

AGENDA

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

Planning Committee

Wednesday, 8th March, 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 Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Thomas Smith

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 1 - 10)
 - i) Meeting of the Planning Committee held on 8 February 2017 previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/Local Changes in Planning Policy**

6. Planning Applications for Determination (PAGES 11 - 12)

a) 6a - 131035 - Kettleby

Planning Application for amended scheme for an increased number of smaller caravan pitches from eight to 16 at Field View Caravan Park, Kettleby Lane, Kettleby, Brigg. (PAGES 13 - 24)

b) 6b - 135491 - Lea

Outline planning application for residential development of up to 68 dwellings with access to be considered and not reserved for subsequent applications on land at Willingham Road, Lea, Gainsborough. (PAGES 25 - 70)

7. Determination of Appeals (PAGES 71 - 84)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 28 February 2017

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 February 2017 commencing at 6.30 pm.

Present: Councillor Stuart Curtis (Chairman)

Councillor Owen Bierley
Councillor Michael Devine
Councillor David Cotton
Councillor Matthew Boles
Councillor Thomas Smith
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Mrs Jessie Milne
Councillor Giles McNeill

In Attendance:

Jonathan Cadd	Principal Development Management Officer
George Backovic	Principal Development Management Officer
Stuart Tym	Legal Services Lincolnshire
Simon Johnson	Senior Town Planner ENGIE
Dinah Lilley	Governance and Civic Officer

Also present 18 Members of the public

Apologies: Councillor Ian Fleetwood
Councillor Hugo Marfleet

Membership: No substitutes were appointed.

68 PUBLIC PARTICIPATION PERIOD

Mr S Taylor addressed the Committee under the Public Participation Scheme.

“Chairman, the Spirit of Scothern is grateful to those members who have called for a monitoring report on the Planners approach to s106 agreements. In your response to my previous question Chairman (Which members will be interested to know I only received 2 days ago after having to demand that officers follow the public question procedure) you indicated that this matter is not officer driven. I beg to differ.

It is the officers who are shaping this approach, as a planning officer admitted in 2015 that, and I quote “The Council does not have a policy in relation to section 106 obligations”. Clearly in the absence of policy direction officers are taking personal views, without fully researching community facility needs. You claim that all developments in Scothern were fully assessed with regards to community facilities.

On what basis? Where are these assessments? And if officers did undertake professional assessments why are they not even mentioned in reports to this committee? Indeed, by way of example the officer report for the Dunholme Road development provides not one word by way of commentary or consideration the request for 106 monies for community facilities? Why not? Can you produce these assessments Chairman? Indeed where are the assessments of need for open space, sports and recreation facilities required by section 73 of the NPPF?

The Officers constantly quote the legal tests for 106 agreements but fail to ever explain how other councils do make 106 provision for village halls, sports facilities, childrens playgrounds and the like. Often Councils specifically require offsite contributions. And the question I asked at the last Planning Committee – why can other Councils fund community facilities from new homes development? Simply hasn't been answered.

Even within the district we recently have had a graveyard justified, allotments, footpaths and sports facilities. So the officers protest that you cannot justify community facility contributions legally are so weak – that they even disregard them themselves – when they choose. Clearly Scothern, and possibly other communities, have been discriminated by officers inconsistent approaches on this.

Why can't our officers understand if there are more houses in a community it will need more and bigger community facilities? Surely this is purely common sense and what you the members and we the public want? Surely they should be able to put their professional expertise to achieving this – rather than spending time and effort trying to justify not support community facilities.

Can you chairman and the committee ensure that we, the Spirit of Scothern, do have a meeting with Planners to work through the issues and concerns as only an intelligent discussion with goodwill from all parties will resolve this matter for the benefit of the district and its communities. Indeed does the Planning Services Manager wish to signify this agreement now to such a meeting?"

Mr Taylor was responded to that he would receive replies to all of his questions in due course.

69 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 11 January 2017.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 11 January 2017, be confirmed and signed as a correct record.

70 DECLARATIONS OF INTEREST

Councillor David Cotton declared that he had not been present on the Site Visit to Nettleham, so would not take part in the deliberation on the item.

Councillor Giles McNeill reiterated the declaration he made at the previous meeting “.. a personal interest as he had liaised with the public regarding item (135429 – Nettleham) but had not taken part in discussions”.

Councillor Giles McNeill also declared that he was the Ward Member for Item 6b (134989 – Riseholme) and had been lobbied, but would act in his capacity as Committee Member.

Councillor Owen Bierley noted that all Councillors had a personal interest in item 6c (131548 – Torksey) as the applicant was a fellow West Lindsey Councillor.

Councillor Bierley declared a personal interest in item 6d (134618 – Nettleton) as he had had a telephone conversation with the applicant, on procedural matters.

Councillor Bierley sought advice on item 6e (135428 – Normanby by Spital) as he had been on the Planning Committee when a previous application had been submitted, at which he had voted against the principle of development. The Legal Adviser informed Councillor Bierley that this was a separate application, and that if he was satisfied that he could be persuaded either way, then he was not conflicted from taking part.

Councillor Milne declared a personal interest in Item 6b (134989 – Riseholme) as she had accompanied Sir Edward Leigh MP at a meeting, however she had not taken part.

71 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer informed the Committee that the Housing White Paper had been issued the previous day by the Secretary of State, and summarised the key points, which were:-

- Statutory Requirement for Starter Homes Not Introduced
- Standard National Methodology for Objectively Assessed Need (Housing)
- Housing Delivery Test
- Measures to Boost Build Out Rates
- Consideration to Fee Requirement for Making a Planning Appeal
- Neighbourhood Plans Face New Tests to Retain Protection
- Planning Application Fee Increases
- Support for Build to Rent

Many of the changes involved amendments to the National Planning Policy Framework. The Government intended to publish a revised Framework later this year, which would consolidate the outcome from the previous and current consultations. It would also incorporate changes to reflect changes made to National policy through Written Ministerial Statements since March 2012.

A government-commissioned review published alongside the White Paper recommended that the Community Infrastructure Levy (CIL) should be replaced with a "hybrid system" of a low level tariff for all developments and section 106 for larger developments. The White Paper said that the Government "will examine the options for reforming the system of developer contributions including ensuring direct benefit for communities" and would respond to the CIL review and "make an announcement at Autumn Budget 2017".

The Committee briefly debated some of the highlights and it was requested that the summary be circulated around all Members of the Committee.

72 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the Planning Applications as set out in Item 6 be determined as set out below.

72a 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 two storey area, first floor extension and change of use to form a family annex at The Cottage, 10 Church Street, Nettleham.

The Principal Development Management Officer reminded Members of the revised conditions set out for the previous meeting - Conditions 2 and 4 were to be amended to end with the words "and be retained as such thereafter." A further plan was to be added to Condition 4 - RDS11066/01 revision B.

The Officer then summarised a letter which had been received regarding the structural integrity of the building at different points over time. The officer confirmed that there had been liaison with Building Control officers over the stability of the building and that they had confirmed it was unsafe and should be demolished.

Mr and Mrs Harris then spoke in objection to the proposals. The main concerns were that the assumption was that the new building would have no greater impact than the previous barn, when the proposals were to be one third taller than the original structure, and the design did nothing to preserve heritage assets. The wall would be 1.2 metres from windows and would be oppressive, overbearing and overshadowing. Concerns were also expressed for an elderly neighbour who lived in a bungalow next to which the new build would be 59% taller.

The Principal Development Management Officer noted that the increase in size and scale of the proposal over the existing barn, that such additions had been approved previously and the scheme had been considered acceptable. The barn had been present when the neighbouring properties had been built and the distance between considered adequate. It was also noted that the extension to the barn had been approved when the neighbouring development application (8 Church Street) was being determined. Windows were already affected and should in any case be obscured glazing, but were not.

Members agreed that the site visit had been useful, and whilst having some sympathy for the neighbours however, could find no planning reasons to justify refusal of the application.

It was questioned if an additional condition could be applied which stipulated that no further windows be installed which would overlook the neighbouring properties. This would be possible and an additional condition would be included.

It was moved, seconded and voted upon that permission be **GRANTED** subject to conditions, and the inclusion of the additional condition below.

Amended conditions

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 and be retained as such thereafter.

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

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 and be retained thereafter:

- RDS 11066/01B Proposed Elevations
- 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).

Additional Condition

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendments) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no additional openings other than those hereby permitted in the external walls or roof of the eastern elevation of the development shall be formed without an express grant of planning permission.

