the settlement within which it is proposed.

Priority will be given to previously developed sites over the release of greenfield sites.

National Planning Policy Framework (NPPF)

The NPPF emphasis that (para 113) that great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural

Beauty, which have the highest status of protection in relation to landscape and scenic beauty. It also notes that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of a high environmental standard.

The NPPF also supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings.

Para 24 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

However, para. 25 indicates that this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

Central Lincolnshire Local Plan (CLLP)

Policy LP1 seeks to support sustainable development in accordance with the NPPF. Similarly, Policy LP5 indicates that appropriate proposals for new B1, B2 and B8 proposals and /or redevelopment of sites for B1, B2 and B8 uses on non-allocated but existing local employment sites will be supported where:

- They do not conflict with neighbouring land uses;
- Their scale does not harm the character and/or amenities of the locality; and
- They will not impact unacceptably on the local and/or strategic network.

Policy LP6 provides guidance on retail development and notes that a retail hierarchy will be used to guide planning application determinations. A sequential approach to locating retail development in town centres, then edge of centre and only if these are sites are not available out of centre locations will be required to be considered.

LP13 indicates that: all developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with

- impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;
- d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.

LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. Of particular importance is the character of the Lincolnshire Wolds AONB.

The proposal represents development in the open countryside as it is located outside the settlement limit of Caistor. It is also within the Lincolnshire Wolds Area of Outstanding Natural Beauty development on an exposed site and in a high vantage point and development would not normally be supported in such locations. This is to protect the character of this nationally important countryside character. Such a location is also not usually convenient or accessible to those without cars and as such would not usually be supported on sustainability grounds.

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings. The property is sited close to the edge of Caistor and has previously been used as a workshop, as part of a garage on the site, and subsequently a retail unit attracting visitors to the site by car. While the site is not easily accessible by other means of transport it does have good links to the highway network via the A46 to Grimsby and is accessible from Caistor. This will be supported by the construction of a pedestrian island to aid pedestrian access to the village.

The use of the site for business units is an appropriate use for the site given that the previous use has been for retail, garage and a café. The use proposed is in keeping with the character of the site and subject to conditions is considered to be acceptable in principle. The application indicates that 64% of the use will be designated for B1c Light Industry, B2 General Industry and B8 uses which equates to 572 sq. metres of floor space leaving 323 sq.m for A1 retail, A3 café and B1a offices. As will be noted below to protect the vitality and ongoing regeneration of Caistor town centre the levels of retail, café and office uses will be conditioned to ensure that the quantum of each A1, A3 and B1 use does not alter over the lifetime of the development.

Whilst the site is in open countryside and in the AONB the site is previously developed land with large unattractive industrial buildings which detract from the area. The proposal, as will be expanded upon below, would represent a visual improvement of the site and as a result the proposals would be deemed to accord with the character of the area and the AONB.

Area of Outstanding Natural Beauty/ Visual Impact

Saved ECON1 does not support employment provision within the AONB, however, it is considered that the proposal will visually improve the character and appearance of this part of the AONB as the existing site which has been a garage and car sales business, shop and café which are not particularly appropriate to the character of the area in their unattractive industrial buildings. In contrast, whilst similar uses are again proposed, the development consists of modern relatively low level buildings which will improve the visual amenity of the area.

The proposal would involve the construction of new buildings on the site following the demolition of the existing garage and warehouse/shop. The visual impact would be from the new buildings and any signage on the building. The site does lie in the Lincolnshire Wolds AONB. The proposed buildings on the site are low level single storey with a high quality design, using appropriate, brick, tile and cladding to the countryside area. The proposed buildings are designed in a block arrangement of four blocks one with two units, one with four units and one with five units, and a single block of six units seventeen in total. The design is of a typical low level business unit the hipped roofs and gable ends. At the same time, however, the buildings would not be dissimilar traditional agricultural buildings. The majority of the buildings openings would face inwards protecting the character of the area, which together with appropriate landscaping would lead to an enhancement to the area. The most prominent block of six units has a gable design that looks into the site and has glazed panels to the front. This would create a focal point to site and junction. The other units are low level buildings with hipped roofs and gable ends.

Economic Benefit/Employment Opportunity

The proposal is for 17 rural enterprise units creating approximately 895m² of floor space of which a minimum of 64% (572m² B1(c), Business/B2/B8), the remaining development being split between A1 Retail, A3 Café/Restaurant and (B1 Office), on the site of the existing buildings which are to be demolished.

The council's economic development team have supported the proposal in that it provides modern high quality development units for the area. Such premises are in short supply within the Caistor area and will promote economic development. In addition to this the Caistor Neighbourhood Plan supports proposals for flexible employment uses and Policy 6 is relevant to this application. In particular it notes that new business uses will be supported where they are conversions of existing empty derelict buildings or previously developed land.

