

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, 11th January, 2017 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 14 December 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) 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 Fosssdyke House, Gainsborough Road. Saxilby (PAGES 1 - 26)

b) 135429 - Nettleham

Planning application for the full demolition of the two storey element of the existing outbuilding, extensive repair and renovation of the single storey sections together with the rebuilding of the 2 storey area, first floor extension and change of use to form a family annex at The Cottage, 10 Church Street, Nettleham. (PAGES 27 - 36)

c) 133907 - Marton

Hybrid planning application to include outline planning application for the erection of up to 39 dwellings with all matters reserved and change of use of agricultural land to school car park on land off Stow Park Road, Stow Park Road, Marton. (PAGES 37 - 62)

d) 132946 - Middle Rasen

Planning application to erect five dwellings, with garages, access drive and associated landscaping and boundary treatments on land off Gainsborough Road, Middle Rasen. (PAGES 63 - 84)

e) 135056 - Scotton

Outline planning application for proposed development for nine dwellings with access to be considered and not reserved for subsequent applications on land south of Eastgate, Scotton. (PAGES 85 - 104)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 3 January 2017



Planning Committee

Date 11 January 2016

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

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

Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

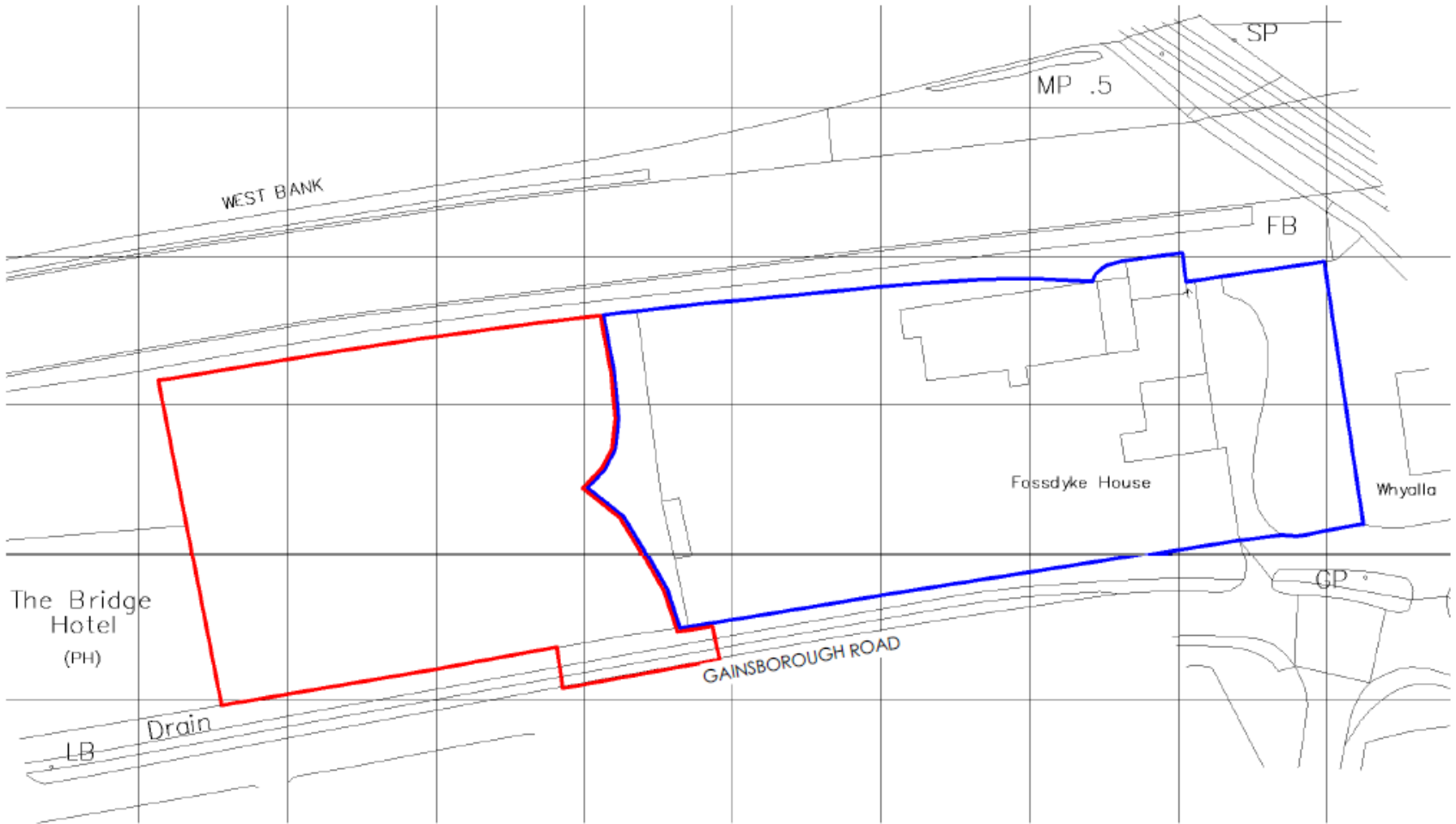
No

Key Decision:

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

Yes

No



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 Fosssdyke 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

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse

The application was presented to the 14th December Planning Committee where it was deferred to enable a site visit to take place.

Description:

The application site is a plot of paddock land to the west of garden space to Fosssdyke 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 Fosssdyke 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 Fossdyke 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 Environmental 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 Fosssdyke Navigation to the village centre via the Fosssdyke 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 Fossdyke 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 Fossey 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 Fosdyke Navigation/West Bank. The proposal will not harm the living conditions of these dwellings due to the separation distance.

Fosdyke 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 Fosdyke 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 Fosdyke Houses 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 Fosdyke House. The proposal will not harm the living conditions of Fosdyke 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 Fossdyke 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 Fossey 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.

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Officers Report

Planning Application No: 135429

PROPOSAL: Planning application for the full demolition of the two storey element of the existing outbuilding, extensive repair and renovation of the single storey sections together with the rebuilding of the 2 storey area, first floor extension and change of use to form a family annex.

LOCATION: The Cottage 10 Church Street Nettleham Lincoln, Lincolnshire LN2 2PD

WARD: Nettleham

WARD MEMBER(S): Cllr G McNeill and Cllr Mrs A White

APPLICANT NAME: Mr R Marshall

TARGET DECISION DATE: 03/01/2017

DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Approve subject to conditions.

Description:

10 Church Street, Nettleham is a Grade II listed cottage in the centre of the village next to the Grade I listed church and opposite the Grade II listed 11 Church Street. It is also located within the Nettleham Conservation Area.

Outbuildings were contained on the eastern side of the plot. Due to the outbuilding being declared structurally unsound and in danger of imminent collapse, it was demolished in November 2016, following the issue of a Dangerous Structures Notice.

The outbuilding was considered to be a curtilage listed building of traditional form, scale and design which runs along the north eastern boundary of the curtilage of the site. Its gable end could be seen from Church Street. It was built of stone with a variety of roof heights and was subordinate in scale to the main house which is located to the south.

To the east is the rear garden of 3 All Saints Lane and below this building work is complete on a new residential development of 10 dwellings (Ref 126801 and non material amendment Ref: 130308). The rear walls of 5 and 6 Ambrose Court were approximately 1.3 metres from the eastern wall of the outbuilding. The existing garden of number 10 is to the west and is well established with some mature trees.

It is intended to comprehensively rebuild and extend the existing outbuilding by increasing the height of a central section of the building to create additional space at first floor level. Its use is to be changed to that of a 2 bed annex.

Relevant history:

The proposals are similar to those previously granted planning approval and listed building consent in 2008 and 2014 which have now lapsed (Ref 122861, 122862, 131125 and 131226, 134168).

Representations:

Nettleham Parish Council:

This Application appears in essence to mirror an Approval granted by WLDC in early 2014 to develop the barn on the site. The difference now being that the barn has been demolished and therefore arguably the Application is for a new dwelling.

The Parish Council notes that the proposal provides for the rear wall of the barn to be located on the site boundary - as it was before demolition. Benefit might be accrued to both the Applicant and to the residents of Ambrose Court if the structure were to be rebuilt a short distance from the site boundary.

In addition the Council notes that the new structure will be higher than the adjacent property on

Ambrose Court and therefore has the potential to remove an amount of light from that property.

However, the scale of the proposed development was Approved in 2014 prior to the occupation of Ambrose Court and the purchasers therefore had the opportunity to consider that Approval and its potential effect upon their intended purchase.

Similarly, the development of Ambrose Court was Approved by the Planning Authority in the full knowledge that the properties would be sited only 1 metre or thereabouts from an existing structure with the obvious potential for overlooking of that building together with the garden of the site. The Approval for Ambrose Court appears to contain a Condition that the first floor windows overlooking the site should be glazed using obscure glass. That Condition does not appear to have been complied with, which only serves to exacerbate the potential for removal of light to Ambrose Court.

Local residents: Objections have been received by the residents of **3, 5, 6 & 9 Ambrose Court.**

Objections in summary:

- The conditions of planning and listed building consent previously granted are not able to be met. It is not simply a rationalisation of "the current planning permissions" as claimed.
- In 2014 the barn was capable of 'extensive refurbishment' and this shaped the planning consent. This application is one for a large new modern house. This would not be a 'like-for-like' replacement in tune with the nature of the conservation area or the site's listed status
- 5 Ambrose Court, Nettleham is the only two storey house that will be directly affected by the proposal. No.6 is a bungalow. This application will have an even greater impact there.
- In the 2014 & 2016 applications the plans submitted were wrong and the significant impact on light, overshadowing and building so close to neighbouring houses now fully occupied were not fully considered.

- Since the barn has now been demolished this must surely be the opportunity to rectify earlier problems and not erect a substantial two storey house of this design to replace a one and a half storey old barn on the 'footprint' of that old barn.
- The application does not meet WLDC Policy RES13 - Family Annexes particularly in regard to, "adverse effect upon the amenity of neighbouring properties"
- The proposal is not in line with the Nettleham Development Plan (2014-2031) statement that, "It is important that new developments should be similar in style and scale".
- As design and location of the proposed building can now be freed from the constraint of the Old Barn there is scope to:
 - re-site the new building e.g. 1.3 -1.5 metres away from the boundary line - this option has been suggested to the applicant who has refused to consider it
 - switch the run of buildings around by 180 degrees so that the garages are near to both properties on the site and much nearer to the road.
- The old barn that is being replaced is categorically not 2 storeys high - Being an old farm building it was more like one and a half storeys at the apex with a bricked in 'hay store' door to South elevation
- The old farm building height at the eaves is 3.71metres. The proposal raises the height of the eaves to 4.83 metres, an increase of 1.12 metres
- The old farm building height at the Apex is 4.86 metres. The proposal raises the height of the Apex to 6.43 metres, an increase of 1.57 metres
- Loss of light & overshadowing: Our existing window will face a blank stone wall approximately 1.15 metres away
- Will result in overlooking and loss of privacy

Two comments have also been submitted in support of the proposal (**9 & 11 Church Street**). In summary:

- We support the current application as it stands, rebuilding the agricultural barn to its original design thus continuing to reflect the history of No 10 as an agricultural small holding.
- We are the only neighbours that would have direct views towards the annex from Church Street. The application would not have an adverse impact on our listed property.
- We would object to the movement of the barn to the west as proposed by the Ambrose residents as it would upset the traditional setting of the view from Church Street.
- The height of the proposed two storey element is not excessive and in fact should be looked at in what was deemed reasonable subsequently in the design of Ambrose Court.

- From knowledge we know the upper storey of the barn was below that now accepted as reasonable for a 2 story building, as demonstrated by the fact the demolition crew were able to reach upwards from the floor to dislodge and remove pantiles.
- Planning and listed building consent has been granted twice before and we do support the current application as it stands, rebuilding the agricultural barn on its original footprint thus continuing to reflect the history of No 10 as an agricultural small holding.
- There would be no adverse effect on other listed buildings in church street or indeed on the new development in Ambrose court. We understand, and indeed can see, that much of the original stone and pantiles have been retained for re-use. This would ensure that the integrity of the conservation zone remains intact.
- In our considered opinion the criteria of the village design statement would be fully met and we cannot find any conflict with the neighbourhood plan.

LCC Highways: No response received.

Archaeology: Advise a condition for a historical record to be carried out.

Historic England: Do not wish to comment. The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Relevant Planning Policies:

National guidance

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

West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission
RES 13 – Family Annexes

Nettleham Neighbourhood Plan

Policy E – 4 Historic Buildings and the Conservation Area
Policy D – 6 Design of New development

Main issues

- Impact on listed buildings and on the character and appearance of the conservation area
- Impacts on adjoining residential amenity by way of overlooking and subsequent loss of privacy

Assessment:

Section 66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is a NPPF requirement when determining planning applications, that the local planning authority should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

The current application is similar to one(s) previously granted that preserved the architectural significance of this heritage asset and which at the same time would have helped to secure the long term future of the building (had it been implemented). Unfortunately, due to slow pace of implementation the building has subsequently been found to be structurally unsound and subject to a demolition notice by Building Control. The demolition has now taken place and the site is now cleared, the proposal therefore, is effectively for a new build, albeit one which is substantially the same as the building that has been lost and utilising most of the materials from the building that has now been cleared.

It can be reasonably concluded that the proposals not only sustain the significance of the heritage assets but also enhance them and their contribution to the Nettleham Conservation Area, the new build element of this submission is not considered to change that assumption. Development would accord with policy E-4 of the Neighbourhood Plan which states “Within the conservation area development proposals will be expected to preserve or enhance the character of the area”.

At the time of the previous approvals the land to the east was in use as a garage which is now not the case and the proposals now need to be considered in the light of potential impacts on residential amenities. As per the previous permission window openings in the outbuilding are to be provided although this is restricted to a first floor window serving a landing and is proposed to be obscure glazed, which can be conditioned on any permission. Issues of overlooking and loss of privacy to properties within Ambrose Court is not therefore anticipated.

A requirement of the permission for Ambrose Court was that at first floor level all of the windows on the western elevation of no. 5 that face the side of the building are to be glazed in opaque glass (a condition of the original consent) which will restrict any views from the window serving bedroom 2 on the

opposite elevation. To date this has not been installed and the development is in breach of the conditions imposed on the permission. The only window opening on this elevation will serve the landing which links the two new bedrooms and this is not considered unacceptable in residential amenity terms. The conversion and change of use as a family annex also attracts support from RES 13 as it is considered to comply with the requirements set out.