Reason: To avoid overlooking and light pollution in the interests of the residential amenities of adjoining occupiers in accordance with West Lindsey Local Plan First Review Policy STRAT1.

72b 134989 - RISEHOLME

Listed building consent for the restoration of Riseholme Hall Stables at the University of Lincoln's Riseholme Campus - to be determined in accordance with application reference 134780, at the University of Lincoln, Riseholme Park, Riseholme.

Neil Foster, of Riseholme Parish Council, was pleased with the upgrade to the stable block and would like an Historic England buildings record completing. Whilst the restoration was to be sympathetic, the wider application proposals were unclear, and the Parish Council were open to continued dialogue with the University.

Alex McCallion, agent for the applicant, reminded Members of the poor condition of the stable block as seen on the site visit, which although architecturally significant, was merely used for storage. The buildings had been subject to a mixture of repairs of varying quality, and it was proposed to replace all of these. The original plan was to be retained, original features including the clock face restored, and the historic fabric preserved. There had been no objections from statutory consultees.

Whilst the Listed Building Consent being sought was part of a wider application the proposals were to be considered on their own merit. The remaining proposals had been deferred for further local consultation.

The proposals for approval of **Listed Building Consent** were moved and seconded, and on being voted upon it was **AGREED** that permission be approved subject to the conditions as set out in the report.

72c 131548 - TORKSEY

Planning application for proposed housing development for two pairs of semi detached dwellings on Main Street, Torksey.

Roger Eyre, spoke on behalf of the applicant and questioned the recommendation to refuse the application, citing the weight to be given to the Central Lincolnshire Local Plan which allowed for up to four houses on infill sites. The Environment Agency had not objected to building on the site in 2014, however the report states that a sequential test would require development further away from flood risk. Any archaeological issues could be conditioned to be addressed, and the proposals would enhance the site, removal of Permitted Development Rights would ensure protection.

Christiana Naidu, spoke in objection to the application, stating that this was an important historic site which should not be developed at the expense of residents' enjoyment. There was the potential of increased traffic and anti-social behaviour. The height of the buildings would block light, overlook gardens, and block the view of the green strip. The field and green space should be left for residential amenity. Torksey was also prone to flooding.

The Principal Development Management Officer described how the issues were a matter of balance. It was up to the decision makers (the Local Planning Authority not the Environment Agency in this case) to assess whether the sequential test had been met, whether other less vulnerable sites were available. Reference was made to recent appeals, following which the

Planning Inspector had stated that development should not be permitted if other sites, not within a flood zone, were available. It was proposed that floor levels should be above flood level, however the effectiveness of defences could not be guaranteed and this would not in itself satisfy the the sequential test.

Members made reference to the archaeological aspect and noted that once important remains had gone they could not be replaced.

It was moved and seconded that permission be **REFUSED** as per the recommendation and reasons as set out in the report, this was **AGREED**.

72d 134618 - NETTLETON

Planning application to erect six affordable dwellings, together with change of use to public open space. Also, outline planning application for 19 dwellings with all matters reserved on land to the North of Moortown Road, Nettleton.

The Principal Development Management Officer informed Members that the original figure for the number of dwellings had been reduced, therefore the Local Education Authority might need to recalculate the level of contribution that would be required.

J. Parker, the applicant, addressed the meeting, was a long-time local resident, and had started pre-application discussions two years ago and had worked continually with planning officers. Nettleton had been identified for growth and there was a demand for affordable housing, therefore a sympathetic well planned expansion was proposed, to support the community. There were many positive aspects and no objections from highways officers or the Environment Agency.

Members debated the application, and whilst acknowledging that it was not an exceptions site outside of the settlement limit, and there were archaeological issues to address, they were able to support the proposals.

It was moved, seconded, voted upon and **AGREED** that:

the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to:

- A) enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-
- 25% affordable housing (to be delivered on site;) along with a contribution of £12,108.50
 - A capital contribution would be required in lieu of on-site Education provisions. This would be determined utilising the Education Authority formulae for contributions.
 - Open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.

and;

- B) enable the satisfactory completion of the required archaeological investigation and reports.

And, in the event of the archaeological works are not being carried out satisfactorily or finds of archaeological significance are identified (in the opinion of LCC Archaeology Section) and/or s106 not being completed and signed by all parties within six months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the six months or the identification of archaeological finds of significance whichever is sooner.

72e 135428 - NORMANBY BY SPITAL

Planning application for three dwellings on land to rear of Bottle and Glass, 46 Main St, Normanby by Spital.

The Principal Development Manager explained that as the houses, previously given permission, that had been erected on the site were slightly different to that granted the application had been submitted to regularise the situation.

The applicant, Martin Merrigan, addressed the meeting, thanking the Planning and conservation officers for their input, however he wished to point out that contrary to comments made on the application by the Parish Council that: condition discharges had been applied for on 23 March 2016; archaeology issues were being addressed; Anglian Water had given full support and there would be 28% less surface water; and the Public House was now a Community Asset, which had secured its future. The car park was still used by the shop and school. Attempts had been made, unsuccessfully, to liaise with the Parish Council.

Councillor Summers addressed the Committee as Ward Member, describing the properties as rabbit hutches and disputing the compass directions cited. He claimed that the site visit had been undertaken at the wrong time of the day in terms of school traffic. Local residents did not find the development acceptable, and changes to the design would not change this. Previous objections had been ignored, and the application did nothing to enhance the village, and met no local need. The lack of outdoor space meant that children would have to play in the pub car park. There were several issues with contaminated water run-off from the car park and inadequate drainage for rainwater and foul sewage, and there was a legal requirement to have two separate drainage systems. The rules were being disregarded, and there were many issues wrong with this development.

The Principal Development Management Officer addressed some of the issues raised, stating that the principle of development had been established by the previous planning permission, and that the surface water drainage had already been installed. This connected to the existing private drainage under the site which in turn connected to the public sewer. The Developer Services arm of Anglian Water accepted the proposals.

The Chairman stated that the crucial issues were whether the changes to that previously approved, made the development unacceptable.

Committee Members discussed the application, wondering how the changes to the original

proposals had been allowed to happen, and whether officers were aware of these changes. Officers confirmed that the new application was submitted following commencement of enforcement action

Slides were shown which depicted the proposals for the final design, and also a photograph of the built dwellings including a nearby dwelling, which showed some similarities

Members of the Committee moved, seconded and voted upon the recommendation and it was **AGREED** that permission be **GRANTED**.

73 DETERMINATION OF APPEALS

Comment was made on the determination of the Saxilby appeal which had been allowed, however it was significant that no costs had been awarded. Although this had been a setback to the Neighbourhood Plan, it was worthwhile carrying on.

Note was also made regarding the length of time the appeal had taken to be determined.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.30 pm.