A condition, however, is recommended to be attached to any permission to ensure that the floor space for retail and the B1c office and A3 café uses are controlled so that they remain ancillary to the overall use of the site. This would ensure that the overall use of the site remains appropriate to the character of the locality, that Caistor town centre remains the focus for

economic activity and that the interests of the residential amenities of nearby properties were fully considered.

It is also worth noting that the proposal would replace an existing retail use on site and a café. Such uses serves the site but also passing trade. With that in mind a café and retail unit on this site are considered to be acceptable in principal which has already been established. It is more likely that the café will be used by existing users of the proposed units on the site than attracting people from within the Caistor.

Footpath/Highway Safety

The location of the site would necessitate the need for it to be accessed by the car, but nevertheless the uses may attract customers from Caistor across the A46 accessing the premises on foot. A previous application for retail use attracted an objection from the Highways Authority on the grounds of highway safety and the increased potential for visitors to the site to cross the main highway which is an accident blackspot as it is close to a very busy junction with Caistor and the B1225 and the A46 Grimsby Road.

The current application is intended to go hand in hand with improvements to the junction and access which will benefit highway safety for pedestrians at an existing accident blackspot and as such has receiving support from the highways officer subject to appropriate conditions. The proposed alterations to the access have been agreed in conjunction with Lincolnshire Road Safety Partnership and have been submitted with the application in accordance with the recommendations that the Road Safety Partnership have suggested. Planning conditions require the submission of details prior to the commencement of the development to ensure that the works are carried out to the satisfaction of the Highways Authority in the interests of highway safety.

In addition to this, it is important to control the use and levels of use on the site, so that traffic is not unacceptably generated at this site. Larger scale retailing, office and café/restaurant uses could increase the attraction of the site in this busy location reducing highway safety. As a result of this, the proposal should be conditioned to ensure floor levels for such uses remain controlled.

Residential Amenity/Noise

The neighbour at the adjacent dwelling, Hill Crest House, has objected to the proposal on the grounds of the increased noise from the visiting cars, and other vehicles resulting from the use of the property for business purposes.

Whilst these concerns are noted and indeed the previous noise complaints recognised, the nature of the modern buildings proposed must be taken account of. This together with the use of appropriate conditions for the buildings to be sound proofed, extract and air conditioning agreed before installation appropriate boundary treatments agreed and condition to ensure windows and door are to be kept closed would ensure the residential

amenities are protected. It is also considered that the proposed buildings would also screen the adjoining property from the A46 reduce traffic noise.

It is important to note that Public Protection officers have considered the scheme and have not objected to the proposals subject to the imposition of conditions.

The concerns relating to the storage of waste from the site and the location of bin stores are noted. As a result of these concerns conditions are proposed to seek agreement of the type and location of bin stores before work first commences.

Flood Risk/Drainage

The site is not connected to mains drainage and as such the proposal is to a package treatment plant means of drainage on the site. Conditions are recommended to be agreed before work commences.

The application has been subject to a MAG meeting, the result of which have led to a SUDS scheme. Surface water drainage would be dealt with through infiltration but full details are to be agreed through conditions.

Other matters

It is accepted that the site has been the subject of a number of uses which could cause the site to be contaminated. This includes a petrol filling station, vehicle repair and sales area. As a result of this conditions are required to ensure that the site is suitably investigated and, if necessary remediated.

Conclusions

The application has been considered against the provisions of the development plan in the first instance and in relation to that the following policies have been assessed against the proposal in addition to any other material considerations. The saved policies STRAT1 Development requiring planning permission, STRAT12 Development in the open countryside and NBE9 The Wolds Area of Outstanding Natural Beauty of the West Lindsey Local Plan First Review and the following policies in the emerging Central Lincolnshire Local Plan. LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering prosperity and jobs, LP6: Retailing and town centres, LP13: Accessibility and transport, LP16: Development on land affected by contamination, LP17: Landscape, townscape and views and LP26: Design & amenity. The NPPF and the Caistor Neighbourhood Plan Policy 6. The application is recommended for approval subject to the following 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

Recommendation: Approve subject to conditions

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

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

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

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

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

Reason: To ensure that a landscaping scheme to enhance the development and to help it assimilate within its countryside setting is provided in accordance with West Lindsey Local Plan First Review Policy STRAT1.

3. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the buildings and surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. Prior to the commencement of construction of any buildings or commencement of the use, the vehicular access to the development shall be improved in accordance withdrawing number LDC1490-02A dated March 2016.

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

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

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

6.No development shall be commenced before the works to improve the public highway by means of a pedestrian crossing point and refuge along with any alterations to the existing right turn lane and hatched markings (improvement works to be agreed with The Lincolnshire Road Safety Partnership) have been submitted to, approved and certified complete by the local planning authority.

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

7. No development shall take place until, a management scheme for protecting the adjoining dwellings from noise from the development hereby permitted has been submitted and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: The Local Planning Authority wishes to ensure that noise disturbance is minimised for future occupiers of the development in accordance with West Lindsey Local Plan First Review Policy STRAT1.