It is not considered suitable for use as a single dwelling in its own right as there would be overlooking and loss of privacy between it and the main house. An annex does not need the level of privacy or amenity that a separate dwelling would require. This will be dealt with by use of an appropriately worded planning condition.

Turning to the objections raised, it is noted that the proposed new build is taller than the building it replaces, although it should be noted that the previous permission also required the raising of the roof height. The previous permission involved raising the height to 6.3m, whilst the plans submitted in support this application show a height to the apex of 6.43m. The plans submitted indicate the ridge height of the original building was approximately 5.1 metres (a neighbour claims 4.86m). The previous permission is still valid, albeit not capable of being implemented due to the demolition of the barn and is thus a material consideration.

As previously stated, when Ambrose Court was granted consent, the conversion of the barn was taken into account – hence the installation of a condition requiring obscure glazing installed on no.5 and 6, which has not been complied with. It was considered at the time that the development of Ambrose Court, whilst at its closest point was only 1.3m away would reflect the character of the village and whilst there would be an impact on the living conditions of plots 5 and 6 as they were known, this would not be insurmountable.

The effect of the development would be to reinstate the original relationship between Ambrose Court and outbuildings pertaining to no.10. The impact upon amenities enjoyed by the neighbours would not be expected to be any worse than as was the case when Ambrose Court first became inhabited.

Conclusion

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policies STRAT 1 – Development Requiring Planning Permission and RES 13 - Family Annexes of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These include the National Planning Policy Framework 2012. Accordingly in light of this assessment, and, subject to the imposition of the conditions, it is considered that the proposal is a successful scheme which not only seeks to preserve the original architectural significance of the heritage asset that has been lost but which is also considered to enhance the setting and the wider area without giving rise to

any adverse impacts on adjoining residential amenities. This is considered to meet the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and is accordance with the guidance contained within the National Planning Policy Framework, in particular paragraph 131. Accordingly a grant of planning approval is considered appropriate.

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

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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

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

2. No development shall take place until details of 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 building and its 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.

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

3. The window on the eastern elevation shall be glazed in opaque glass and retained thereafter in perpetuity.

Reason: In the interests of protecting adjoining residential amenities from loss of privacy and overlooking and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

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

RDS 11066/02B Proposed Barn, Elevations, sections & Site Plan
RDS 11066/03A Site Location Plan
RDS 11066/04 Window & Door Details Type A
RDS 11066/05 Window & Door Details Type A
RDS 11066/06 Window & Door Details Type B
RDS 11066/07 Window & Door Details Type C
RDS 11066/08 Window & Door Details Type D
RDS 11066/09 Window & Door Details Type E
RDS 11066/10 Window & Door Details Type F
RDS 11066/11 Window & Door Details Type G

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

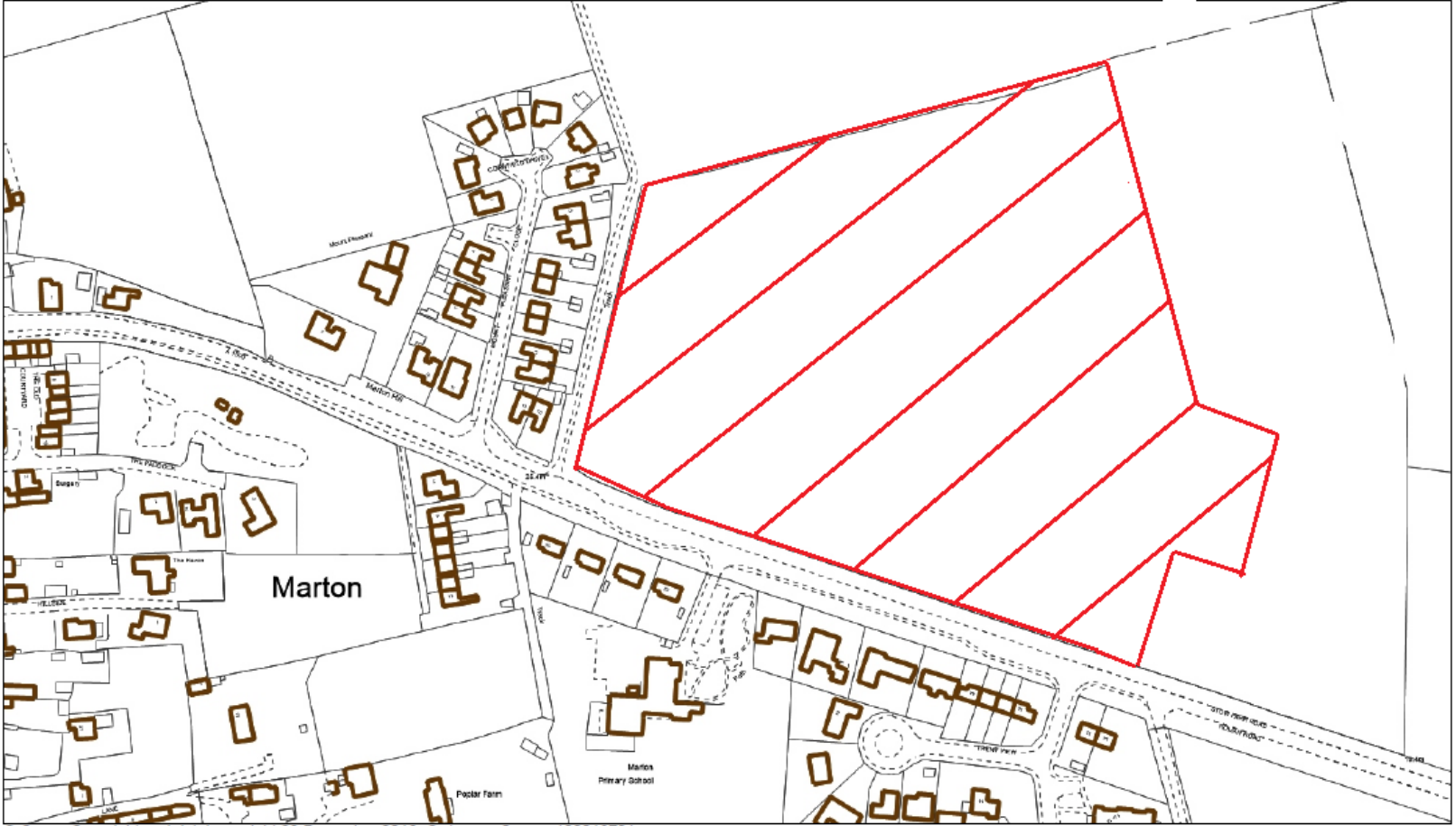
6. The development hereby approved shall not be occupied other than for purposes ancillary to the residential use of the dwelling know as 10 Church Street, Nettleham.

Reason: To ensure that it is not used unlawfully as a separate dwelling as the proposal was only considered acceptable when considered against Policy Res 13 – Family Annexes.

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Officers Report

Planning Application No: 133907

PROPOSAL: Hybrid planning application to include outline planning application for the erection of up to 39 dwellings with all matters reserved and change of use of agricultural land to school car park.

LOCATION: Land off Stow Park Road Stow Park Road Marton Gainsborough
WARD: Torksey
WARD MEMBER(S): Cllr S Kinch
APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 06/06/2016
DEVELOPMENT TYPE: Large Major - Dwellings
CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION:

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

- Capital contribution towards 6th Form facilities (amounting up to £18,427) in lieu of on-site provision;
- On site provision of affordable housing 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) and car park;
- Provision of an uncontrolled pedestrian crossing on the A1500 to serve the development.
- The provision of a 50 space car park with associated bus parking area, landscaping and barrier.

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

Description:

The site is an existing 5.53 ha agricultural field to the eastern side of the village of Marton. It is located in open countryside. Ground levels slope very slightly to the east and south east. The site is accessed from Stow Park Road, the classified A1500. The site is surrounded on all sides by hedging.

To the north and east of the site are further agricultural fields. To the south is Stow Park Road with residential properties beyond. Also to the south is Marton Primary School which has its access opposite the site. To the west is what appears to be a

farm track/ public footpath with residential bungalows beyond. These dwellings front onto Mount Pleasant Close and Stow Park Road.

The application is a hybrid with 5.2ha of the site being considered for outline planning permission for housing with a further 0.33ha being proposed for a change of use to public car park. The outline permission seeks consent for up to 39 dwellings with all matter reserved. This has been reduced through negotiation from 58 dwellings. The car park would be in the south western corner of the site and have space for 50 vehicles. In addition to this, the car park would include a school bus layby area. Access would be via a dedicated access to Stow Park Road. The car park would be dedicated to Marton Primary School or maintained by a management company.

This application is presented to the planning committee as the applicant is also the ward councillor for the area.

Relevant history:

None

Representations:

Sir Edward Leigh MP: Objects to the development and supports the concerns of worried constituents, particularly with reference to highway safety, the impact on the character of the village and residential amenity.

Parish Council: Objection: Note that there was a mix of feelings in the village both to object but also support for the application. The Parish Council objects to the proposal as it is too large, but would welcome improvements to the village includes help for the village hall, and alterations to the Stow Park Road/High Street.

Marton Primary School: Support - Will assist to reduce parking on the highway which is a busy classified road. This will improve pupil safety. The school roll has increased by 25% in the last 4 years. The school has no funding to improve it's entrances and 75% of pupils are drawn from outside Marton which increases the need to drop children off. The 50 space car park would allow for future expansion of the school with confidence that children can arrive and leave in safety. The site would also allow a safe bus drop off/ pick up area. A crossing would increase the level of safety. The increase in pupils generated would ensure the survival of the school and reduce the number of pupils travelling to the school.

Local residents:

Support: 4 & 42 Stow Park Road (x2), 14 & 17 Trent Approach (x5), 9, 22 & Ingleby Arms, High Street, 140 Lea Road, and 18 Littleborough Lane

Objection: The Old Rectory, Gainsborough Road, The Beeches, 6(x2) & 7 (x2) Cornfield Drive, 4, 6, 7 (x2), 8 & 10 Mount Pleasant Close, 20 (x3), 22, 24 (x2), 26 & 28 Stow Park Road, 5 (X2), 7 & 10 Spafford Close, 8 Adams Way

Objections, in summary:

Development extends the village by 20% not 3% as agreed by Draft Local Plan and current Local Plan. No need for this, it is contrary to the new Central Lincolnshire Local Plan which states it is a medium village with limited facilities and can only accommodate limited growth. There is a 5.37 year supply of housing land so no need for this. Where will this end?

There are no amenities in the village no medical facilities, only a part time shop (4 hours a day), and very limited public transport. School is full. There is no need for an education contribution as the school roll is not full and neither are other local schools in the area. CIL monies should be used for what the local community require them to be used. The doctors do have a surgery a couple of days of the week but this is not sufficient to meet the needs of residents now. The hospitals in Gainsborough/ Lincoln are also under pressure. It would bring 100+ dwellings into the village with no choice but to drive to facilities and work. There are large developments proposed in Lea and this will only increase pressure in the area. Development should be directed to Gainsborough, Market Rasen and Lincoln. Previous schemes in Marton have been turned down as the village was deemed unsustainable.

Loss of good agricultural land should not be allowed when there is a food shortage.

It is outside the village limits. Why use a greenfield site when there are sites within the village? Planning should protect open countryside in its own right. Loss of valuable open countryside. Ribbon development created, detracting from the character of the village. There are no large estates in the village, it will detract from the character of the village. Layout clearly seeks future development beyond existing proposal and approval will set a precedent for other proposals. Small development approved in the village have been successful and have enhanced the village – this approach should be followed not that of the application.

The car park will only benefit the school not the village. Most children are from outside the village. How will the car park be maintained and not create problems for neighbours? Travellers and lorries will use the car park. Will CCTV and barriers be used? Car park will require children to cross the busy A1500 road. A pelican crossing is not as safe as a signalised crossing. Many drivers speed down the road and will increase risk to children. It would be better if a one way system was created at the school garden and children could be dropped off there in the safety of the actual school.

Good selection of wildlife on site including protected bats and Brown Hares and Badgers. There are also Lapwings, Golden Plovers on site which are protected. As are the Quail, Marsh Harrier, Merlin, Hobby, Peregrine, Barn Owl, Fieldfare a Redwing which have been seen on the site with the Quail thought to be breeding at the field. Barn Owls are also noted as regular visitors. Grass snakes have been seen occasionally along with the Common Toad. There are also a large variety of butterflies and moth species which are also protect species. The hedgerows are also important to retain biodiversity in the area. An extended Phase 1 Habitat Survey is required as a minimum, this has not been done.

Road problems include parking near the brow of the hill where the car park is located. This will exacerbate issues. Should require a cycle path to link village to other villages to reduce traffic not increase it.

Those in support are nowhere near the development they won't have to put up with building works and the changes to their living environment. Car park would only benefit the few not the village. Came here for peaceful life in the countryside. Loss of privacy and reduced property value. Will have to put up with construction traffic for a considerable period of time. If it goes ahead a point of contact should be agreed so that you can get things sorted if they go wrong, e.g. mud on road. Construction lorries would impede traffic if allowed to operate at busy times of the day

There are two MOD fuel pipelines which run across the site- hardly an ideal situation for future residents. Sewerage system cannot cope with current flows with the system becoming blocked at times. This will only make the situation worse. The field has been water logged for three months, where will this water go? There is radon gas in the area.

No demand in the village for such houses with existing housing sales being very slow.

Remove views of open countryside, the Wolds, Lincoln Cathedral and Stow Minster and the Red Arrows practising.

Representations in support, in summary:

The Parish meeting was well chaired and it is accepted that those in attendance were generally against the development, but this is not a true representation of the village as many more either support it or are not concerned about the proposal. It will support trade at pub all year round. The village needs more houses to support the limited facilities available and/or hopefully lead to an expansion of the services and facilities available.

Provision of additional dwellings of variety of sizes that are not currently available. Useful for the young looking for first homes and for the elderly looking to down sized. Bring more families into the village. Need more affordable houses (not necessarily social housing) in the village most in the village is for older people. Young people and families are having to leave the village as there is no reasonably priced homes. This will assist many to stay.