Chairman

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Planning Committee

8 March 2017

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

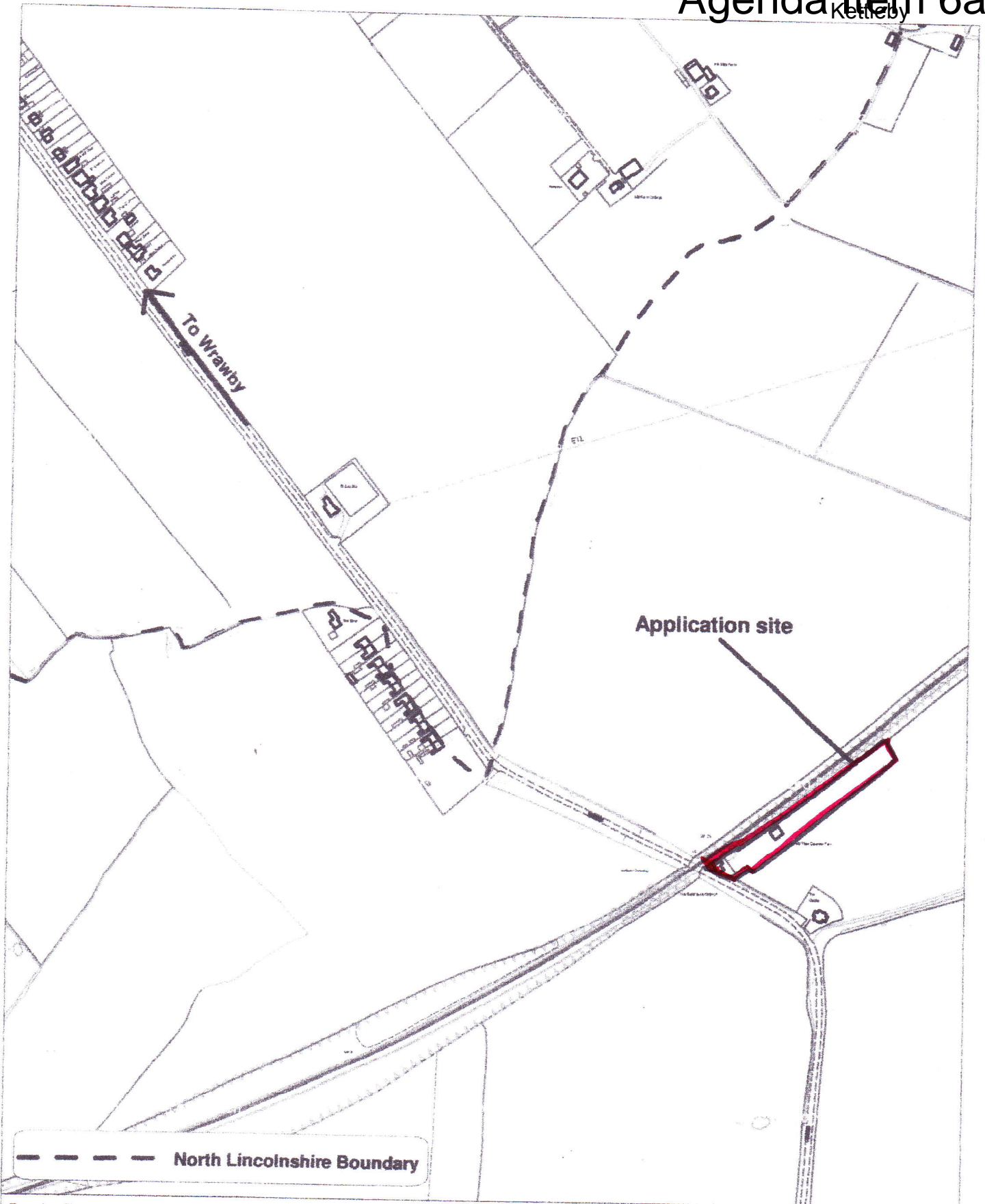
No

Key Decision:

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

Yes

No



Drawing Title: CON/2010/0010

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NORTH LINCOLNSHIRE COUNCIL 0100023560 2010

Highways and Planning Service

Service Director,
G Popple

NORTH LINCOLNSHIRE COUNCIL

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Officers Report

Planning Application No: 131035

PROPOSAL: Planning Application for amended scheme for an increased number of smaller caravan pitches from 8no. to 16no.

LOCATION: Field View Caravan Park Kettleby Lane Kettleby Brigg,
Lincolnshire DN20 9HG

WARD: Kelsey

WARD MEMBER(S): Cllr L Strange

APPLICANT NAME: Mr W Bibby

TARGET DECISION DATE: 01/05/2014

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site comprises a long narrow strip of land immediately adjacent to the Brigg to Barnetby railway line on Kettleby Lane next to the Kettleby level crossing, which has automatic barriers. On the site frontage is Kettleby Cottage, the former gatekeeper's cottage. Vehicular access to the site is some 25-30 metres from the level crossing. The site entrance is located 270 metres from the District boundary to the north with Wrawby located 1.2km to the north west and Brigg is located 2.5km to the west of the site.

The site lies in open countryside, with fields immediately adjacent to the east. Some 60 metres to the east is The Cottages and 190 metres beyond is Kettleby House, a Grade II Listed Building.

The application seeks permission for an amended scheme for an increased number of smaller caravan pitches from 8 to 16.

Relevant history:

M05/P/0916 – Retrospective planning application for use as long stay and transit site for 16 Gypsy/Traveller families (4 long stay and 12 transit pitches, 2 caravans per pitch and use of existing buildings for amenity block and storage. Permission granted 14/05/08

125084 – Planning application for siting of 11 residential gypsy pitches with associated hard-standing and access. Application withdrawn 14/07/10

126313 – Planning application for change of use of land for the station of 8 gypsy pitches with hard standing and day rooms/utility buildings ancillary to that use. Application withdrawn 26/08/10

126342 – The use of land for the station of 8 gypsy pitches with hard standing and dayrooms/utility buildings ancillary to that use. Permission granted 24/11/10

130678 – Application for non-material amendment to planning permission 126342 granted 24th November 2010. Refused 16/01/14

Representations:

Chairman/Ward member(s): Cllr Strange – Object in the strongest terms I can. The existing site and the one at Westrum Lane, provide a more than adequate provision of Traveller accommodation. There is no footpath adjacent to the site, causing pushchairs and pedestrians to risk using the road. Site is adjacent to the railway line, the line carries fuel tankers and is a constant risk to existing residents. Further development in the open countryside where WLDC would normally not allow development. There are no public amenities available or public transport. There is a serious traffic hazard at the junction with the Kettleby Lane from the site as it is very close to the level crossing.

Parish/Town Council/Meeting:

Bigby Parish Council – Does not support the application for the following reasons – The original application for 8 units has not been adhered to i.e. landscaping. It is in open countryside adjacent to the railway with a significant adverse impact on the surrounding landscape. There is no footpath to the site, other than open road, increasing danger to pedestrians.

Brigg Town Council – The Town Council should object to this application on the ground that the original planning permission for the site was granted for the specific purpose of providing accommodation for gypsy and traveller families. As far as the Town Council is aware the site is not serving that purpose, therefore, the council does not accept the need to further extend the site for any other residential purposes.

Local residents: One objection received from Kettleby House with the main concerns –

- The site is not safe for a large number of vans
- The railway is too close for safety
- The ability of the fire and ambulance service to access the site is limited and would be further restricted if the number of vans was extended
- The conditions of the previous application have not been properly implemented, the site is clearly visible it was supposed to have been screened
- Litter along Kettleby Lane is constant
- Kettleby Lane is unsafe to walk up it at times during the day
- An extended occupancy will raise more safety issues on site and for the local community, more traffic, more litter and more pressure on the community and a larger eyesore to the landscape

North Lincolnshire Council: No comments to make

LCC Highways: No objections

Network Rail: No objection in principle but some requirements must be met

Housing and Communities: Whilst it is recognised that the increased provision will contribute to the need identified in the Central Lincolnshire Gypsy and Traveller Accommodation Assessment November 2013 our expectation would be that pitches are of a specific size as recommended in the CLG guidance on Gypsy and Traveller Accommodation Needs Assessment 2007.

Public Protection: Issue of potential for noise and contamination from railway is apparent, however there is no history of complaint, accordingly there would be no grounds for objection.

Natural England: Statutory nature conservation sites – no objections
Protected species – we have assessed this and associated documents for impacts on protected species. You should apply our standing advice on protected species.

Local sites – The authority should it has sufficient information to fully understand the impact of the proposal on the local site.

Biodiversity enhancements – application may provide opportunities to incorporate features into the design which are beneficial to wildlife.

Landscape enhancements – application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Environment Agency: No objections

Lincolnshire Fire and Rescue: The site features a long access road with limited turning facilities and no detail as to the weight carrying capacity of the road surface. Consideration should be given to the provision of a turning facility at the access road suitable for fire appliances and also the road construction so as to allow access in the event of fire.

Further email response received – having viewed the photographs I would consider access and egress for fire appliances may not be technically as per regulations but from a practical point of view is unlikely to offer significant difficulties. Please accept this email as a withdrawal of the objection.

Archaeology: No objections/comments to the proposal

Relevant Planning Policies:

National guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Planning policy for traveller sites

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf

Designing Gypsy and Traveller Sites

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11439/designinggypsysites.pdf

West Lindsey Local Plan First Review 2006

This plan remains the development plan for the District although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the named policies are considered to still be relevant:

STRAT 1: Development Requiring Planning Permission

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

STRAT 12: Development in the Open Countryside

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

RES 17: Residential Mobile Home Parks

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res17>

CORE 10: Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

Emerging Central Lincolnshire Local Plan 2012-2036

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. The inspector has published the final list of modifications to the plans which have been agreed with the Joint Planning Committee and public consultation has commenced for 6 weeks to 2nd March 2017.

With consideration given to paragraph 216 of the National Planning Policy Framework this version of the CLLP will therefore carry more weight in determining planning applications than the earlier draft versions. The policies relevant to this application are noted to be:

LP56: Gypsy and Traveller Allocations

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

Main issues

- Principle
- Appropriateness of the Site
- Impact in Open Countryside
- Railway
- Highway Safety

Assessment:Principle

“Planning policy for traveller sites” sets out the Government’s planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans and is material consideration in planning decisions.