8. No development shall take place until, details of the extraction and ventilation equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby permitted being first brought into use and thereafter retained. Future occupants of units following previous occupiers shall accord with the requirements of this condition if extract/ ventilation equipment is required.

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

9. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of

- the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

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

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

11. Prior to demolition commencing a demolition and construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

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

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

12. 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 accompanying details submitted and the following drawings LDC1490-02A, LDC1490-03, LDC1490-04A, LDC1490-05A, LDC1490-06A received on the 5th October 2016. The works shall be carried out in accordance with the details shown on the approved plans and any other approved documents forming part of this 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 STRAT1 of the West Lindsey District Local Plan First Review 2006.

13. Development shall take place in accordance with the details of the proposed foul and surface water drainage for the site submitted with this application. The approved details shall thereafter be implemented in full before the building(s) are brought into use.

Reason: In the interest of nature conservation and in order to secure a satisfactory means of sustainable drainage for the development in accordance with saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework

14. Within seven days of the new access being brought into use, the existing access onto Grimsby Road (access located adjacent to the Eastern boundary of the site) shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to the development, in the interests of road safety.

15. The arrangements shown on the approved plan LDC1490-02A dated March 2016 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

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

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

17. Details of any lighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, highway safety and the dark sky policy in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE18.

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

19. The uses hereby approved shall be carried out in accordance with the submitted plans and particulars in this application and the units hereby approved shall not be split or extended unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in the interests of the residential amenities of the locality, highway safety and protection of the town centre and in accordance with Policy STRAT1 of the West Lindsey District Council First Review 2006.

20. The combined total of 323 m² of floor space hereby approved for A1 Retail, A3 Café and B1 Business shall be not be exceeded, be carried out in one unit per use only and these units shall not be extended/ combined unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is imposed to ensure that the proposal is sustainable, the town centre is protected and residential amenities are protected and in accordance with the advice in the NPPF.

21. No business operations shall take place anywhere on the site except within the buildings. The use of power tools and/or machinery shall be confined to the inside of the building hereby permitted with all doors and windows closed, and mechanical ventilation to the workshop area shall be provided to the satisfaction of the Local Planning Authority.

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

22. No paint spraying of vehicles shall be carried out on the site. All works and storage in conjunction with vehicle repair and servicing shall be carried out within the buildings on the site.

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

Notes to the Applicant

23. There shall be no storage of materials, goods, waste or any other articles on the site otherwise than inside the buildings without the prior written approval of the Local Planning Authority.

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

24. The premises shall not be used other purpose other than within Class A1, A3, B1a, B1C, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order (Amendment) (England) 2006, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to retain control over other uses that might harm the amenities of the area/ would not accord with development plan policies for industrial sites/the countryside in accordance with West Lindsey Local Plan First Review Policy STRAT1.



Planning Committee

14 December 2016

Subject: Pre-consideration site visit by Members for planning application 134780 – Riseholme Campus, Riseholme

Report by:

Director of Regeneration and Planning.

Contact Officer:

Simon Johnson
Senior Planning Consultant
01472 324292
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Purpose / Summary:

The report relates to a hybrid planning application for residential dwellings, educational use and community facilities on the site of the Riseholme University Campus. The application has been the subject of a number of representations with visual impact and heritage issues being some of those raised. These issues whilst only part of a wider discussion are pertinent to the case and a site visit by Members is therefore considered beneficial to their consideration of the application.

RECOMMENDATION(S):

That Members undertake a Planning Committee Site Visit for planning application 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 Class D1,A1,A3,A4 and B1, other associated infrastructure-with all other matters reserved-at the University of Lincoln, Riseholme Campus. Prior to subsequent consideration at Planning Committee.

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 :

This report has had, and the subsequent report assessing the application will have 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.

Risk Assessment : None arising from this report

The proposal site contains a number of active highways and has education elements across the site which are characteristic of agricultural practices including animal husbandry. Whilst these elements do not present direct hazards, Committee Members must be aware while on the site.

Climate Related Risks and Opportunities : None arising from this report

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

Details of planning application 134780 can be viewed on the Council's web-site using the following link:- <http://docs.west-lindsey.gov.uk/WAM/showCaseFile.do?appName=planning&appNumber=134780>

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

Introduction

The report relates to a planning application for a residential, educational and recreational development submitted in a hybrid format, it would also include community facilities and other associated infrastructure.

Discussion

It is not normally required that Members visit a site collectively before considering an application. Nevertheless, the application has been the subject of a number of representations many relating to visual impact and the physical and functional relationship with the existing campus and historic environment. The merits or otherwise of the proposal are balanced and, whilst officers will present a detailed report, make a balanced recommendation and will present photographs to a subsequent meeting, it is considered that only a visit to the site and its surroundings would enable Members to make a judgement on the site specific issues.

Access onto private land is also required in order to make an assessment of some of the relevant issues, such opportunities not normally being available to Members if visiting the site on their own outside of the meeting.

Proposal

That Members undertake a Planning Committee Site Visit for application 134780 prior to it being reported for determination to a subsequent meeting of the Committee.

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