No evidence has been provided as to the wildlife on site. It is just a large arable field with only the field margins being of interest ecologically. These areas could be incorporated into the design to enhance wildlife.

The car park would be very useful for parents parking dropping children off. It will create a safe area for parents to drop children off. The crossing will be similarly used to create a safe access to the school which is not available now. Houses on both sides of the road will slow traffic down. Need a roundabout at the junction of Stow Park Road and the A156 is needed though. Traffic levels in the area are not that bad.

The designs look good and will include substantial landscaping which would soften the development's appearance in the street scene and limit the impact on neighbours.

The whole village is not against this development.

Environment Agency: No comments

Public Protection: Outline issues relating to drainage, lighting and nuisance. In particular concerns are raised with respect to the continued maintenance of existing open ditches at the northern edge of the site, along with a culverted area to the east.

In addition, the highways drainage swale shown in the D&A Statement is likely to be a ditch subject of riparian management as could be the verge and consent would be requires for crossing points for the car park and development as well as ownership and management of the watercourse needing to be clarified. There is also records of surface water flooding in this area.

Light nuisance is noted due to the position of the access to dwelling opposite the proposed junction as bedrooms are located on the ground floor.

The car park could be the subject of anti-social behaviour and a management plan and gates should be considered.

Lincolnshire Police: Provide general advice as to the layout and how to reduce crime.

Rights of Way Officer (Highway) The site is located next to Definitive Footpath (Marton) No. 69. This does not appear to be directly impacted upon by the development. Clarification is sought however as to the ownership of the hedge to the edge of the site and its conveyance. Advice notes are also requested to ensure that the site is not encroached upon or damaged.

NHS: No requirement for contributions.

Education: Part contribution required for primary and 6th form education equating to £93,237. 5 primary and 2 sixth form places are required due to inadequate capacity for places. This would be spent on expanding Marton Primary School and Sixth Form accommodation in Gainsborough.

Highways: Request conditions including provision of a 1.8m wide footpath across the site across the frontage of the site to connect to the existing footpath at Stow Park Road, provision of a pedestrian crossing across the Stow Park Road and full details of surface water system including a SUDS scheme limiting discharge rates to 16 litres/sec.

Archaeology: The proposed development site lies outside what is considered to be the medieval core of Marton but it is bounded by the Roman Road Tillbridge Lane and significantly is close to cropmarks which have been interpreted as a Romano-British settlement.

As a result further archaeological investigations are required before determination. This includes a geophysical investigation.

- ***Comments on revised scheme***

LCC Highways/ Lead Flood Authority: On the original application the drainage strategy proposed of roadside swales and attenuation features was accepted. It would seem this has been swapped for a gully and piped system connecting into the attenuation features, not something the Lead Flood Authority would accept.

Residents: Objections have been received from: 6, 10 Mount Pleasant Close, 24 & 28 Stow Park Road. In summary:

- I live on the edge of the village and don't want to be in the middle of an estate. There is some scope for infill development within the built up area of Marton.
- Smaller housing developments have been resisted on sustainability grounds (including one for 9 dwellings).
- Draft Local Plan, has not allocated the site for development. To grant permission whilst the Local Plan is going through its final stages would make a complete mockery of the Planning system. Why go to the trouble of developing a Local Plan, publicising it, allowing for public consultation and then presenting it to an Inspector for a decision if a sizeable housing development can be considered without paying any regard to the Plan?
- The natural boundary to the development on the north side of Stow Park Road is the public footpath that runs to the east of Mount Pleasant Close.
- The amended number of proposed new properties, this still exceeds the recommended expansion for a village the size of Marton.
- Loss of good food producing land
- Loss of value
- Loss of privacy
- Loss of views, we bought our house in 2015 for the views of fields not houses
- Use brownfield sites first not countryside
- There are no amenities/ jobs for new residents and public transport is poor so everyone will have to use cars, the A1500 is already congested
- Doctor's surgery in Willingham by Stow is nearly at capacity
- Drainage problems in area including sewerage, surface water and potable water systems. They will not cope with new houses.
- School should use its own grounds for car park or use village hall car park for children then walk them to the school.
- School traffic does partially block the A1500 twice a day but this new facility should be formed in the schools grounds with in and out gates. It would only mean the loss of some garden area.
- Children will not be safe as car park is on the wrong side of the road, they will run out when they see their friends rather than using the crossing increasing not reducing danger.
- Loss of character for the village

LCC Education: Due to the development being reduced in scale and the delivery of dwellings likely to start in 2019/20 there is now greater capacity at local schools to

accommodate pupils likely to be generated. As a result there is no requirement for primary education contribution. There remains a need for 6th Form accommodation and as a result a contribution of £18,427 is requested.

LCC Archaeology: Further results of the trial pits are required before formal comment is made.

Highway Authority and Lead Flood Authority: The revised scheme is not deemed acceptable and the principles of the initial scheme re engaged.

Housing Officer: Supports the proposed 25% contribution of affordable homes but also the potential for self-build units at the site as there is a register of people wanting to use such sites.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

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).

STRAT1: Development requiring planning permission

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

STRAT3: Settlement hierarchy

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

STRAT9: Phasing of housing development and release of land

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

STRAT12: Development in the open countryside

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

SUS1: Development proposals and transport choice.

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

SUS4: Cycle and pedestrian routes in development proposals

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

RES1: Housing layout and design

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

RES5: Provision of play space/ recreation facilities in new residential developments

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

RES6: Affordable housing

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

CORE10: Open space and landscaping within developments

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

CRT9: Public rights of way affected by development

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm#crt9>

NBE10: Protection of landscape character and Areas of Great Landscape Value

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

NBE14: Waste water disposal

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

NBE20: Development on the edge of settlements

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

Central Lincolnshire Local Plan (The Emerging Plan)

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

The Submission CLLP, has now completed the examination in public and the Planning Inspectors' Report is anticipated around March 2017. Given the advanced stage of the CLLP and indeed the limited levels of objection to its policies it is considered that the weight to be given to this emerging Local Plan will be more substantial than for previous stages, although each individual policy has to be assessed as to the level of objection to it.

The plan is available to view here:

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

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP4: Growth in villages

LP9: Health and wellbeing

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP21: Biodiversity and geodiversity

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

LP26: Design and amenity

LP53: Residential allocations in medium and small villages

Main issues

- *Principle of dwellings in Marton, the quantum of development and sustainability*
- *Highway Safety and car parking*
- *Character of the area and design*
- *Residential amenity*
- *Ecology*
- *Drainage & Flooding*
- *Other matters*

Assessment:

- *Principle of dwellings in Marton, the quantum of development and sustainability.*

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

i) *West Lindsey Local Plan (WLLP)*

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

The site lies outside of the Local Plan defined settlement limit for Marton and is therefore classified as being within the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless there is justification for it being in an open countryside location or it can be supported by other plan policies. The proposal does not fall within any of the exceptions noted in saved policy STRAT12 to justify its position in open countryside.

Although the site is located outside of the village boundary, it is worth noting that Marton is designated within saved policy STRAT3 as a Subsidiary Rural Settlement, a third tier settlement out of five. This hierarchy was been constructed on the basis of facilities and services within the village and public transport connections to other settlements. Marton has a limited number of services including: a church, chapel, village hall, hairdressers, sandwich shop, public house, hotel and primary school. In addition a bus service links Marton to both Lincoln and Scunthorpe. Despite the age of the WLLP the level of services, connections and facilities within and from Marton have not substantially changed since the WLLP's production. Although not strictly relevant to the application, STRAT7 indicates that only limited infill development would be acceptable (subject to specific considerations) in subsidiary rural settlements. This is explained further within supporting para A74 which states: *Residential development in subsidiary rural settlements will only be permitted where the local facilities and services can support new residents. The existing services and facilities are highly unlikely to be able to support large-scale developments; in subsidiary rural settlements residents would need to travel to access them. This would not meet with sustainability*

goals, which aim to reduce the need to travel by the private car. Larger scale proposals could also cause a significant detrimental impact on the character of the settlement.

As an undeveloped, or 'greenfield' site it also falls on the bottom rung of STRAT9 which seeks a sequential approach towards prioritizing previously developed land.

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

ii) *National Planning Policy Framework*

A significant material planning consideration to consider against the Local Plan provisions, is the National Planning Policy Framework (NPPF). Paragraph 215 states:

'...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

Paragraph 49 states that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

The latest housing land supply assessment (Sept 2016) produced by the Central Lincolnshire Local Plans Team, identifies a need of dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.26 years (12,712 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission
- and which have no significant infrastructure constraints to overcome
- A windfall allowance (of 141 dwellings a year) from the second year.

It is acknowledged that the methodology employed has only recently been tested at the CLLP Local Plan examination and the Inspectors' report is not expected until March 2017. Substantial evidence reports, however, have been published, including sustainability appraisal of all such sites, which intend to justify the selection of such sites. In addition to this, despite some objections at the Local Plan Hearings significant descent was not displayed as to the validity of the 5 year housing supply. Full weight cannot however be given, before the Report from the Planning Inspectorate is received.

It is important to note that 67% of the 5 year land supply now constructed through schemes with planning permission, a further 14% is made up of allocations with no objection with windfall allowance making up 6% of the supply. Of the remaining 13% of allocated sites with objections a number have only limited concerns remaining. It is

considered therefore that a substantial weight of evidence supports the assertion that Central Lincolnshire has a 5 year supply of housing land.

Accordingly, the provisions of para 49 for areas without a housing supply should not be engaged and therefore the relevant housing supply policies of the WLLP should not automatically be considered out of date.

As a result the key question is therefore whether WLLP policies conform with the NPPF and the weight to be attached to the policies of the Central Lincolnshire Local Plan. Each policy of the WLLP will need to be considered individually below.

STRAT3

Saved Policy STRAT3 accords with paras 17 & 34– Core Planning Principles as it seeks to focus the right development to those settlement which have the facilities and connections to accommodate the development in a sustainable matter. Para 17 in part states planning should:

‘Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...’

STRAT9

This policy seeks to promote a sequential approach to development by prioritising previously used land first before considering greenfield land. The policy also seeks to prioritise the most sustainable allocated sites first before considering other settlements. This policy largely accords with the NPPF para 17 and 111 which seeks: *‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.’* It should be noted, however, that as the policy seeks to releasing land in accordance with the Council’s management of land strategy as advocated above this element is not deemed to be up to date and in accordance with the NPPF. This reduces the weight to be accorded to the policy. It is recommended therefore that such weight to this policy be assessed therefore as moderate.

STRAT12

Saved Policy STRAT 12 accords with para. 55 of the NPPF which seeks to promote sustainable development where it will enhance or maintain the vitality of rural communities. It also notes at para 17 that one of core planning strategies is to:

take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- iii) *The Emerging Plan – Central Lincolnshire Local Plan (CLLP)*

Para 216 of the NPPF also indicates 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).

In the emerging CLLP, policy LP2 allocates Marton as a 'Medium Village'. Such a settlement is the fifth tier of settlement of seven. The policy indicates that such settlements will accommodate a limited amount of development in order to support their function and/or sustainability. Marton clearly has some facilities but they are limited and include: a church, chapel, school, public house, hair dressers, sandwich shop and village hall. Equally, the bus service proposed links the village to Lincoln, Sturton by Stowe and Gainsborough five times a day (First service 07:00 – 09:00 with last services 18:00 – 18:30) but with no service on Sundays. The CLLP does not allocate specific development sites in medium villages, but does envisage development of sites up to 9 dwellings (exceptionally 25 dwellings where justified by local circumstances).

The application seeks to provide the car park for the school and a pedestrian crossing. Such features are expensive and would not usually be provided. As noted below the issue of vehicles parking on the highway and children crossing the road is a concern that has reached local and regional news outlets. This in itself could be seen as exceptional circumstances as required by policy LP2, the proposal would however require 39 houses to make such a contribution viable, above the 25 dwelling criteria noted.

Policy LP4 indicates that within medium villages the number of dwellings will in principle be permitted to grow by 10%. For Marton the base number of dwellings within the village is 312 which means a growth level of 31 dwellings over the plan period. Recent approvals have reduced this number to 26. The proposed number of dwellings 39 would therefore exceed this number by 13.

Policy LP4 also notes that a sequential approach to housing locations should be undertaken whereby sites central to the village are preferred before edge of village sites are considered. In this instance, the development would be located opposite the ribbon of dwellings fronting Stow Park Road and adjoin properties on Mount Pleasant Close, nevertheless it is considered it is located on a greenfield site that would be considered to be outside of the village, albeit directly adjoining it. It is therefore considered that the proposal would fall within the lowest tier of priority of land for development.

The policies of the CLLP have been examined through a series of public hearings. The policies of the plan have received written objection but Marton, neither in terms of its position in the settlement hierarchy nor the level of growth were actually challenged in the Local Plan Hearings. Nevertheless the Planning Inspectors comments on the scheme have not yet been received. The hierarchical approach in terms of the settlements sustainability, the sequential assessment of sites with priority given to infill and brownfield sites within villages over edge of centre sites all accord within the provisions of the NPPF (para 7 and 111) and as such should be given greater weight in any determination. Full weight, however, cannot yet be given to the policies of the CLLP until it is adopted and this should be considered within the determination.

The proposal in principle as it stands therefore appears to be contrary to both the West Lindsey Local Plan and indeed the parts of the emerging CLLP. The question, therefore, is whether the proposal for the car park and crossing, which would assist to overcome on street parking, congestion and safety concerns be sufficient to be considered an exceptional circumstance and to override the set criteria recommended by policies LP2 and LP4, to support 14 additional houses at this site. These issues will be considered below.

- *Highway Safety and car parking*

The development proposes a 50 space car park at the site with area for school buses to turn, the proposal also provides a non-controlled pedestrian crossing. Evidence provided by the applicant and indeed noted by supporters and objectors alike indicate that there is a lot of on street and verge parking on Stow Park Road at the start and end of the school day. It is know that the school does provide places for children from surrounding villages and the countryside and this is considered to be the main source of traffic. This issue has been the subject to local and regional news reports outlining safety concerns for the children but also residents and drivers in the area. Such parking has reduced the carriageway width. This reduces safety in itself but with children/ parents crossing the road to enter to school reduces safety further. In addition to this, although the school is located within a 30 mph speed limit area, residents indicate that vehicles do speed in this area.