The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

For the purposes of planning policy “gypsies and travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Policy RES 17 of the West Lindsey Local Plan First Review states that planning permission for new permanent mobile home parks and gypsy/traveller sites will only be granted providing that they conform to policies for the location of permanent residential dwellings.

The proposal is within open countryside and therefore policy STRAT 12 is applicable. Policy STRAT 12 states planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.

Policy LP56 of the emerging Central Lincolnshire Local Plan identifies sites for the provision of Gypsy and Traveller pitches which does not include the application site. The policy states that other proposals on non-allocated sites, will be considered against the following criteria:

- a. The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- b. Must have adequate and safe vehicular access; and
- c. Must have sufficient space for vehicle manoeuvring and parking within the site; and

- d. Should provide an acceptable standard of amenity for the site's occupants, and will not have an unacceptable impact on the amenity of nearby residents, including (but not limited to) visual and acoustic privacy; and
- e. Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and
- f. For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.

Whilst the proposal is not in strict accordance with both RES 17 and STRAT 12, and has some accordance with LP56, the principle of gypsy pitches at the site has already been established in application 126342. This application seeks to establish whether the increase in number of smaller plot sizes is acceptable.

The application is retrospective and concern has been raised over the status of the residents in that they are not of gypsy/traveller status. Clarification was sought from the agent as to the residents status and the agent confirmed that "The sixteen pitches now being sought will be provided for Gypsies and Travellers only as defined in annex 1 of Planning Policy for Traveller Sites"

It is noted that the smaller pitches are not the typical pitch that is normally associated with a gypsy/traveller site. In the document Designing Gypsy and Traveller Sites – A good Practice Guide, this states that "as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.) parking space for two vehicles and a small garden area.

The pitches in the application allow for a trailer and vehicle with communal strip for extra parking.

The document also goes on to state that "smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle."

The proposal does not accommodate any amenity buildings and as such is not a usual form of pitches.

This is however a guide and the document does also state that "there is no one ideal size of site or number of pitches."

The document states that "this guidance makes clear that there is no single, appropriate design for sites, any more than there is for general housing development."

As part of the application consultation took place with the Lincolnshire Gypsy Liaison Group who concluded that the site was managed and maintained to a high standard and mobile homes were stationed so as to satisfy fire regulations.

Safety concerns regarding the adjacent railway had been responsibly addressed with high fencing.

Postal services and refuse collection were also in place, and ancillary parking for visitors was available.

Site owners oversaw ground work maintenance

Appropriateness of the Site

The site has already gained approval for a gypsy/traveller site for 8 pitches therefore the principle has already been established in the application 126342.

The site is not located in an area at high risk of flooding and would not compromise any land or buildings subject to any special designations. In the application of 8 pitches, the site accommodated up to 16 caravans occupied at any one time, therefore as this is for 16 pitches with a maximum of 16 caravans occupied at one time, this is no different to the impact of the previous application.

The amount of caravans would not dominate the settled community including the handful of properties along Kettleby Lane.

Wrawby is located 1.2km to the north west and Brigg is located 2.5km to the west of the site which are both within cycling distance. The nearest bus stop is located approximately 1km away from the site in Wrawby and provides daily services to Brigg and Scunthorpe. It is acknowledge that accessibility on foot is inhibited by the lack of footpaths and street lighting along routes leading to and from Brigg and Wrawby. The majority of trips to Brigg would be by car, but these would not be lengthy journeys and opportunity to reach the town by alternative means exists.

Impact on the Open Countryside

Policy STRAT 1 of the Local Plan requires development to have regard to the character, appearance of the surrounding area including visual encroachment into the countryside. The site already benefitted from a temporary permission for use as a traveller site and a subsequent use for a permanent traveller site and the impacts on the surrounding open countryside are clearly evident. The site has had an urbanising effect on the surrounding area due to the introduction of hardcore surface, caravans and 2m high close boarded fencing. Views of the fencing of the site itself from Kettleby Lane are limited due to levels of existing landscape screening and the railway embankment. It is noted that comments have been received that the landscaping condition was not accorded with. A landscaping condition will be attached this

permission and in the event of non-implementation enforcement action could be taken. The landscaping would also help with biodiversity enhancements.

Railway

The issue of potential for noise and contamination from railway is apparent, however public protection have stated that there is no history of complaint and accordingly there would be no grounds for objection.

Highway safety

The Highways Team have been consulted on the application and have no objections to the proposal. The proposal would not have an adverse impact on highway safety in accordance with policy STRAT 1 and RES 1 of the local plan.

Conclusion

The proposal has been considered against the Development Plan namely saved policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside, RES 17: Residential Mobile Home Parks and CORE 10: Open Space and Landscaping within Developments of the West Lindsey Local Plan First Review June 2006 (saved policies 2009) together with policy LP56: Gypsy and Traveller Allocations in the Central Lincolnshire Proposed Submission Local Plan (April 2016) including the advice given in the National Planning Policy Framework, the National Planning Practice Guidance, Planning policy for traveller sites and Designing Gypsy and Traveller Sites. The proposal would meet an identified need and the occupancy of the site would be restricted to members of the Gypsy/Traveller community by condition. The design and layout is acceptable. Any adverse impact upon visual amenity by virtue of its open countryside location is outweighed by the need for development.

Recommendation: Grant planning permission subject to the following planning conditions:

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

None

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

1. Within 3 months of the date of this decision, a scheme of landscaping including details of the size, species, position and density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following amended drawing: Field View Caravan Site, Kettleby Lane, Kettleby dated 12.11.2013 scale 1:500. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE 10 and NBE14 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:

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

4. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: 1 of Planning policy for traveller sites. The owners/operators of the site shall maintain an up to date register of the names of all occupiers of the pitches, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development of the site is being permitted as an exception to the Development Plan in order to meet the unmet needs of the Gypsy and Traveller community.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(Highlight requirements):

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

Prepared by: Rachel Woollass

Date: 20th February 2017

Signed: *Rachel Woollass*

Authorising Officer:



Date: 20th February 2017

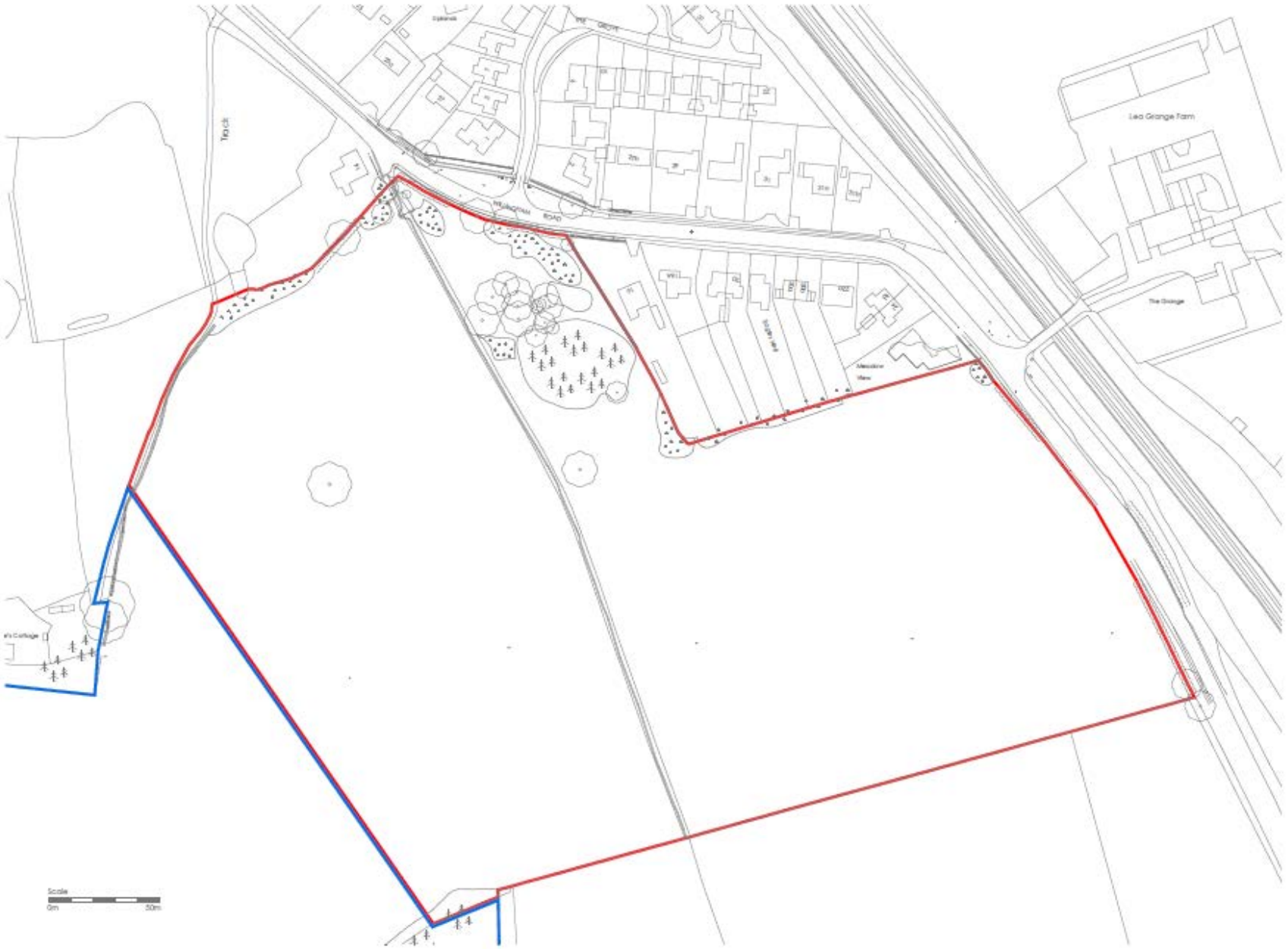
Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee

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Land off Willingham Road Lea Gainsborough - Site Location Plan

Officers Report

Planning Application No: 135491

PROPOSAL: Outline planning application for residential development of up to 68no. dwellings with access to be considered and not reserved for subsequent applications

LOCATION: Land at Willingham Road Lea Gainsborough

WARD: Lea

WARD MEMBER: Cllr Mrs J B Milne

APPLICANT NAME: Lea Lincs Properties Ltd

TARGET DECISION DATE: 20/02/2017 (Extension of time agreed until 10th March 2017)

DEVELOPMENT TYPE: Major – Dwellings

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse Permission

Description:

Planning permission is sought, in outline, for residential development of up to 68 dwellings. Access is to be considered as part of the application – matters of scale, layout, appearance and landscaping are all reserved for subsequent approval ('reserved matters').

The application as originally submitted had sought permission for up to 135 no. dwellings. The development description has been amended and the number of proposed dwellings reduced, during consideration of the application at the applicant's request.

The application site measures 8.93 hectares in area. It comprises agricultural land, in active use, to the south of the village of Lea.

Natural England's 1:250 000 scale Agricultural Land Classification Map (ALC005 – East Midlands region)¹ would indicate that the site and immediate surroundings fall within agricultural land classification 3 (Good to Moderate).

The site is on the southern side of Willingham Road. Adjoining the north-eastern corner of the site are eleven residential properties – 16 to 26 (Meadow View) Willingham Road. 14 Willingham Road adjoins the site at the point of entry from the Public Right of Way (Definitive Footpath (Lea) no.1053/1) off Willingham Road, which runs across the site in a broadly north to south direction.

¹ See <http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

The site is within an area identified as an Area of Great Landscape Value (AGLV) in the extant Development Plan.

The western part of the site (all land to the west of the public right of way) is designated as Historic Park and Gardens in the Development Plan. It is part of the wider parkland associated with Lea Hall a substantial county house dating from the 17th Century. Lea Hall was demolished in the 1970's.

An Indicative Masterplan (drawing 15-186-201B) has been submitted with the application. This shows vehicular access would be taken directly from Willingham Road, along the site's eastern boundary. This indicates that all of the proposed housing would be located in the eastern half of the site (to the east of the Public Right of Way (PRoW)), with open space on the western side of the PRoW.

The application site forms the eastern part of a larger 19.84ha site, for which an earlier outline application (reference 133236) for 450 no. dwellings (and including up to 300sqm of A1 (shops) and/or A2 (financial and professional services) use) was refused permission in March 2016. This decision is now the subject of an appeal to the Secretary of State, due to be heard at a Public Inquiry.

The site lies within a Mineral Safeguarding Area (MSA) for Sand and Gravel as identified within The Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (adopted in June 2016).

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

The application proposes 68 dwellings on a site of 8.93ha.

Applying the thresholds at Schedule 2, paragraph 10(b) (as amended), the development falls well below the 150 dwelling threshold but exceeds the 5ha site area threshold. Development is therefore "Schedule 2 development" within the regulations. The site is not within a 'sensitive area' (as defined within Regulation 2(1)).

In his screening direction dated 17 April 2015 (reference NPCU/EIASC/N2535/7531) the Secretary of State directed that a development of approximately 400 dwellings on the site is not 'EIA Development' within the regulations.

The indicative plan would suggest that the area required for urbanising development would be less than 5ha, and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

133236 - *Outline planning application for residential development of up to 450no. dwellings, including up to 300sqm of A1 and A2 use-access to be considered and not reserved for subsequent applications. Planning permission refused 10th March 2016 for the following reason:*

The development is proposed within an Area of Great Landscape Value (AGLV) and Historic Parkland, alongside a subsidiary rural settlement. Development at the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels in view of its limited facilities, being heavily dependent on private vehicles to access employment, retail and other basic facilities. It would adversely harm the sensitive landscape setting and character of this rural village. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT9, STRAT12, NBE8, NBE10 and NBE20.

This decision is now the subject of a current appeal (APP/N2535/W/16/3147441) to the Secretary of State, and is due to be heard at a Public Inquiry scheduled to open on 16th May 2017.

99/P/1016 - *Application under the provisions of Section 73 of the Town and Country Planning Act 1990 to extend the period for the submission of the reserved matters, re. Outline Planning Permission Ref. W57/753/91 to construct Golf Course, erect Hotel, elderly care unit, 43 dwellings and form new vehicular access points. Granted 7th April 2000.*

W57/753/91 - *Outline planning application to construct golf course, erect hotel, clubhouse, elderly care unit, 43 dwellings and form new vehicular access points. Granted 3rd April 1996.*

W57/658/90 - *Outline application to erect 64 dwellings, hotel, indoor bowls centre, elderly car unit, pavilion, golf clubhouse and formation of new vehicular access points. Refused 16th November 1990.*

W57/795/88 - *Change the use of agricultural land to golf course in accordance with amended details contained in a letter dated 5 October 1988. Granted 17th October 1988.*

The Council has also been in recent receipt of an application for major residential development on land off Gainsborough Road, Lea. **Planning application 133815** sought planning permission for ““Outline planning application for the erection of 135no. dwellings, a community hub comprising

of up to 200sqm shop use-Class A1, 300sqm restaurant-cafe-Class A3 and 300sqm community hall-[Class] D1, ancillary public open space, landscaping, drainage and access-all matters reserved”.

This application was the subject of an appeal to the Secretary of State (**Appeal APP/N2535/W/16/3149916**) against the Council's failure to determine the application within the prescribed period. However, in January 2017, notice was received that the appellant had withdrawn the appeal. It is therefore no longer under consideration.

Representations, in summary:

Lea Parish Council:

68 Dwellings:

Objection to the 135 home development to be applied to the amended application for 68 dwellings.

135 Dwellings:

The Parish previously objected to application number 133236 - 01/09/2015 and feel the same objection stands regarding this new application on the same site.