The proposal would therefore provide an off road area where parents could park their cars and then take children across the road by the crossing to enter/ leave the school. Such a proposal would represent an improvement to the flow of traffic during the morning and afternoon school drop off and pick up times and increase safety.

It is noted that objectors have indicated that such a facility should be located in school grounds but the head teacher at the school has indicated that such a facility is not a financial possibility for the school but could also support the long term existence of the school by offering possibilities for the school itself to expand on its site in the future without being limited by parking and safety.

The Highways Authority has not specifically responded to the provision of the car park and crossing. The proposal would therefore provide a benefit to the area and would improve safety but equally it indicates that the present situation would not require the intervention of the Highway Authority on safety/ capacity grounds.

The new car park and estate access for 39 dwellings has been considered by the Highways Authority. Despite concerns raised by residents the scheme has not received an objection on highway safety/ capacity grounds. Conditions, however, are required to agree the detailed design of the access. Discussions did take place with respect to the specific design of the access to Stow Park Road, along with traffic levels and speeds but nevertheless no grounds of objection were made with respect to the scheme. It should be noted that a footpath across the full frontage of the site is required. This would be conditioned as part of any approval.

The site would also be connected to the existing footpath so, as a result, future occupiers would be able to connect to the rest of the village to access what services are available with the village.

- *Character of the area & design*

The application site is presently an agricultural field with mature hedgerows to its boundary. Ground levels slope very slightly to the east, south east. To the north and east of the site are further agricultural fields. To the south and west are residential dwellings that appear form the entrance to Marton village.

The site is located within the landscape character area of Trent Valley and Rises within the West Lindsey Character Assessment. The adopted Countryside Design Summary indicates that the area is characterised by an undulating landscape on the eastern margins of the River Trent. It notes that the area has a robust network of hedgerows combined with significant woodland and small parkland landscapes to provide a sense of enclosure.

The application site falls gently to the east away from the village. Beyond the site ground levels rise slightly before falling again to the Lincoln to Gainsborough rail line. Longer distance views of the site from Stow Park Road are limited therefore from the east by the intervening increase in ground levels. Medium and shorter distance views of the site from the road are available, however, despite the open countryside in the foreground any development will be seen in the context of the existing properties to the south side of Stow Park Road and Mount Pleasant Close.

The indicative layout plan is simply that, indicative, but the proposal does show the site able to include additional trees and hedges to the southern boundary which would accord with general advice with the Countryside Design Summary although more imaginative landscape designs, to allow filter views of the development could be possible. Such a design could be agreed at reserved matters stage and would enhance the entrance to the village from the east which currently is rather stark.

The design of the layout is reserved and so a detailed assessment of the scheme is not possible. The site, however, is crossed by a pipe line with 6m way leave either side of the pipe. This provides the site with an open green space through the site north to south and an area of open space to the main site frontage. Such an area would enhance the appearance of the road frontage and allow properties to face out into the countryside rather than away from it.

To the north west is the public footpath and any development would be clearly seen but again any development would be viewed in the context of Mount Pleasant Close, hedging/ trees proposed within an enhanced landscape strip to the northern boundary and housing facing out into the countryside. This would therefore reduce the impact on the character of the area.

It is noted that the site adjoins the Area of Great Landscape Value (AGLV) to the west but the impact on this area would be greatly reduced by the existing properties at Mount Pleasant Close.

- *Residential amenity*

The proposed development is, on the whole, divorced from existing housing area by Stow Park Road, footpath Mton/69/1 and indeed the fuel pipeline wayleave.

This would reduce the impact on residential amenity in terms of light, sunlight and dominance, noise and nuisance. It is noted that some properties may be troubled by vehicle lights from the site access, but this is not an intermittent issue not unusual for an urban/village environment and the facing properties are set back from the road reducing impacts.

Equally the site layout, whilst indicative shows that 39 dwellings can be accommodated on site comfortably.

The other issue of concern for existing residents is the use or potentially the miss use of the proposed car park proposed at the site. The car park would be 20m from the garden boundaries of properties opposite on Stow Park Road whilst to the west 15 Stow Park Road and properties to Mount Pleasant would be 12 and 10m respectively from the car park.

It is accepted that such distance could lead to some noise and nuisance, however, the ambient noise levels taking account of passing traffic on Stow Park Road, the strength landscaped hedge to the western boundary would provide some mitigation. In addition to this, it is recommended that conditions are utilised to agree hours and days of operation at the site to ensure usage is limited to acceptable times. Outside of such hours it is recommended that the site access is gated to stop motor vehicles accessing the site after hours. Conditions should also be utilised to ensure that no lighting is proposed unless approved in writing by the local planning authority again including hours and days of operation.

It is anticipated that the car park would be secured through an s106 legal agreement and the ownership facility would be offered to the school. Should this occur, future maintenance would pass to the school. If this were not possible, it is recommended that a management company would take on the maintenance of the car park.

- *Ecology*

The site is an arable field which is currently in use for cropping. The site is generally clear of features and where hedges and ditches occur these are located to the edge

of the site. The site is not known for its ecology and there are no designed nature conservation sites in the immediate area.

Objectors have outlined range of wildlife species on the site some of which are protected. As a result of this, the applicant has employed an ecologist whom has undertaken a walk over survey of the site in January 2016 and a review later in June.

The report received concludes that there is little wildlife interest on site. This is perhaps due to the site being utilised for arable agriculture. Equally, it notes that some of the species noted by objectors have been seen in gardens or have been seen flying over the site over the last 15 years. Such occurrences are not unusual and do not make the site of particular interest.

Where the environment is suitable for wildlife, such as around the hedgerows and occasion tree to the boundaries of the site, the impact on such features are generally limited. This is due to their retention and strengthening with substantial infill planting proposed. This along with the areas to be landscaped, whether as a result of the pipeline wayleave, additional water features for drainage or amenity open space would, subject to proper design, enhance the potential of the site to accommodate wildlife. It is considered therefore that the proposals would enhance wildlife on the site and as a result the proposal would accord with Saved policy STRAT1 of the WLLP and NP21 of the CLLP.

- *Drainage & Flooding*

The site is located within Environment Agency Flood Zone 1, and therefore is at low risk from flooding. It is therefore suitable for housing. There are a number of minor water courses/ditches around the edges of the site which have been assessed but none represent a significant flood risk. In addition to this, one culverted former field ditch to the eastern side of the site would be returned to a shallow open water course which could ease flooding from surface water. In conclusion it is unlikely that the site itself is at risk from surface water flooding.

An assessment of the site is such that infiltration is unlikely to occur, however, any flows can be directed into existing water courses are possible. A series of swales are therefore proposed to run throughout the site before connecting to large drainage basins to the east of the site which would be a maximum of 600mm deep with flows being released into the field drains to the east at an attenuated rate of 16l/s, which accords with greenfield runoff in this case. Water would then flow east away from Marton. This further revised drainage scheme has only recently been provided and the formal response of the Lead Flood Authority is awaited which should overcome the issues raised by them. It should be noted, however, that the principles of the scheme follow the earlier design for 58 houses which was acceptable to the LFA at that stage. As such it is likely that surface water run off can be dealt with sustainably and safely but a verbal update will be provided at the committee meeting.

Seven Trent water has confirmed that the foul water system has capacity to accommodate the flows from the site, although due to the grounds levels around the site it is likely that flows will need to be pumped up hill westwards.

- Other matters

Agricultural Land Classification: The site is located on open agricultural farm land which is shown as being grade 3 agricultural land. The applicant has not undertaken invasive investigations as to whether this would be grade 3a or 3b land. Grade 3 land is deemed good to moderate land within the overall classification. The area as a whole around Marton falls within this category and so any such proposal would result in the loss of such land.

Archaeology: The site has been assessed and invasive trenching has been completed. Following initial concerns the results of these additional investigations has been provided to a report being published as to the findings of such works. The works revealed little of interest but the formal response of LCC Archaeology is awaited and a verbal update will be provided at the committee.

Radon Gas: The potential for radon gas is noted but this is a matter for Building Regulations to deal with.

Noise and nuisance from construction: Whilst it is noted that there will be disturbance from construction, conditions on hours and days of working and potentially routing of vehicles could be utilised to assist to reduce impacts to acceptable levels.

Loss of views and reduction in values are not material planning considerations.

Planning Balance

The site is located within the open countryside outside of the village and would result in the loss of Grade 3: Good to Moderate Agricultural Land. Development of any agricultural land is usually seen as being the lowest priority for development to protect the countryside in its own right, to maintain land for food production and to focus development in built areas. This development of this site on these grounds should, therefore, be attached negative weight within the planning balance. It is not however grade one or two agricultural land which is generally deemed to be the most fertile land. Levels of land available for housing within the village area are, however, limited by flood zones as a result of the River Trent and designated areas of Important Open Space where development is usually resisted. Grade 3 agricultural land is also not the highest grade of land available and in character terms it is not deemed that the land is significant, indeed it could be argued that subject to design at reserved matters stage the proposal could enhance this entrance of the village.

Marton is noted within the WLLP as a subsidiary rural settlement with limited development expected due to the limited services and public transport connections and the need therefore to travel to adjoining settlements by private car is key. The assessment of facilities and connections has been updated in the CLLP but Marton remains low in the sustainability hierarchy of settlements as a medium village. Policy LP2 of the CLLP indicates that in exceptional circumstances developments of 25 houses could be deemed acceptable where they can be justified by local circumstances. In this instance, it is recognised that the proposal would exceed this level of development by 14 dwellings, however, the proposal would provide a car park/ bus pull in area for the village school which would assist to remove on street parking

which has been an issue for pupils, parents and passing traffic, and would provide a designated crossing point for pupils improving safety and traffic flows at school times. Although the CLLP is at an advanced stage and substantial weight should be given to its policies, questions were raised over the level of development within medium villages along with the nature of the phrase “exception circumstances”. As a result of this, it is considered that full weight cannot be given to such policies until the results of the Inspectors’ report are known. Given the proposal only exceeds the criteria by 14 houses it is deemed that this proposal including its car park element would accord with the spirit of policies LP2 and LP4 and should be given significant positive weight in the planning balance.

The proposal also includes 25% affordable housing, some 9.25 units. There is a significant need within the district for affordable housing. Such an amount would not be possible if the 9 dwelling threshold were to be adhered to. The applicant is willing to provide such facilities and this should be given significant weight within the planning balance.

The proposal could be seen to impact positively on those facilities which are currently present within the village such as the public house, hairdressers, sandwich shop, churches and village hall and pop up post office. It is accepted that the proposal would have an impact on the capacity of the schools in the area. The applicant, however, has indicated a willingness to agree to an education contribution to meet such needs. It is considered therefore that this should be attributed a moderate positive weight in the planning balance.

The site includes significant areas of open space and as a result of the presence of the fuel pipeline and the reduction in housing numbers the proposal has the potential, subject to a reserved matters application, to form a positive entrance to the village, incorporating the current ribbon development of the houses to the southern side of the road with the rest of the village. This should therefore be given positive weight.

The impacts on ecology and drainage are deemed to be low and this should therefore be given limited positive weight also within the planning balance.

RECOMMENDATION:

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

- Capital contribution towards 6th form facilities (amounting up to £18,427) in lieu of on-site provision;
- On site provision of affordable housing 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) and car park;
- Provision of an uncontrolled pedestrian crossing on the A1500 to serve the development.
- The provision of a 50 space car park with associated bus parking area, landscaping and barrier.

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 **access, 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).

4. The car park 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:

5. 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 16 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.

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

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

- 7. No development shall be commenced before the works to improve the public highway by means of pedestrian crossing on Stow Park Road (specification and position to be agreed with the Highway Authority) have been agreed in writing 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 and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan.

- 8. 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.

9. 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.

10. 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. The 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.

11. 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.

12. No development shall commence until details of secure fencing to the car park boundaries, a barrier/ gate to the pedestrian and vehicle access to the car park, landscaping and details of days and hours of opening and closing of the car park have been submitted to and agreed in writing by the Local Planning Authority. Before any dwelling on site is first occupied the car park and the details approved in this condition shall be implemented in full and the car park made available for use (in accordance with the days and hours of closure) and shall be retained as such thereafter.

Reason: To maintain the character of the area, residential amenity and safety and in accordance with saved Policies STRAT1 and NBE20 of the West Lindsey Local Plan.

13. Before development commences full details of the vehicular and pedestrian access to the car park (including construction details) and details of the drainage of the car park, in accordance with overall scheme for the full site to be agreed under condition 5 above, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in full accordance with the approved plans.

Reason: To ensure: the safety of the access and the adequacy of the drainage scheme proposed to ensure surface water flooding and contamination does not occur and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan.

14. No development shall take place within the way leave for pipeline shown on plan no. KBA1325/04/rev B unless agreed in writing with the Local Planning Authority. Where proposals include work within the way leave details of appropriate mitigation and protection of the pipeline shall be submitted to and approved in writing with the Local Planning Authority. The development shall only proceed in strict accordance with the approved scheme. (please so see advice note below)

Reason: To maintain the safety and operational integrity of the fuel pipeline which runs beneath the site and in accordance with the provisions of the NPPF.

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

15. The development hereby approved shall not exceed 39 dwellings.

Reason: To maintain the character of the village and maintain the growth of Marton to sustainable levels in accordance with Saved policy STRAT1, STRAT3 and NBE20 of the West Lindsey Local Plan

16. Access to the car park shall be provided in accordance with details to be agreed under condition 13.

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.

17. No works shall take place involving the construction 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 policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

18. 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.

19. 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 drawing no. KBA/1325/04/rev B (car park only) and drainage strategy principles set out in drawing: 161 003 rev C. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

20. No lighting shall be erected in the car park hereby approved unless otherwise approved in writing by the Local Planning Authority. Any lighting erected thereafter shall be installed in accordance with the approved scheme and maintained as such thereafter.

Reason: In the interests of residential amenity, highway safety 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.

21. 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.