Objections, (in summary):

- (1) NPPF seeks to achieve sustainable development - The substantial housing development proposed is within an area of open countryside remote from employment opportunities and other necessary social facilities, of a scale unrelated to the achievement of a more natural and acceptable form of organic growth and in a location not well served by public transport infrastructure. Furthermore it is considered that if approved the development would prejudice the achievement of more appropriate, properly planned and sustainable development within the nearby urban area of Gainsborough.
- (2) The development proposed is clearly completely contrary to the spirit, terms and objectives of adopted West Lindsey Local Plan First Review policy STRAT7, wherein new housing development is limited to infill housing provided it meets a local need.
- (3) The proposed development can only prejudice and frustrate these objectives, for focussing growth on Gainsborough;
- (4) Lea is defined as a 'medium size village'. Any development needs to be sustainable, appropriate and realistic. Any regeneration of the village should not make Lea worse for future generations but be sympathetic and suitable. An application of 135 dwellings would not achieve these important issues and would impact significantly on the green sites and countryside which are valued in the community.
- (5) Traffic. The area as a whole could not cope with the increased volume of vehicles coming and going along Willingham Road and the impact that this will inevitably have on the junction between Gainsborough Road and Willingham Road.
- (6) Drainage. The village is currently served by two main sewage lines both of which are only 150mm (6 inch) in diameter. These lines are currently inadequate for the existing housing, with regular 'outflows' occurring causing damage to property and possessions. We fail to see how the sewage lines will cope with 135 extra homes discharging into

- them when they cannot currently cope with the waste from the existing ones.
- (7) **Schooling.** The current schools are at capacity and could not cope with a significant number of extra children moving to the area. The proposals do not allow for an extra school or expansion of the existing one.
 - (8) **Surface water clearance.** The village suffers flooding on a regular basis at all times of the year. The building of a development on this particular piece of land will only serve to send rainwater down hill to add to the existing problem at the bottom of Willingham Road.
 - (9) **Need.** The developers would have us believe that there is a need for this quantity of new homes in the area. The homes that are currently for sale in Lea are not selling quickly, in fact are remaining on the market for some considerable time.
 - (10) **Medical facilities.** Willingham Medical Practice is currently at capacity. If there were to be a further influx of people requiring registration at a medical practice then Willingham Medical Practice would not cope and would therefore be seen as a failing practice and be subject to closure.
 - (11) **Woodland and Wildlife.** There is a considerable amount of wildlife that inhabits the proposed site, ranging from snakes (including at least one Grass Snake) through several protected/threatened species of birds, badgers, bats, owls and deer. We feel it would not be desirable to 'evict' the wildlife that inhabits this area. The proposed site is also classified as Historic Parkland - an important feature in Lea and the surrounding area which should be preserved for future generations.
 - (12) **Access.** The proposed access to the site is on Willingham Road near a bend. We feel that this is inviting an increase in accidents due to vehicles pulling out onto an unsighted area and queues of traffic trying to get onto the site.

LCC Highways & Lead Flood Authority:

Recommend planning conditions to: improve the public highway by means of a ghost island right hand turn junction; that roads and footways leading to a house are installed prior to its occupation; to require a surface water drainage scheme based on sustainable urban drainage principles.

Public Rights of Way (LCC):

The Definitive Map and Statement shows Definitive Footpath (Lea) No. 1053 bisecting the site although this would appear amply catered for within the proposed development layout.

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

iv/ The provision of up to 135 new homes will place considerable demand on Footpath 1053 across the site. Planners are urged to secure the metalling of this from the southernmost turning-head to the Willingham Road.

v/ There is no call from this office to introduce lighting to the footpath although landscaping should ensure there is good natural surveillance of this.

Ramblers Association:

Re: Public Footpath FP1053 which runs across the site. It is quite likely that lots of people from the new dwellings (and others) would want to use the site. For this reason it would be good if the path width could be wider than the statutory minimum. This would allow for the invalid buggies and similar to pass pedestrians safely. A suitable path surface would also help. Also, the possibility of overhanging vegetation from future trees should also be considered.

LCC Minerals and Waste:

68 dwellings:

Has no further comments to make in respect to its location within a Mineral Safeguarding Area.

135 dwellings:

(13th January 2017): Have reviewed revised Mineral Resource Assessment (MRA). Whilst no new evidence is provided that development will not sterilise a mineral deposit, more explanation is given over deposits limitations. Now satisfied that prior extraction would be impracticable at this time.

First exemption in policy M11 should apply provided the development could not be reasonably sited elsewhere. The County Council will therefore only maintain its safeguarding objection if the District Council determine that the development could reasonably be sited elsewhere either within an area allocated for residential development and/or outside the mineral safeguarding area. If this is not the case, the objection should be considered withdrawn.

(9th January): Having reviewed Mineral Resource Assessment (MRA), maintain **objection**. MRA conclusion that sand and gravel on site cannot be considered to be a mineral resource, is at odds with LCC's own commissioned assessments. Don't agree site and setting would preclude mineral working. As the applicant has failed to demonstrate that the proposal would not sterilize a mineral resource – Policy M11 will only be met if one of its bullet points are met, the most relevant as follows: *“the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere.”*

The MRA says very little on potential use within the site – significant quantities of sand could be released.

The MRA is silent on the issue of being reasonably sited elsewhere.

(2nd December): The proposed development has been identified as being located within a Minerals Safeguarding Area (MSA) and is subject to Policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016. Applications for non-minerals development should be accompanied by a Minerals Assessment. At this stage the County Council **objects** to the application, pending evidence that the proposal would accord with Policy M11.

WLDC Housing Zone Manager:

I note the proposal seeks to provide policy compliant quantum of affordable housing. At the time of writing the policy position would be for 25% of the total number of dwellings to be delivered as affordable housing. This would equate to 17 units which the preference would be for them to be delivered on site and secured by means of an s106 agreement. The type and tenure of the housing to be agreed with the Council at reserved matters.

LCC Education:

135 Dwellings - This development would result in a direct impact on local Schools. In this case both the Primary and Secondary Schools that serve Lea are projected, notwithstanding the proposed development, to be full in the future. Seek a capital contribution, to be secured through a S106 obligation, to secure capacity for an additional 27 primary places and 5 school-based sixth form places. The funding could be held by the LPA or County Council and only spent by The County Council on:

- Primary - New classroom block at Benjamin Adlard Primary - sufficient children attend Lea Primary from Gainsborough, creating additional capacity in Gainsborough would thereby release these places for children from this development (£304,463)
- Secondary- N/A
- Sixth Form - One additional general teaching classroom at Queen Elizabeth Grammar School, Gainsborough (£92,138).

Environment Agency:

68 Dwellings:

Has no further comments.

135 dwellings:

Public water supply - Water is not freely available in the Anglian Water Resource Planning Zone. Your Authority will need to be sure that there are resources available to supply the extra demand incurred through the proposed development.

Water efficiency - Any new homes must continue to meet the mandatory national standard set out in the Building Regulations of 125 litres/person/day (l/p/d).

Potential abstraction licence - Activities such as dust suppression during construction, filling of any ponds/lakes and maintaining pond/lake levels may require an abstraction license.

Water quality issues - The increased amount of waste water and sewage effluent produced by the new development will need to be dealt with to ensure that there is no detriment to the quality of the watercourses receiving this extra volume of treated effluent.

Natural England:

68 dwellings – Has no comments.

135 dwellings – Has no comments.

Lincolnshire Wildlife Trust:

Ecological report makes recommendations for a number of further surveys. It is not clear whether these surveys have been completed - the application

should not be determined except for refusal until the results are available and a fully informed decision can be reached.

Support the indicative levels of open space and habitat enhancement.

Detailed landscaping plans should be guided by the results of the further ecological work.

Recommend consideration is given to the incorporation of features within the built environment to encourage biodiversity such as the provision of built in roosting units for bats or nest boxes for declining urban birds within appropriate buildings. Fences should also be raised or gaps provided at regular intervals to allow hedgehogs and other small mammals access to a range of gardens.

LCC Archaeology:

68 dwellings scheme: No further objections / comments.

135 dwellings scheme: These revised development proposals (previous application 133236) no longer include development of an area which had been identified as requiring archaeological mitigation. Given this, no further archaeological input is required into this scheme.

Lincolnshire Police:

68 dwellings: Whilst do not object, it is disappointing that the advice in respect of the use of 'parking courtyards' has not been considered.

135 dwellings: Notes outline only, but offers advice on parking provision plan does contain courtyard type parking areas that I would recommended are avoided), boundary treatments, access, landscaping, communal areas (public open space).

Lincolnshire Fire & Rescue:

68 dwellings – do not wish to make further comments.

135 Dwellings – Make no objection provided: Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations; Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations; Lincolnshire Fire and Rescue recommends that 2 fire hydrants be installed within this development at the developer's expense. One at the entrance to the site and another centrally within it.

Local Residents:

Amended 68 dwellings scheme

Objections from:

Green Lane, Lea – 16, 17;

Growgarth Lane, Lea – Potters Cottage

Kexby Lane, Kexby – 2 Klondyke Cottages

Lea Park, Lea – The Old Schoolhouse;

Station Road, Knaith – “The Byre”, Stephenson's Hill House;

Tom Barton Farms Ltd

The Grove, Lea – 12, 29;

Trehampton Drive, Lea – 4;

Willingham Road, Lea - 14, 16, 16A, 20, 22A (Chestnut House), Eagles Nest, Lea Grange Farm, The Lodge at Moorhouse Farm, Meadow View, The Old Office House.