Notes for the applicant

The developer, in accordance with condition 14, is advised to undertake consultation with the operators of the CLH Pipeline System (CLH-PS) for all future designs and planning applications that may affect the pipeline and access to it, this includes any work which involves breaking the ground or altering the ground level in close proximity to the pipeline. The developer will need to agree to take necessary measures to protect the CLHPS pipeline and associated apparatus with all work connected to this development with the operators of the CLH Pipeline System (CLH-PSD. All works will also have to be carried out in accordance with the CLH-PS Standard Requirements booklet for working in close proximity or crossing the CLH-PS pipeline. It is recommended that contact be made (quoting reference no. *MCO/LI/WL/0430/162559/WB*) with the operators of the pipeline at:

FISHER GERMAN LLP (CLH Pipeline System Land Agent)
Central Services
Ashdon Road
Saffron Walden
Essex, CB10 2NF

email: anne.swallow@clhps.uk
Tel: 01799 564101

You should note that the interests of the CLH Pipeline System are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH Pipeline System. CLH Pipeline System Easement Strips are 6 metres wide and can incorporate other associated CLH Pipeline System facilities.

Central Services will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining Works Consent can take between four and six weeks depending on circumstances at the time of application.

To reiterate, you should not undertake any work or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent. For your additional information please visit <http://www.linesearchbeforeudig.co.uk/index.php/useful-info>, standard requirements for working/crossing the CLH Pipeline System – Energy Act 2013.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH Pipeline System apparatus. This duty of care applies even if the works themselves are situated more

than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

Please note that implementation of any unapproved work that affects a CLH Pipeline System Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.

HI01 - Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

Human Rights Implications:

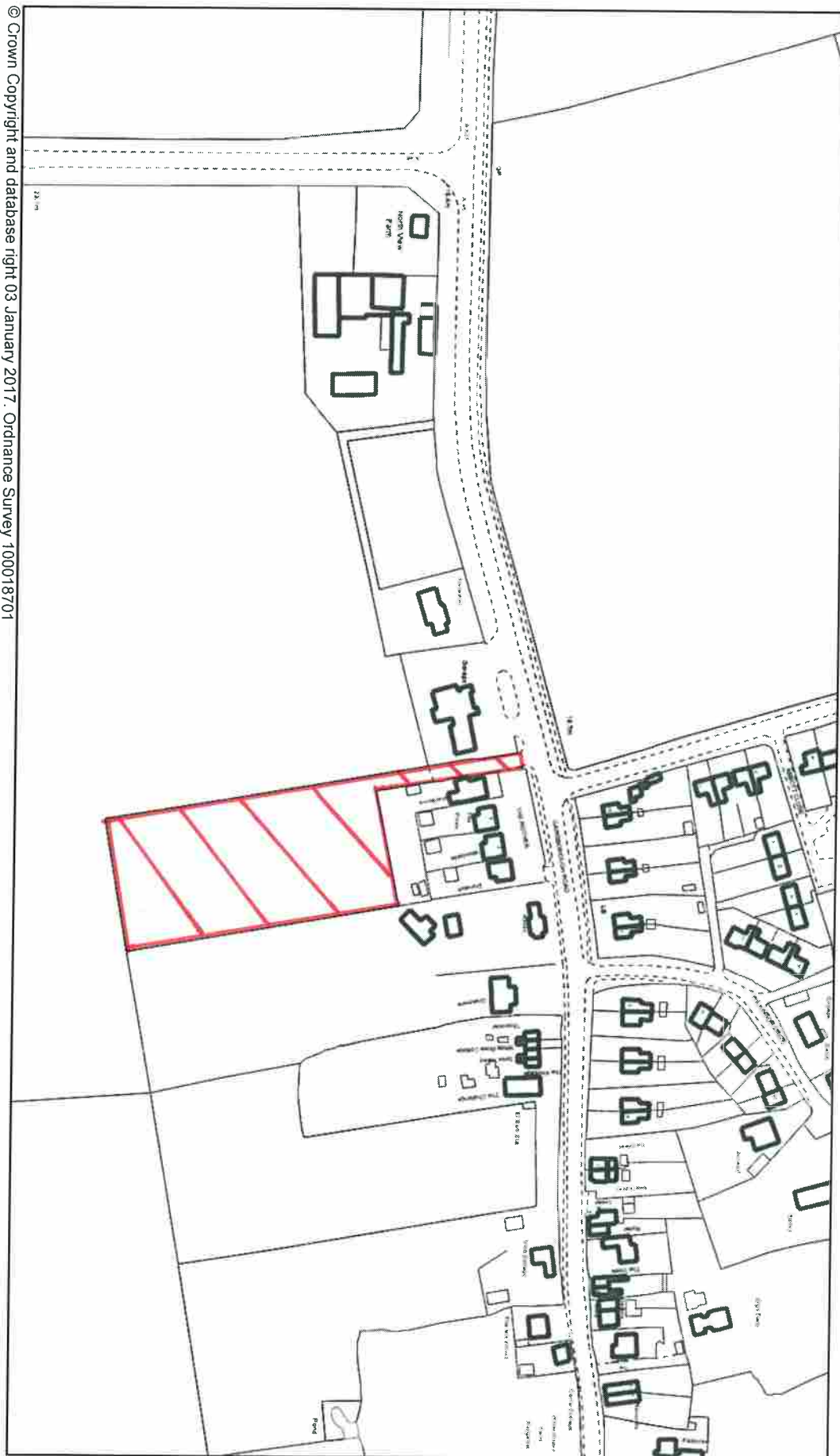
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



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Officers Report

Planning Application No: 132946

PROPOSAL: Planning application to erect 5no. dwellings, with garages, access drive and associated landscaping and boundary treatments.

LOCATION: Land Off Gainsborough Road Middle Rasen Lincolnshire LN8 3JX

WARD: Middle Rasen

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

APPLICANT NAME: Mr Craig Keyworth

TARGET DECISION DATE: 17/07/2015

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a large plot of paddock land located to the rear of four dwellings (Silver Birches, The Pines, Woodside and Dunwich) on the edge of Middle Rasen. The site is set back from Gainsborough Road with a vehicular access between Silver Birches and the RCH Motors. It is predominantly in a very overgrown condition with a static caravan and outbuilding sat adjacent the west boundary. The north boundary is initially screened by a low fence with high trees in the garden of Silver Birches. High trees screen the east, south and west boundaries.

The garden space of Silver Birches sits adjacent the north boundary with the dwellings sat further forward away from the site. The open countryside sits to the east, south and west, although to the west the fields are more like small paddock areas. Public right of way Midd/181/1 at its nearest point sits approximately 90 metres to the west. Group 1 of Tree Preservation (Middle Rasen No.1) Order 2002 is close by to the north between the site and the dwellings to the north.

The application seeks permission to erect 5no. dwellings, with garages, access drive and associated landscaping and boundary treatments.

Relevant history:

- Site

CR/387/70 – Change use from agriculture to a camping and caravan site – Conditional Permission

W63/573/89 – Outline application to erect amenity block for caravan site –
10/08/89 – Outline Consent

W63/628/92 – Reserved matters application to erect one detached house –
08/09/92 – Reserved Matters Consent

- Sites close by

Appeal Decision: APP/N2535/W/16/3142624 - Land at Northview Farm,
Gainsborough Road, Middle Rasen Dated 26th May 2016

The development proposed was to demolish existing dwelling and agricultural buildings and construct proposed residential development of 9 no dwellings to the west of the site adjoining the junction of the A46 and A631.

The main issues were:

- *Whether the proposal would provide an appropriate location for housing having regard to national and local policy and the principles of sustainable development.*
- *The effect of the proposed development on the character and appearance of the countryside around Middle Rasen.*

Paragraph 14 of the Inspector's decision notice stated:

Although it has been put to me that the development would not enhance or maintain the rural community I am not persuaded this would be the case. As stated the site is close to the settlement boundary and a development of 9 family sized houses as proposed would both provide housing to meet the objectively assessed need in the area and would be likely to support the facilities and services of Middle Rasen such as the Post Office, school and village hall. It would therefore have social benefits and inasmuch as the development of housing would also bring economic benefits both during and after construction for the local economy the development would also fulfil the economic role. Other than concerns about impact on the countryside character, which I consider below, no undue environmental impacts have been raised for example in respect of ecology or the protection of heritage assets. I conclude therefore that subject to appropriate conditions the development would meet the sustainability objectives of the Framework.

Paragraph 17 then continued:

I acknowledge that the WLLP policies do seek to protect the countryside. However the landscape in the vicinity of the appeal site is not protected for its particular quality. As stated, I am satisfied that design and landscaping could be effectively controlled at reserved matters stage and that an appropriate design would enhance this gateway site which is dominated by derelict farm buildings. In this way there would be no conflict with WLLPR saved policy NBE 20 which seeks to ensure development on the edge of settlements would not detract from the rural character of the settlement edge and the countryside beyond nor with policy STRAT 1(vi).

Pre-application:

132225

Support development but consideration should be given to ensuring that the boundary to Silver Birches is either landscaped or contains some form of acoustic fencing or both as deemed necessary. Boundary screening prevents an intrusive impact on the open countryside. Layout recommendations for 2 dwellings at the end have been incorporated into the development.

Representations

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

Middle Rasen Parish Council: Objections.

- It will be intrusive, extending beyond the current parish limit.
- It will use agricultural land.
- Issues with flooding of the A631 will be exacerbated by tandem building.
- WLDC have historically refused permission for tandem building.
- Safety from the exit onto the highway.
- Strain on local infrastructure

Local residents:

Objections received from:

The Pines, The Rother, Gainsborough Road, Middle Rasen

- Loss of Countryside
- Site rejected for housing by inspector from Local Plan Public Enquiry in 2005 as subject to objections. Due to extension into the open countryside adjoining the present frontage ribbon along Gainsborough Road.

Silver Birches, The Rother, Gainsborough Road, Middle Rasen

- Inadequate access. There is a clear discrepancy on the site location plan between the usable access width and the actual available access width. It is not wide enough for two cars to pass each other.
- Adverse impact on highway safety through poor visibility, closeness to garages access.
- This is green belt land unsuitable for development.
- Detrimental impact on the village view fundamentally changing the whole landscape especially from Lincoln Lane.
- Adverse residential amenity impact and general disturbance through visitor/vehicle movement on west elevation and loss of privacy to rear garden.
- Impact on wildlife species and meadow flowers.
- Drainage concerns as land is clay based and is always wet. Impact on existing drainage infrastructure.
- Flood risk.
- Structural damage on Silver Birches.

- Destabilisation of two liquid fuel tanks close to boundary of Silver Birches.
- Proposal is against the deeds of the land.

Support and comments received from:

Dunwich, The Rother, Gainsborough Road, Middle Rasen

- Support plans as currently advised.
- I would ask the developer to be aware of the requirements to ensure adequate drainage with specific drain routing around existing properties.
- I would like to be informed if there was any proposal to use existing sewers that run underneath my neighbouring property.

LCC Highways: No objections subject to conditions and advisory notes

- Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 210-11 Rev B dated March 2015

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

- Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
- This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontages.

LCC Rights of Way: No objections

Ramblers Association: No representations received to date

Archaeology: No objection

Public Protection: Concerns

Drainage

Much of Gainsborough Road is subject to surface water flooding that in large comes from land to the south. The development of the former HGV lorry park to housing (The Rother) to the south of the site has exacerbated the situation with the loss of a feeder watercourse to the east of it and the filling in of another bounding and comprising of the western access to the proposed development. Surface water flooding is reported at the southern boundary of 'The Rother' and 'Silver Birches'. There is also apparent natural pooling in the centre of the site where there is a pond. Were the watercourse at the west side of the proposed access to be reinstated, as ought to be the case, it is likely that the access, if not already too narrow would become so.

Contamination

Parts of the site are within 50 metres of the garage and former HGV yard whilst all of the site is within 250 metres, as such a suitable contamination condition would be needed.

Tree and Landscape Officer: No objection subject to conditions

- The proposed dwelling on plot 1 is about 10.5m from the nearest TPO tree. This is outside the trees Root Protection Area (RPA) and would no impact on the trees health and amenity value.
- The TPO trees towards the NE corner of the site are closer to the sites northerly boundary fence, and their RPA's extend into the site, so this corner should be fenced off around the outside of the trees RPA's to prevent any storage of materials or equipment over their roots.
- There is a mature birch tree just to the rear of the garage at 'Silver birches'. This tree is very close to the proposed access road, with a Root Protection Area (RPA) of 4.5m. It is not a TPO tree, but if this tree is to be retained, this section of road should be constructed using a cellular confinement system of appropriate depth for the size and weight of vehicles that could potentially use the road (cars, vans, delivery trucks, removal vans, ambulance, fire engine etc...).
- If the dwellings are to be constructed prior to the road being made, then appropriate ground protection methods should be put in place prior to heavy vehicles or machinery entering the site.
- The area where trees could be affected by the proposals is along the westerly boundary where the new access road runs close to the hedge line and trees. These trees are not protected, but they do provide some existing feature and screening, so if they are to be retained then the new road should either be outside their RPA's or constructed using a cellular confinement.

Housing and Communities Officer: No representations 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>

STRAT5 Windfall and infill housing in Market Rasen & Middle Rasen

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat5>

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>

RES 3 Backland and Tandem Development

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

RES 6 Affordable Housing

<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 submitted local plan has now been submitted to the Secretary of State for examination and the hearings concluded on 14th December 2016. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. 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

LP11 Affordable Housing

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity
LP26 Design and Amenity
LP55 Developments in Hamlets and the Countryside
<https://www.n-kesteven.gov.uk/central-lincolnshire/>

National Guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance (NPPG)
<http://planningguidance.communities.gov.uk/>

Other

- West Lindsey Landscape Character Assessment 1999 (WLLCA)
- Institution of Highways and Transportation Guidelines for Providing for Journeys on Foot 2000.
- Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)
- Proposed Submission Consultation: Report on Key Issues Raised June 2016 (PSC)
- Policy LP2 Spatial Strategy and Settlement Hierarchy Evidence Report Proposed Submission April 2016 (PSSSH)

Main issues

- Principle of the Development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Archaeology
- Affordable Housing
- Flood Risk
- Foul and Surface Water Drainage
- Ecology
- Protected Trees
- Landscaping
- 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.

West Lindsey Local Plan

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

The site is green field land and lies outside the settlement boundary of Middle Rasen and therefore policies STRAT 3, STRAT 5, STRAT 9 and STRAT 12 are relevant to be considered.

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).

In principle therefore it is considered the proposal falls to be refused unless material considerations indicate otherwise.

National Planning Policy Framework:

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

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. Over the past two years a number of departures have been assessed and granted. Consequentially, of the 5 year supply noted above 60% is now made up of approved schemes. This together with CLLP allocations without objection, windfalls some 87% of the 5 year supply is deemed to have significant weight in policy terms. Equally, of the 13% of allocations within the CLLP that have objections a large number of which have limited objections whilst others are currently proceeding through planning applications where such reservations are being tested. Equally, at the CLLP Hearings limited detailed objection to allocated

sites were voiced adding further weight to the conclusion that Central Lincolnshire has a robust 5 year supply of housing land. In such circumstances saved policies STRAT 3 and STRAT 12 should be given substantial weight within any planning balance as they accord with the provisions of the NPPF. Similarly, STRAT9 can be given substantial weight as it accords with advice provided within the NPPF para 111, although full weight should not be attached to the policy as it partially relates the management and release of housing land in a manner not advocated by the NPPF.

Nonetheless, within the normal planning balance test, the ability of the application to contribute towards the five year supply may still carry weight, but this is less significant than previously found.

Sustainability:

STRAT 3 of the West Lindsey Local Plan Review 2006 identifies Middle Rasen as a Town alongside Market Rasen and policy LP2 identifies Middle Rasen as a Large Village. The NPPF defines the three roles of sustainability as economic, environmental and social.

The site is located adjacent the settlement of Middle Rasen. The village of Middle Rasen has a good level of local facilities and services available. Middle Rasen has a close relationship with the Town of Market Rasen. Therefore the dependency on a vehicle to travel is reduced. Although not strictly relevant to the application, as the site is located outside of the village boundary STRAT5 indicates that, para A56,...the towns provide essential services and facilities for surrounding settlements making them sustainable for surrounding settlements making them sustainable locations in which to locate modest new residential developments.

The services and facilities available in Middle Rasen are located in different parts of the settlement and future residents could walk to them along pedestrian lit footpaths. 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

Taken from the vehicular access the site will be the following walking distances from the services and facilities in Middle Rasen.

Service/Facility	(approx. metres)
Village Shop/Post Office (Gainsborough Road)	680
Village Hall/Recreational Field (Wilkinson Drive)	230
Church (North Street)	850
Primary School (North Street)	915

Bus Stop (Gainsborough Road) – East towards Lincoln/Gainsborough	170
Bus Stop (Gainsborough Road) – West towards Market Rasen/Caistor	100

The table suggest that the services and facilities within Middle Rasen will primarily be within an acceptable walking distance with bus stops very close by. The village shop/post office is on the extremity of the walking distances but a good 100 metres within the preferred maximum distance.

The Town of Market Rasen is accessible by foot on lit pedestrian footpaths, however the Market Place is approximately 2,325 metres away therefore well outside the preferred maximum walking distances. Market Rasen is accessible via the bus stop which is approximately 100 metres away. The bus service is every hour from early morning to early evening.

Middle Rasen has a main public transport bus route providing regular services to Market Rasen, Caistor, Gainsborough, Lincoln and Grimsby. The nearest railway is in Market Rasen approximately 1.8 miles away.

This modest level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities. The site has no special designation and is not an important open space.

The site sits within flood zone 1 therefore the proposal will not increase the risk of flooding particularly if suitable methods of surface water disposal are utilised.

Submitted Central Lincolnshire Local Plan 2012-2036:

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

The plan is now formally within its examination period with the secretary of state and its public hearings concluded on 14th December 2016. The Submitted Local Plan is now at the most advanced stage possible, prior to actually being examined and adopted. The Inspectors' report is anticipated in March 2017.

Emerging Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Submitted local policy LP2 states that development proposals in Middle Rasen (Large Village) will mostly be *'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/1 hectare per site (whichever is the smaller)'.

A summary of all the key issues raised through the consultation periods of the Draft and Further Draft Central Lincolnshire Local Plan are listed in the PSSSH submitted with the CLLP. Specific issues are raised on local policy LP2 in the PSSSH. The only issue raised was the position of Middle Rasen within the hierarchy. It is considered that there are not significant unresolved objections to policy LP2 and the CLLP is a material consideration which can now be attached weight in the decision making process.

Page 2 of the design and access statement revision A dated April 2015 states that *'The site was previously an established caravan site/camp field with amenities. It is understood that should the application not be fulfilled on this occasion that the site shall be returned to its current use as a camp field. The site has been an unrestricted caravan site for a significant number of years preceding this application. There has been continuous presence of caravans, both touring and static during the last 10 years, although the condition of the overall site has been unkempt more recently, a number of caravans (in sporadic use) have remained, as well as the existing amenity building. (Planning permission was granted for the amenity building in 1989 under application W63/573/89).* This statement and previous use is backed up by details within the planning history section. It adds some weight to the proposition that the site is previously used land and would accord with the exceptional circumstance required under policy LP2. It is also worth noting that such a situation would also reduce the weight to be attached to the provisions of saved Policy STRAT12 of the WLLP.

It is considered that the principle of the development is acceptable due to its sustainable location and the low risk of flooding. Therefore the principle of the development can be supported providing all other material considerations are satisfied including the criteria policies STRAT3 and STRAT9 of the WLLP and policy LP2 of the CLLP.

Visual Amenity

The proposed development is located within an area specified by the WLLCA (August 1999) and WLCDS (December 2003) as the Lincolnshire Clay Vale landscape character. To summaries the area is characterised as being a mix of arable and pasture with a large scale field pattern with well-maintained hedgerow boundaries and very few hedgerow trees. The area has straight roads with near right-angled corners. There are dispersed, sparse settlements including small villages and individual farms. It is not considered to be a highly sensitive landscape.

Criteria ii of Saved local policy RES 3 of the WLLP states that backland development will not be permitted where *'it would adversely affect the general quality and character of the area'*. Saved policy NBE 20 of the WLLP states that *'development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond'*. Emerging policy LP17 of

the CLLP protects any harm to the setting of settlements. Such policies accord with the general provisions of the NPPF

The proposed development will be made up of the following dwelling types and heights:

- Plot 1 – 2½ storey 5 bedroom height 8.3 metres
- Plot 2 – 2½ storey 4 bedroom height 8.1 metres
- Plot 3 – 2 storey 4 bedroom height 7.6 metres
- Plot 4 – 2½ storey 4 bedroom height 8.1 metres
- Plot 5 – 1½ storey 3 bedroom height 6.9 metres

The east, south and west boundaries of the site are adjacent the open countryside and screened by very high trees. The south and west boundaries of the site are in clear view when travelling north along Lincoln Road. Additionally the west boundary is only in view from small areas of Gainsborough Road from between the Lincoln Road junction and the settlement boundary. The site is not particularly visible from Gainsborough Road within the settlement due to the existing built form to the south of the highway. The main part of the site is visible from the rear gardens of all the dwellings off The Rother.

The substantial tree screening along the boundaries will mean that only small sections of the dwellings roof will be visible from Lincoln Road and will be seen in context and looking towards Middle Rasen. Given the substantial screening the development will not have a significant adverse visual impact on the site, the open countryside or the street scene.

It should also be noted that the recent appeal decision noted above in the planning history would allow the current farm yard to the west of the site to be developed out to a 9 dwelling mini estate. This in itself would alter the entrance to Middle Rasen changing its character from a purely rural character to one of village edge. Given this, the current proposal when viewed from the west would be seen in this context and would not appear out of keeping particularly given the landscaping noted above.

Residential Amenity

When considering residential amenity it is important to assess the impact of the proposed dwellings on the existing neighbours and on each other. The site is close to only a handful of dwellings. These are the four dwellings (Dunwich, Woodside, The Pines and Silver Birches) off The Rother and Kevlin, Gainsborough Road. An objection from Silver Birches has been submitted relating to general disturbance from the use of the access by vehicles/visitors and overlooking of the rear garden.

Kevlin is approximately 58 metres from the nearest point (north east) of the site and its garden space which has a shared boundary with the site is screened by very high trees.

The garden space adjacent the shared north boundary is owned by Silver Birches and is at its closest point approximately 3.5 metres from the north side elevation of plot 1. The rear gardens of Dunwich, Woodside and The Pines are approximately at least 18 metres from the north side elevation of plot 1. The north elevation of plot 1 has two ground floor windows (kitchen and dining room), a first floor ensuite window, a second floor bathroom window and a high level bedroom 4 rooflight. The north boundary is screened by low post and rail fencing therefore the garden space of Silver Birches will currently be clearly view from the ground floor windows plus the garden spaces to the front and rear. Any privacy concerns, however, can easily be dealt through appropriate landscaping (hedging or fencing) of the site which will need to be agreed through a pre-commencement condition and conditions requiring obscure glazing to the en-suite/ bathroom windows.

The first 65 metres (approximate) of the access road runs adjacent the shared boundary of Silver Birches and close its west elevation which has two good sized and two small windows. Noise from the use of the access is dealt with later on in this section of the report. There is low boundary treatment along this boundary so the windows are already currently openly in view or from when the caravan/camping site was fully operational. The owner of the site can also install two metre fence panels (standard or acoustic) along the east boundary without planning permission which would remove any overlooking concerns.

It is therefore considered that the proposal will not have a significant overbearing impact, cause any significant overlooking or cause a significant loss of light on the existing dwellings.

The proposed dwellings will cause some overlooking on each another but due to the layout including the position of the dwelling and their garages each dwelling will have areas of private amenity space. This again will need to be retained through appropriate landscaping to the shared boundaries. The proposed dwellings will not have a significant overbearing impact or cause a significant loss of light on one another.

Noise:

In response to the objection of Silver Birches and request of the case officer the applicant has submitted a self-performed and produced noise assessment report (NAR).

Page 11 of the NAR states that noise recording were taken using three different types of vehicles (VW Golf, VW Transporter van and a Range Rover Evoque) passing Silver Birches at a speed of 20mph. The NAR shows the maximum measured noise level to be 60.1 decibels (Db) (Range Rover) which is equivalent to noise created through a person speaking.

Page 12 of the NAR provides existing noise readings from the measurement location and as a rule these readings are above the highest noise level created by the Range Rover.

It additionally has to be considered that the site has an established use as a caravan and camping site which can be fully reinstated at any time leading to vehicles passing Silver Birches.

The Public Protection Officer (PPO) has assessed the NAR and questions the methodology and its completion by the applicant lacking an independent and professional opinion. However, The PPO does not consider any noise created by the access will be any worse than the existing noise produced from within the locality. This is dependent on the surface material of the access road. Conditions can be used to agree

It is considered that the use of the access will have a negligible disturbance impact through noise on Silver Birches.

To restrict the impact of the construction phase the development will be conditioned to provide a construction method statement including times of construction.

Highway Safety

The proposal will utilise an existing vehicular access onto Gainsborough Road located in the north west corner. This section of Gainsborough Road has a 30mph speed limit. 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. Each dwelling will be served by acceptable off street parking through a good sized driveway and detached garaging.

The applicant has confirmed in an email that the access road which runs past the east boundary of Silver Birches will be able to accommodate a width of 4.5 metres. It is considered that the proposal will not have an adverse impact on highway or pedestrian safety which is supported by the Highways Officer at Lincolnshire County Council subject to conditions and advisory notes being attached to the permission.

Archaeology

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

Affordable Housing

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This particular site meets criteria ii as the population of Middle Rasen is below 3,000 and the proposal intends to construct up to 5 new dwellings.

As the proposal is less than 10 dwellings, however, following a recent Court of Appeal's judgement in favour of the government this means that no contribution will be sought for affordable housing.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding.

Foul and Surface Water Drainage

The PPO has submitted some concerns in relation to surface water drainage from the site onto Gainsborough Road which has been worsened by the 'development of the former HGV lorry park to housing (The Rother) to the south of the site' and the 'loss of a feeder watercourse to the east of it and the filling in of another bounding and comprising of the western access to the proposed development'. 'Surface water flooding is reported at the southern boundary of 'The Rother' and 'Silver Birches'. There is also apparent natural pooling in the centre of the site where there is a pond'.

The applicant has responded to these comments in an email dated 28th November 2016 stating that 'there is no pond. There is an area of excavation, but this is from earlier building works and top soil was removed. There is an area of willow trees in the middle of the site'. The applicant goes on further to state that 'the ditch to the eastern side of the entrance has a 900mm pipe laid in it the full length of the 4 properties previously developed - The pipe has holes in it and is surrounded by gravel to act as a soakaway and not just filled in'. We cannot comment on what the garage next door have done with any ditches, but do know that during the period the land has been in my possession, there has been no ditch along this edge. The hedge along here is significantly mature. Finally, note that we would be happy to have drainage from the site dealt with by condition should this be deemed necessary - i.e. soakaways, drainage runs'

The application form states that foul drainage will be disposed of to the mains sewer and surface water will be discharged to soakaways. This is a large site which has the potential to accommodate soakaways. Other evidence and comments submitted suggest otherwise, however other technical solutions to deal with surface water can be accommodated. A pre-commencement condition will be attached to the permission for further details including connection and percolation tests to see if the grounds conditions are favourable. The suitability of the site for soakaways will additionally be dealt with under Building Regulations. If the tests indicate poor ground conditions for soakaways then an alternative appropriate method will need to be demonstrated.

The comments of the PPO are noted and have been responded to. This is an existing issue which will not be made worse by the proposal subject to the imposition of conditions. It is the applicant's responsibility thereafter to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site including the use of permeable surfacing to the access roads and driveways.

Ecology

The application site is surrounded by trees and hedging therefore there is a potential for ecology impacts on flora and fauna. The application has not included a basic phase 1 walkover or comprehensive ecology survey. It is therefore considered necessary to attach a pre-commencement condition to the permission for a phase 1 walkover ecology survey.

Guidance contained within paragraph 118 of the NPPF states that *'opportunities to incorporate biodiversity in and around developments should be encouraged'*. Any recommended biodiversity enhancements in a future ecology survey will be required to be installed. It should also be noted that the site is not designated for nature conservation importance and no objections have noted wildlife concerns.