Saundby Park, Retford – Bumblebee Hall

Comments, in summary:

- Previous objections still stand;
- Development does not accord with the prevailing development plan policies nor those emerging Local Plan policies and national policy (NPPF) that should be afforded weight as material considerations;
- Proposal is unsustainable and does not accord with the underpinning objectives of policies STRAT3 and STRAT12;
- Will conflict with WLLP policies STRAT1, STRAT12, RES1, RES2, NBE8 and NBE10;
- Application provides no details of housing types or mix, contrary to RES2;
- Will conflict with and undermine the Central Lincolnshire Local Plan, which already has a proposed allocation (CL3044) for 68 dwellings meeting Lea's growth requirements;
- Site CL3044 is more within village envelope, this site is on periphery;
- Lea has limited facilities and no shop;
- Lea has inadequate infrastructure (including sewerage and healthcare facilities);
- Development does not propose any infrastructure improvements;
- Development will be harmful to Area of Great Landscape Value (AGLV);
- Will harm historic parkland associated with former Lea Hall;
- Will enclose gap between Lea and Knaith Park;
- Landscape Visual Impact Assessment does not consider residential receptors, or users of public footpath;
- Gainsborough population declined in 2000s – without sufficient economic stimulus town demographics do not drive growth;
- Is this amendment a foothold to build further in the future? The applicant had proposed over 1000 houses > then 450 houses > then 135 houses > now 68 houses. They will try to build as many houses as possible in time;
- Application is only to get a foothold on development, so that they can pursue a larger scheme;
- Any historic permissions are no longer relevant;
- Should consider agricultural value of field for food production;
- Entrance to the plot remains on a blind bend, onto a busy road;
- Will require removal of hedgerow to achieve visibility splays;
- B1241 Willingham Road / A631 Gainsborough Road junction is already dangerous and this will exacerbate it;
- The land to be built on will still have potential for flooding issues;
- Repeat applications are to wear down Council and local community opposition;
- Developer is not local and does not have local interests or ties.

Original 135 dwellings scheme

Support from:

Causeway Lane, Lea – Woodlands.

In summary:

- This particular area is good for development as it has the lowest visual impact of the existing applications currently submitted;
- feel there is a need to encourage younger families into this village;
- Access onto the minor road would be preferable to connecting straight onto the main Lincoln road;
- there is no known flooding issues associated with this area;
- Government expects land to be made available, therefore we should embrace it and encourage the type of housing we would want to see developed, rather than fighting it all of the way.

Objections from.

Anderson Way, Lea – 10, 15, 32;

Churchill Way – 6;

Cromwell Avenue, Lea – 8, 24;

Gainsborough Road, Lea – 9, 19, 28, 37, 57, 77A, 107;

Green Lane, Lea – 16, 17;

Kexby Lane, Kexby – 2 Klondyke Cottages

Lea Park, Lea – The Old Schoolhouse;

Meadow Rise, Lea – 2, 5, 22;

Park Close – 3;

Priory Way, Lea – 10, 17, 19, 21;

Station Road, Knaith – 25, “The Byre” at Stephenson’s Hill House;

Tom Barton Farms Ltd;

The Crescent, Lea – 1, 6, 18, 26, 30;

The Grove, Lea – 29;

Trehampton Drive, Lea – 13, 21;

Willingham Road, Lea – 2A, 3B, 5, 10 (Church Croft), 13, 14, 16, 16A, 17, 20, 22, 22A (Chestnut House), 31B, Keepers Cottage, Lea Grange Farm,

Meadow View, Moorhouse Farm.

In summary:

- Previous reasons for refusal still stand;
- Decision should be refused or deferred to await outcome of outstanding appeal against refusal of 450 dwellings;
- Far exceeds growth for Lea in current West Lindsey Local Plan and proposed Central Lincolnshire Local Plan;
- Contrary to the application information, the village of Lea would increase in size by 29%, just in phase one of the project with the previously submitted planning application indicating the intention to increase 50% as soon as possible;
- The development does not accord with the prevailing development plan policies (STRAT1, STRAT12, RES1, RES2, NBE8, NBE10) nor those emerging Central Lincolnshire Local Plan policies and national policy contained within the NPPF that should be afforded weight as material considerations;

- Opposed to the use of green land when there are numerous brown land sites and derelict buildings which could be demolished in and around Gainsborough which could be used to build extra houses if they are needed;
- Preferable to meet Lea's need across smaller sites rather than one large site;
- The location is also very peripheral and not well related functionally or visually to the village centre;
- Lea does not have facilities such as a shop or medical centre. The primary school is at capacity;
- This latest application no longer makes provision for a small shop;
- It is purely an unsustainable parasitic residential development beyond the edge of the existing residential development with consequent demand on the existing community facilities and with the need to travel further afield to, for example, access convenience goods outlets;
- Conflicts with the underpinning objectives of policies STRAT3 and STRAT12, policy LP2 of the emerging Central Lincolnshire Local Plan 2016 and the NPPF;
- Application provides no details of housing types or mix, contrary to RES2;
- Over 97% of properties in Lea are detached homes with large front and rear gardens. The application indicates that the development will comprise semi-detached houses and flats with small gardens and little parking space. This is not in line with the area and so would have a negative impact on the look and feel of the village;
- The larger houses proposed are likely to be attractive to mainly professional people working in Lincoln and other cities and towns in an extensive catchment area – will not benefit Gainsborough;
- There is a lack of embedded sustainability given the absence of non-residential uses proposed. This is not a balanced mixed use proposal;
- Sewage system does not have capacity;
- The proposed access off Willingham Road will be unsafe for the users of the main road and will further exacerbate the present major problems at peak times for people bringing and collecting children using the junior school;
- Loss of privacy and existing view for properties on Willingham Road;
- Lea woods and Lea park is complimented by this agricultural land in question and is an integral part of what makes Lea the village special;
- Will develop the gap between Lea and Knaith Park;
- Development is in an Area of Great Landscape Value (AGLV) and Historic Parkland;
- Lea Park and the area around it is a much loved and widely used facility by the residents of Lea and Gainsborough. It is also an area of natural beauty and rich fauna and flora which need to be protected for current and future generations;
- Regularly walk footpaths - this is a tremendous facility to get into and enjoy the countryside and it would be a very sad day to see it taken up by this development;
- Landscape Visual Impact Assessment does not consider residential receptors, or users of public footpath;

- Will be a precursor to a larger development (submitted reports refer to 1450 dwellings).

Relevant Planning Policies:

Development Plan

West Lindsey Local Plan First Review 2006 (WLLP)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The West Lindsey Local Plan (First Review), adopted 2006, forms part of the Development Plan in order to determine the planning application. The following policies, saved by Government Direction, are considered most relevant to the application:

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>

STRAT7: Windfall and Infill Housing Development in Subsidiary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat7>

STRAT9: Phasing of housing development and release of land;

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

STRAT12: Development in the open countryside;

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

STRAT19: Infrastructure Requirements;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>

SUS1: Development proposals and transport choice;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

SUS4: Cycle and pedestrian routes in development proposals;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

RES1: Housing layout and design;

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

RES2: Range of housing provision in all schemes;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

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

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6: Affordable Housing;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

CORE10: Open space and landscaping within developments;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

CRT9: Public Rights of Way

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt9>

NBE8: Historic Parks and Gardens

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE10: Protection of Landscape Character in development proposals;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE14: Waste water disposal;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE20: Development on the edge of settlements.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

The Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies

The Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies was adopted in June 2016. (see <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>).

In accordance with the NPPF it identifies Minerals Safeguarding Areas “*in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked*” (NPPF paragraph 143)

The site is located in a Mineral Safeguarding Area (MSA) for Sand and Gravel – Policy M11: Safeguarding of Mineral Resources applies.

National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Emerging Policy

Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

Central Lincolnshire Local Plan

The WLLP is set to be replaced by the Central Lincolnshire Local Plan (CLLP – see <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>).

Following three rounds of public consultation, the CLLP was formally submitted to the Secretary of State for its examination on 29th June 2016. Public Hearings were held 1st November to 14th December 2016.

Following the Hearings, the Proposed Main Modifications² to the Plan arising from the Hearing sessions have been published and are currently subject to a six week period of consultation (running until the 6th March 2017).

At the time of writing, The Inspector has yet to release his Report, with this anticipated in March.