Protected Trees

The Authorities Tree Officer has not objected to the proposal but has recommended conditions to protect the root protection areas of the protected trees to the north east corner of the site. A protective condition is considered necessary and will be attached to the permission to ensure no harm is caused to the protected trees.

Landscaping

The existing boundary screening plays an important role in screening the development from most views external of the site and retaining its soft boundary appearance. The site plan (210-11 Rev – C) does provide some landscaping details but not to a sufficient degree. Therefore a pre-commencement condition will be attached to the permission to ensure a comprehensive landscape plan is submitted identifying:

- All trees and hedging to be retained along the boundaries.
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments dividing the plots.
- Access road and driveway materials.
- Dimensions of access road particularly for the first 10 metres.

Garden Space

The development includes a suitable amount of garden space for each dwelling.

Other Considerations:

Contamination

The PPO has made comments in relation to potential contamination from existing and former nearby uses which requires a suitable contamination condition. Therefore a condition will be attached to ensure that works will cease if contamination is found to be present on site and will not begin again until the contaminant has been identified and remediated.

Oil Tanks

It is noted that a resident has referenced the presence of domestic oil tanks in their back garden which could be destabilised by the development. Therefore to ensure this is not overlooked an advisory note will be added to the permission to ensure the construction phase takes appropriate measures to consider their presence.

Conclusion and reasons for decision:

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the Open Countryside, RES 1 Housing Layout and Design, RES 3 Backland and Tandem Development, RES 6 Affordable Housing, 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, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP26 Design and Amenity and LP55 Developments in Hamlets and the Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

On balance it is considered that the benefit of the development will outweigh the harm and will positively contribute five additional dwellings towards the housing supply in Central Lincolnshire. The site is in a location considered as sustainable due to its position in Middle Rasen which has a reasonable amount of services and facilities and has a close connection to Market Rasen. The proposal will not have an adverse visual impact or have a significant detrimental impact on the living conditions of existing neighbouring dwellings or future residents. The proposal will not have an adverse impact on highway safety, increase the risk of flooding or have any adverse archaeology impacts. It will not have any ecology impacts subject to the submission of an ecology survey. The proposal will not have a harmful impact on the protected trees and boundary trees providing mitigation measures can be agreed. The proposal is therefore acceptable subject to satisfying a number of pre-commencement conditions.

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

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

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

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

2. No development shall take place until details of all external materials have been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding open countryside to accord with the National Planning Policy Framework and saved policies STRAT 1, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review 2006 and local policies LP17 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until details of a scheme for the disposal of foul/surface water from the site (including the results of soakaway/percolation tests and connection details) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a landscaping scheme has been submitted including the following details:

- All trees and hedging to be retained along the boundaries
- Site boundary treatments including to the entrance alongside silver birches any infilling to the external boundaries
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments identifying plot boundaries and division to existing dwellings.
- Access road and driveway surface materials (including the use of no dig solutions within Root Protection Areas.
- Dimensions of access road particularly for the first 10 metres.

Reason: To ensure that appropriate landscaping and trees are retained and introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

5. The plan and particulars submitted in accordance with condition 4 attached to this decision notice shall include:

- a) A plan showing the location of , and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm (measured over the park at a point 1.5 metres above ground level), showing which trees are to be retained and the root protection area of each retained tree;
- b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of

the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;

d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the root protection area of any retained tree or of any tree on land adjacent to the site;

e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before and during the course of development, with particular reference to root protection areas.

In this condition `retained tree` means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In the interest of visual and residential amenity in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

6. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of 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;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

7. No development shall commence until a basic phase 1 ecology survey is carried out by a suitably qualified person has been submitted and agreed in writing by the Local Planning Authority. Any enhancements

recommended in the survey shall be introduced prior to completion of the development.

Reason: In the interest of nature particularly badger sets to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

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

- Plans and Elevation - Plot 1 210-06 Rev-0 dated March 2015
- Plans and Elevation - Plot 2 210-07 Rev-B dated March 2015
- Plans and Elevation - Plot 3 210-08 Rev-A dated March 2015
- Plans and Elevation - Plot 4 210-09 Rev-B dated March 2015
- Plans and Elevation - Plot 5 210-10 Rev-0 dated March 2015
- Proposed Site Plan 210-11 Rev-C dated March 2015
- Garages 210-12 Rev-0 dated March 2015
- Proposed Site Sections 210-14 Rev A dated March 2015

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

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

9. The development shall only be carried out in accordance with the details approved in condition 2, 3, 4, 5, 6 and 7 of this permission and shall be so retained.

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

10. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by 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 and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

11. No occupation shall occur until the private drive is completed in accordance with the details shown on drawing number 210-11 Rev C dated March 2015 and the details approved under conditions 4 & 5 above.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

12. No occupation shall occur until the foul and surface water drainage details approved in condition 3 of this permission has been completed.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

13. The first floor ensuite window and second floor bathroom window to the north side elevation of plot 1 shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review 2006.

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

NONE



1:2500



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Officer Report

Planning Application No: 135056

PROPOSAL: Outline planning application for proposed development for 9no. dwellings with access to be considered and not reserved for subsequent applications.

LOCATION: Land south of Eastgate Scotton Gainsborough

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr P Mewis, Cllr A Duguid and Cllr L Rollings

APPLICANT NAME: Mr Robert Littlewood

TARGET DECISION DATE: 29/11/2016

DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is an area of agricultural land to the south east of Eastgate, Scotton. The site is adjacent the settlement of Scotton which lies to the south west and north west. The site is currently used for growing crops and slopes gently downwards from south west to south east. It is set just back from and above the level of the highway which has a 30mph speed limit. The site is open to the north east and south east boundaries. The south west boundary is screened by low fencing, some trees and hedging. The north west boundary is screened by high hedging and trees. Neighbouring dwellings are opposite or adjacent to the south west and north west with open field to the north east and south east. There are two Listed Buildings to the west of the site. These are:

- Church of St Genwys – Grade 1 Listed
- Acacia Cottage – Grade 2 Listed

Planning permission is sought, in outline, for a proposed development of 9no. dwellings with access to be considered and not reserved for subsequent applications.

Some matters have been reserved for subsequent approval – therefore matters of scale, appearance, layout and landscaping will be considered through a subsequent reserved matters planning application, subject to approval of this outline application.

The original outline application additionally required scale to be considered but this was formally removed from the application by the agent. It was not considered necessary to commence a further consultation period.

It has been requested by a ward member that the application goes to the planning committee due to concerns that the proposals will have a negative impact on the character of the village and potential adverse effect on the character and setting of two listed buildings located nearby.

Relevant history:

None applicable.

Representations**Councillor A Duguid:** Objections

Request that the above matter be referred to the Planning Committee. The development would have a strong and potentially negative impact on the character of the village, and would potentially adversely affect the character and setting of two listed buildings located nearby.

Sir Edward Leigh MP: Objections

- Unsustainable village in planning terms
- Agricultural land
- Other infill sites within the village

Scotton Parish Council: Objections

- Drainage and run off onto the lane
- Road safety on narrow lane
- Will not support function/sustainability of village
- 9 two storey dwelling are inappropriate given older/younger people need affordable homes
- Destruction of hedgerows
- Does not meet paragraph 4.4.1 of LP10 in relation to variety of homes
- Does not protect landscape, open views and big skies
- Against LP26(c) in relation to respecting topography and landscape character
- The process of a Scotton Neighbourhood Plan has started

The Scotton Parish Council have completed a questionnaire process of which 91 residents responded (61 disagreed and 18 agreed with application).

Local residents: Representation received from a number of residents.

Support:

8 Eastgate, Scotton

- This should be a mixed development of detached houses and bungalows and affordable homes.

Objections:

5a, 9, 30, 32 Eastgate, Scotton

2 Middle Street, Scotton

24 Northorpe Road, Scotton

34 Crapple Lane, Scotton
Northlands, Eastgate, Scotton
Bramley Lodge, Eastgate, Scotton
Blackthorns, Eastgate, Scotton
The Old Rectory, Eastgate, Scotton
3 Eastgate Mews, Scotton
Parkside Farm, Crapple Lane, Scotton
Three Ways, High Street, Scotton

In summary:

- Unsustainable location – No public house, shop/post office
- Central Lincolnshire has a housing supply of 5.26 years
- No evidence to show no other appropriate land in village.
- The sequential document is incorrect. Sites A and B are more appropriate and there are at least four garden spaces large enough for infill dwellings near the site.
- There is no local support as required by emerging local policy LP4
- Loss of productive agricultural land for food production
- Highway safety impact as narrow and near to blind bends
- Environment Agency class as a moderate risk of surface flooding. Heavy rain turns Eastgate into a fast running river.
- Drainage is at full capacity and blocks regularly
- Central Lincolnshire Local Plan is not adopted
- There is no local support as required by emerging local policy LP4
- Impact on the setting of the Listed Church
- Block views into and within village
- Detrimental to character, setting and this open part of the village. Contrary to NBE 10.
- Extension of village footprint into the open countryside
- Inappropriate layout and size for village
- Loss of view from 32 Eastgate
- Detrimental to amenity of neighbours through loss of privacy, overshadowing and noise/disturbance
- Nearby schools are at capacity
- It is green belt and greenfield land
- No further consideration of the proposal should be given at this time until a neighbourhood plan is in place
- There is a lack of detail in the application
- The village is growing too quickly and more steady growth is required

Historic England: No representations received to date

Conservation Officer: Comments

The church has a dominant tower, and is a landmark feature, seen clearly on approach to the village, and for some distance beyond.
There is insufficient information supplied with this application for the LPA to fully assess the impact of the proposed development upon the setting of this grade I listed

building. If the LPA is minded to grant outline planning permission, it is of the utmost importance that suitable conditions be applied to any decision notice, requiring full details be supplied at reserved matters, and that this includes the following:

- A full assessment of the setting of the church, with key views etc., annotated on a contextual plan;
- Demonstrate through the submission of full details that the setting and key views will not be harmed by any of the proposed dwellings, through either siting / location, scale, mass, design, materials or other key elements of design (including road layouts, etc.), and;
- That the opportunity be taken to frame views of the church as part of this development, both within and without the site (as per policy 137 of the NPPF);
- A heritage statement showing the significance of the church, which as a grade I listed building, will be of high significance, and how design has taken account of this setting and mitigated any harmful aspects upon significance arising from this development.

LCC Highways/Lead Local Flood Authority: Have no objections subject to conditions and informatives

Layout has not been considered by the Highway Authority as part of this application, as it is a reserved matter.

Recommend conditions:

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

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

- No development shall be commenced before the works to improve the public highway by means of a scheme of widening/haunching of the existing carriageway along Eastgate have been 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.

- No dwellings (or other development as specified) shall be commenced before the first 25 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 163 sk06 02 dated May '16 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Eastgate.

Informatives:

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

Public Protection: Comments

I note that the applicant has supplied a sewer plan but conversely indicated as 'unknown' on the application form as regards proposals for dealing with foul sewage; accordingly, and as there would appear to be a 'foul only' sewer in the adjacent road, justification for some other system ought to be required but in the event that some other system is intended then the applicant ought to be directed to General Binding Rules (GBRs) concerning septic tanks and small sewage treatment plants.

Archaeology: No objections

Response received 26th October 2016:

Initial comments sought an archaeological evaluation, comprising geophysical survey, and results may possibly require trial trenching.

Further Response received 10th November 2016:

Geophysical survey definitely shows that this site was utilised in the medieval period and suggests that this use is agricultural and peripheral to the medieval settlement of Scotton - which supports our current thinking about the extent of the medieval village. There are some records for Roman finds being found close to this site but on balance I do not think we have enough evidence to request further work in advance of determination of a planning application on this site.

Tree and Landscape Officer: No objections subject to conditions

- I have no objections to proposed development of this site, in relation to its potential impact to trees, hedges or landscape.
- If planning permission is eventually issued, a scheme of landscaping and boundary treatment should be required in any subsequent application. This should include infill planting of the existing frontage hedgerow, new site boundary hedges of mixed native species characteristic to this area, and some native tree planting around the SE (rear) boundary and easterly side of the site, for screening and softening of the development at this village edge position, and amenity tree and shrub planting within the site, and for improved biodiversity value of the site.
- Future management and responsibility details for the amenity area, hedgerow and tree across the front of the site should be required to be provided.
- All necessary information relating to existing trees and hedges is already provided within the Arboricultural AIS & AMS report, including RPA's of the various trees and hedges, protective fencing details and positions, and construction materials and details for using a cellular confinement system for the proposed footpath across the RPA of T1 sycamore within the site frontage boundary. These details should be conditions to be followed. If this footpath is proposed to be adopted by LCC Highways, the acceptability of use of such a system across the tree RPA should be checked with Highways as it will involve a

raised section of the footpath where it is constructed above ground across the rooting area. The edges of the cellweb would need to be pegged into position.

Lincolnshire Fire and Rescue: No objections with comments

- Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.
- 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 2010 part B5.

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>

RES 6 Affordable Housing

<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 submitted local plan has now been submitted to the Secretary of State for examination and is currently at the hearing stage which concluded on 14th December 2016. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. 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

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Developments in Hamlets and the Countryside

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

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance (NPPG)

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022

(Published September 2016)

Proposed Submission Consultation: Report on Key Issues Raised June 2016 (PSC)

Policy LP4 Growth in Villages Evidence Report Proposed Submission April 2016

(PGIV)

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

Natural England's East Midlands Agricultural Land Classification Map

Main issues:

- Principle of the Development
West Lindsey Local Plan Review 2006
National Planning Policy Framework
Sustainability
Submitted Central Lincolnshire Local Plan 2012-2036
Scotton Neighbourhood Plan
Agricultural Benefit
- Access

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

The site is green field land and lies outside the settlement boundary of Middle Rasen and therefore policies STRAT 3, STRAT 9 and STRAT 12 are relevant to be considered.

West Lindsey Local Plan Review 2006:

Scotton is a 'subsidiary rural settlement' under policy WLLP policy STRAT3.

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).

In principle therefore it is considered the proposal is contrary to the development plan and falls to be refused unless material considerations indicate otherwise.

National Planning Policy Framework:

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

The latest Housing Land Availability 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 in the five year period 2016/17 to 2020/2021.

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”.

NPPF paragraph 49 is not therefore engaged. NPPF 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development.” The NPPF presumption test (paragraph 14) for decision taking is,

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

Sustainability:

Scotton is a ‘subsidiary rural settlement’ under policy WLLP policy STRAT3. It is proposed as a “medium village” under LP2 of the CLLP.

The site sits adjacent the settlement of Scotton and there are adjacent or opposite residential dwellings to the south west and north west of the site. The village of Scotton has a church, village hall, public house (Three Horseshoes), a nursing home, a tennis court and a children’s playground. Therefore Scotton, although considered as a subsidiary rural settlement in the WLLP and a medium village in CLLP, has a limited range of facilities and services within the village to reduce the dependency on a vehicle to travel. It does not have a village shop, post office, school or many employment opportunities.

Scotton sits on a main public transport bus route providing a regular service to all the services and facilities in Scunthorpe, Gainsborough and Lincoln.

According to the LCC Interactive Public Transport Map there are the following bus stops in Scotton:

- Middle Street – approximately 550 metres away
- Crapple Lane - approximately 470 metres away
- The Three Horseshoes - approximately 470 metres away
- Village Hall - approximately 220 metres away

These are within the acceptable walking distance of 800 metres set out in the Guidelines for Providing for Journeys on Foot 2000. The bus stop at The Three Horseshoes provides an hourly bus service (100) between 8.06 and 18.41. The nearest railway station is in Scunthorpe approximately 8 miles away with Lea Road station in Gainsborough approximately 10 miles away. Both are accessible by bus. 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. The site is not considered as a locally important plot of land.

The site is located within flood zone 1 therefore has the lowest risk of flooding and meets the NPPF sequential test to direct development to those areas at lowest risk of flooding. This is providing suitable methods of surface water disposal are utilised to suit the grounds conditions of the site.

Submitted Central Lincolnshire Local Plan 2012-2036:

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

The plan is now formally within its examination period with the Secretary of State and is has been debated and considered at a hearing which concluded on 14th December 2016. The Submitted Local Plan is now at the most advanced stage possible, prior to consultation of any post-modifications, and publication of the Inspector's report.

Submitted policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Submitted local policy LP2 states that development proposals in Scotton (Medium Village) will typically *'be on sites of up to 9 dwellings'* or *'in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings'* where it *'can be justified by local circumstances'*.

Submitted policy LP4 goes on to say that Scotton has a growth level of 10% (256 existing dwellings) which appendix B of the CLLP states this equates to 23 dwellings. This total of 23 dwellings can be reduced by completions and extant planning permissions currently totalling 3 dwellings therefore the remaining level of growth in Scotton is 20 dwellings.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within medium villages. The agent has submitted an Assessment of Alternative Sites in Scotton received 7th November 2016. This concludes that:

'It is difficult to find any suitable land within the developed footprint of Scotton to meet classes i) and ii) in para. 1.2 above and therefore it is considered there is no room for the emerging remaining growth to be met in the confines of the Scotton settlement. There are other Edge of Settlement Greenfield sites but access is generally poor, availability is unknown and those in the north are in, or close to the Flood Zone 3 land (see EA Flood map attached).'

The content of this assessment has been questioned in a resident's formal representation, however after looking at the village as a whole the space available for houses within the village appears limited. The larger site (site A) is still in agricultural use therefore is unlikely to come forward for housing. Sites D and E are edge of settlement sites which would not be prioritised any higher than the application site.

A summary of all the keys issues raised through the consultation periods of the Draft and Further Draft Central Lincolnshire Local Plan are listed in the PSC submitted with the CLLP. The PSC summarises comments made on specific settlements, however none were made relating to Scotton. Specific issues are raised on local policy LP4 in the PGIV. The issues were a mix of positive and negative responses which lead to only minor amendments to the wording and supporting text of the CLLP. It is considered that there are not significant unresolved objections to policy LP4. It is considered that the CLLP is a material consideration which can now be attached weight in the decision making process.

Scotton Neighbourhood Plan:

Some comments from local residents and Scotton Parish Council have been made in relation to the Scotton Neighbourhood Plan. One comment states that the proposal should not be considered until this is a made document. The Scotton Neighbourhood Plan process has commenced but it is at the pre-designation meeting stage which is a very early stage . All application are assessed on relevant planning policy and material considerations at the time of their assessment. A draft of the Neighbourhood Plan is yet to be published and cannot therefore be afforded weight in the decision making process.

Agricultural Benefit:

Guidance contained within Paragraph 143 states that '*safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources*' The field is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (good to moderate). This designates the site as being fairly productive for agricultural use. The site is currently used for growing crops and the development is only building on part of the land (0.54 Hectares). The development will lead to a loss of agricultural land but the land is not of the highest quality and its loss is not considered as significant.

Consideration has been given to Central Lincolnshire having a five year housing supply, the confliction with open countryside policies (STRAT 12 and LP55), the limited sustainability credentials of Scotton and the agricultural classification (good to moderate) of the land. However the CLLP allows a remaining housing growth of 20 dwellings in Scotton, the site passes the sequential test of submitted policy LP4 and has a low risk of flooding. Therefore on balance it is considered that the principle of the development is acceptable and can be supported.

Access

Objections have been received in relation to highway safety. The application site is set just back from the highway which has a 30mph speed limit and has a junction on the opposite side of the road between The Old Rectory and 9 Eastgate. The highway narrows to a single vehicle width after this junction as you drive out of the village. The proposed access will be positioned within the right hand side of the north west boundary (indicative plan 163 sk06 Rev 2 dated May 2016) opposite the shared boundary of Blackthorns and Pasture Farm. From the site visit the highway does bend as you drive out of the village, however the observation views appears sufficient in both directions. The Highways Authority have not objected to the proposal but have recommended a number of conditions including highway

improvements and the introduction of a footpath link with capability of appropriately disposing of surface water. It is therefore considered that the proposal will not have an adverse impact on highway safety.

Foul and Surface Water Drainage

The application states that the method of dealing with foul drainage is unknown although a plan has been submitted indicating a foul only mains sewer adjacent the site along the highway. Surface water will be disposed of too soakaways which is a sustainable urban drainage system. No objections have been received by the Lead Local Flood Authority. It appears that foul and surface water can be appropriately dealt with from the site, however further details and evidence will need to be submitted and agreed through a condition on the outline permission.

Objections have been received in relation to surface water flooding of the highway. As previously stated the drainage methods proposed are considered acceptable and it is the applicant's responsibility to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site including the use of permeable surfacing to the access roads and driveways.

Heritage Impact

As stated in the description section of this report there are two Listed Buildings to the west of the site. It was not considered necessary to advertise this on the site notice due to the separation distance.

- Church of St Genwys – Grade 1 Listed
- Acacia Cottage – Grade 2 Listed

The Authority's Conservation Officer has not objected to the proposal but has requested that a condition is attached to an outline permission requesting that the following information is submitted at the reserved matters stage:

- A full assessment of the setting of the church, with key views etc., annotated on a contextual plan;
- Demonstrate through the submission of full details that the setting and key views will not be harmed by any of the proposed dwellings, through either siting/location, scale, mass, design, materials or other key elements of design (including road layouts, etc.), and;
- That the opportunity be taken to frame views of the church as part of this development, both within and without the site (as per policy 137 of the NPPF);
- A heritage statement showing the significance of the church, which as a grade I listed building, will be of high significance, and how design has taken account of this setting and mitigated any harmful aspects upon significance arising from this development.

The application is in outline – and it is considered that the site can be developed without having an adverse effect upon the character and setting of the Listed Buildings.

Due care will be required at the reserved matters stage to ensure scale and appearance do not adversely affect the setting of these heritage assets.

Archaeology

On the request of the Historic Environment Officer (HEO) at Lincolnshire County Council the agent submitted an Archaeological Evaluation Report: Geophysical Survey by Magnetometry completed by Allen Archaeology Limited dated October 2016. Following the results of the of the survey the HEO stated that *'there are some records for Roman finds being found close to this site but on balance I do not think we have enough evidence to request further work in advance of determination of a planning application on this site'*. Therefore the proposal will not cause any significant adverse archaeological impacts.

Tree

To the front north west boundary of the site is a substantial mature tree. It is important that the proposal does not impact on the health and future presence of the tree. The Authorities Tree and Landscape Officer (TLO) has not objected to the proposal but has accepted the details within the Arboricultural Impact Assessment and Arboricultural Method Statement (AIA/AMS) completed by Ecological Services Ltd dated September 2016.

As the layout of the proposal is a reserved matter it could be subject to change apart from the position of the vehicular access. Although alterations are possible to the indicative plan through a reserved matters planning application all of the details within the AIA/AMS are considered relevant such as root protection areas, tree protection measures and the use of a cellular confinement system where necessary. Therefore a condition will be attached to the outline permission ensuring the development is in accordance with its recommendations.

Affordable Housing

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This particular site meets criteria ii as the population of Scotton is below 3,000 and the proposal intends to construct 9 new dwellings.

This will amount to the inclusion of 2.25 units to be delivered on site. In this instance an off-site contribution may be acceptable and based on West Lindsey SPG off site contributions for Affordable Housing (2010 update) the contribution would equate to £108,976.50.

Nonetheless, Planning Practice Guidance¹ The proposal is less than 10 dwellings therefore given the recent Court of Appeal's judgement no contribution will be sought for affordable housing.

Landscaping

Details of landscaping are not to be considered at this stage however the TLO and AIA/AMS have suggested that there is plenty of scope for opportunities to provide new planting on the boundaries of and within the site. This includes infill planting to the frontage boundary.

¹ Planning Obligations (Paragraph: 031 Reference ID: 23b-031-20161116)

Layout

An indicative plan (163 sk06 Rev 2 dated May 2016) has been submitted which provides an indicative layout to the site. This plan demonstrates that the plot is of sufficient size to accommodate 9 dwellings with reasonable garden spaces and sufficient off street car parking. The layout will need to acceptably integrate into its location on the edge of the settlement and the nearby residential form plus as previously stated preserve the setting of the nearby Listed Buildings.

Scale and appearance

The scale and appearance of the nine dwellings has not been submitted – they are reserved for subsequent approval - however the indicative plan and received 5th October 2016 and design and access statement (DAS) received 4th October 2016 allows some comments to be made. Paragraph 2.1 of the DAS states *‘The concept of this application is for a quality development seeking to provide a “diverse varied place” to (a) be development which will have a range of housing designs which will “match” the variety of designs and sizes of the development in the village of Scotton and (b) match as is sensible some of the surrounding locality in its relatively low density of development’.*

As with the layout it is important the scale and appearance of the dwellings integrate into its location on the edge of the settlement and the nearby residential form plus as previously stated preserve the setting of the nearby Listed Buildings. It is considered necessary to add a condition limiting the site to a maximum of nine dwellings.

Conclusion and reasons for decision:

Consideration has been given to the developments confliction with STRAT 12 of the WLLP, the current housing supply position and the agricultural classification of the site. However, weight has been given to the CLLP which supports windfall development in medium villages and the site has been demonstrated as an acceptable site following the undertaking of the sequential test outlined in LP4 of the CLLP. Therefore given the support of the CLLP for some windfall development the proposal is acceptable.

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the Open Countryside, RES 1 Housing Layout, RES 6 Affordable Housing, 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 Edge of Settlement of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policy 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, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Developments in Hamlets and the Countryside of the Submitted Central Lincolnshire Local plan 2012-2036. Furthermore consideration has been given to guidance contained within the National Planning Policy

Framework and National Planning Practice Guidance. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. The site is considered to be in a location which has limited sustainability credentials due to its limited services and facilities. The proposal has satisfied the sequential test in submitted local policy LP4 as an edge of settlement development and will positively contribute nine dwellings towards the housing supply in Central Lincolnshire and the remaining housing growth allocated to Scotton in submitted local policy LP4 of the Central Lincolnshire Local Plan. The proposal will not have a significant adverse impact on highway safety or increase the risk of flooding. It will not have a significant adverse impact on archaeology or adversely impact on the trees to the boundaries. The proposal is therefore acceptable subject to satisfying a number of pre-commencement conditions and submission of a reserved matters planning application.

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

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

1. 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).

2. No development shall take place until, plans and particulars of the appearance, layout and scale 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.

3. The development hereby permitted shall be begun before the expiration of two years from the date of 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 details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policy STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan Review 2006 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

6. No development shall be commenced until details of the works to improve the public highway by means of a scheme of widening/haunching of the existing carriageway along Eastgate has been submitted 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 to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan Review 2006 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

7. When application is made for approval of the 'Reserved Matters', that application shall include the following information and/or statements:
- A full assessment of the setting of the grade 1 listed church, with key views etc., annotated on a contextual plan.
 - Demonstrate that the setting and key views will not be harmed by any of the proposed dwellings, through either siting/location, scale, mass, design, materials or other key elements of design (including road layouts, etc.) and that the opportunity be taken to frame views of the church as part of this development, both within and without the site.
 - A heritage statement showing the significance of the grade 1 listed church and how design has taken account of this setting and mitigated any harmful aspects upon significance arising from this development.

Reason: To preserve the setting of the nearby listed buildings and key views towards it to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan Review 2006 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: Location Plan 163 011 Rev 01 dated September 2016 and access shown on Site Layout Plan 163 sk06 Rev 02 dated May 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

9. The development shall comprise of a maximum of nine dwellings.

Reason: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP17 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

10. The development shall be completed in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan completed by Ecological Services Ltd dated September 2016.

Reason: To safeguard the existing trees on and around the site during construction works, in the interest of visual amenity and the health of the protected trees to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

11. The development shall not be brought into use until the foul and surface water drainage as approved under condition 4 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

12. No dwellings (or other development as specified) shall be commenced before the first 25 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 163 sk06 02 dated May '16 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Eastgate.

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

NONE

Informatives

Highways

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

Landscaping

This should include infill planting of the existing frontage hedgerow, new site boundary hedges of mixed native species characteristic to this area, and some native tree planting around the south east (rear) boundary and easterly side of the site, for screening and softening of the development at this village edge position, and

amenity tree and shrub planting within the site, and for improved biodiversity value of the site.