The following policies are considered to be of particular relevance to the application:

- **Policy LP1:** A presumption in favour of sustainable development
- **Policy LP2:** The Spatial Strategy and Settlement Hierarchy
- **Policy LP3:** Level and Distribution of Growth
- **Policy LP4:** Growth in villages
- **Policy LP11:** Affordable Housing
- **Policy LP12:** Infrastructure to Support Growth
- **Policy LP17:** Landscape, Townscape and Views
- **Policy LP26:** Design and amenity
- **Policy LP38:** Protecting Gainsborough's setting and character
- **Policy LP39:** Gainsborough Sustainable Urban Extensions
- **Policy LP41:** Regeneration of Gainsborough
- **Policy LP48:** Sustainable Urban Extensions - Allocations
- **Policy LP50:** Residential Allocations – Main Towns
- **Policy LP54:** Remaining Capacity on SUEs and Broad Locations for Future Growth

Lea Neighbourhood Plan

Lea Parish was designated as a Neighbourhood Area, for the purposes of producing a Neighbourhood Plan on 22nd November 2016, following an application by Lea Parish Council. However, at the time of writing, there is no published Plan in which to yet take into consideration. See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/lea-neighbourhood-plan/>

Main issues

Assessment:

(i) West Lindsey Local Plan – Principle of Development

Planning law³ requires that applications for planning permission must be determined in accordance with the development plan unless there are material considerations which would indicate otherwise.

² See <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-examination/>

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Lea is categorised as a subsidiary rural settlement (policy **STRAT3**) – the third of five categories.

Policy **STRAT7** considers windfall and infill housing development in subsidiary rural settlements. It provides that “within the existing built up area” infill housing development will be permitted provided that it meets certain criteria. It defines infill development being a “single dwelling in a small gap...” and windfall development, being up to a maximum of 2 or 3 dwellings.

In justification, the WLLP explains (paragraph A74) that:

“A74 Residential development in subsidiary rural settlements will only be permitted where the local facilities and services can support new residents. The existing services and facilities are highly unlikely to be able to support large-scale developments; in subsidiary rural settlements residents would need to travel to access them. This would not meet with sustainability goals, which aim to reduce the need to travel by the private car. Larger scale proposals could also cause a significant detrimental impact on the character of the settlement.”

The application proposes a development of up to 68 dwellings (originally 135 dwellings) on a site of 8.93ha, far in excess of the limited growth for the village otherwise permissible under STRAT7.

The site comprises undeveloped, or greenfield, land, currently used for agricultural purposes. It falls on the bottom rung of **policy STRAT9's** sequential approach which prioritises previously developed land.

The WLLP explains (paragraph A99 onwards) that:

“For the sake of clarity open countryside is defined as being the land that is not within the built footprint of the settlements listed in Policy STRAT 3... For the Subsidiary and Small Rural Settlements no settlement boundary is shown. The assessment of what is either within the settlement or within the open countryside is a subjective matter which needs to be considered on an individual case by case basis.”

The application site comprises just under 9ha of undeveloped agricultural land, with its boundary only adjoining no.14, and the collection of eleven dwellings (no16 to Meadow View) on the south side of Willingham Road. It is considered to be open countryside for the purposes of the Plan.

Accordingly **STRAT12** applies, which states that planning permission will not be granted “*unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.*”

The development of 68 dwellings does not meet the criteria of policy STRAT12.

It is considered that the principle of a development of up to 68 dwellings within this location, would directly conflict with the provisions of the West Lindsey Local Plan First Review, particularly policies STRAT7 and STRAT12 when taken together.

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

(ii) Principle of development – Central Lincolnshire Local Plan

The emerging Central Lincolnshire Local Plan, is a material consideration in the determination of this application.

The Submission Plan is at examination, having completed its Hearings at the end of 2016. Consultation is taking place on modifications to the Plan arising from the Hearing sessions. At the time of writing, the Inspector's Report has yet to be published. The application can therefore only be considered against the Submission CLLP and proposed modifications.

Paragraph 216 of the NPPF sets out the criteria for applying weight to policies of an emerging planning document. However, first it is to establish as to whether or not the development would comply with its provisions.

Lea is categorised as a “medium village” under **policy LP2**.

Policy LP2, as proposed for modification, states that:

*Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:*

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- *typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.*

*** throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance;*
and

- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

With up to 68 dwellings proposed, the application proposes more than two and a half times more development than that typically considered exceptionally acceptable (25 dwellings) under policy LP2 for any individual site.

As LP2 acknowledges, Lea does include an “allocated site” (policy LP50). Site CL3044 proposes an indicative number of 68 dwellings on a site of 3.04ha, to the north-west of the application site.

Policy LP4 sets a 10% growth policy for small and medium villages, unless stated otherwise. Lea is afforded an increased, alternative growth level of 15%, due to its proximity to Gainsborough.

The CLLP identifies that Lea has a base number of 473 dwellings. Taking into account other committed developments – 15% growth would account for an additional 67 dwellings for the village.

Paragraph 3.4.7, as modified, will read:

“...an allocation has been included in this Local Plan for Lea. The reason for this is that whilst Lea is a settlement in its own right, it is physically connected to the urban area of Gainsborough, and the same is the case for Morton. As such, Lea and Morton were considered for allocations to help meet Gainsborough’s growth needs. No sites have been allocated in Morton, but one site has been allocated in Lea (see policy LP50, site CL3044). This site in Lea counts towards the 15% level of growth for Lea set out in LP4.”

Site CL3044 is given a capacity for an indicative 68 dwellings (policy LP50). In other words, the CLLP envisages that the 15% growth for Lea can, and should, be met on the one allocated site.

This approach seeks to strike a balance between allowing a higher level of growth within Lea in order to benefit Gainsborough’s growth aspirations, whilst seeking to protect village character.

Site CL3044 was debated at the Examination Hearings. Whilst there were objections to the site, the Local Plan Inspectors have not given any indication that the site will be removed. The Post-Hearing proposed modifications to the CLLP, retain the allocation along with the express reference to the allocation within the wording of LP2 itself. Notably, the modifications do not replace site CL3044 with the application site.

Accordingly, as the emerging planning policy stands, any development of the application site would need to be considered as additional to the proposed allocation site, not as an alternative. This would equate to a total of 136 new dwellings with Lea – a cumulative village growth of 30% above the baseline of

473 dwellings. This amounts to double the level of growth which the CLLP is promoting across the Plan's lifetime.

Both policies LP2 and LP4 enable exceptions where clear community support is demonstrated. However, no statement of community involvement has been provided with this latest application. Representations made on this application would indicate that the development does not benefit from clear community support.

Policy LP2 would allow development of sites up to 25 dwellings in exceptional circumstances, where proposals can be justified by local circumstances. Not only is the development more than 2.5 times greater than LP2's "exceptional" allowance – but no exceptional local circumstances are demonstrated in any event.

In conclusion the principle of development is far in excess of the level of growth envisaged for Lea, and the proposed development is therefore contrary to the provisions of the emerging CLLP, primarily as set out within policies LP2 and LP4.

(iii) Minerals Safeguarding

The NPPF (paragraph 143) requires, when preparing Local Plans, local planning authorities should:

define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas

The Mineral Planning Authority is Lincolnshire County Council (LCC). The Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Plan Policies (LMWLPCS), was adopted in June 2016, and forms part of the statutory development plan.

The site is within a Sand and Gravel Minerals Safeguarding Area (MSA). Policy M11: Safeguarding of Mineral Resources, is applicable. Policy M11 requires that applications for non-minerals development be accompanied by a Minerals Assessment. It states that *"Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land"*. Where this is not the case, M11 sets out a number of exceptions where planning permission will be granted, which includes:

the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere;

M11 therefore has two limbs which must be satisfied in order for a development to be considered as an exception (1) extraction would be impractical *and* (2) that the development could not reasonably be sited elsewhere.

During the course of the application, the applicant has submitted a Minerals Resource Assessment (MRA) as is required by policy M11, and to address the objections raised by LCC.

The MRA states *“that the superficial deposit on the site is actually sand, not sand and gravel. Sand on its own (with no gravel) is not usually considered to be a mineral resource of economic importance unless it has particular characteristics that make it useful for specific markets.”*

In relation to strand (1) of policy M11, LCC advise that, whilst no new evidence has been provided that the development would not sterilize a mineral deposit, it gives more explanation over the limitations of the mineral deposit. They are therefore now satisfied that prior extraction would be impracticable at this time.

However, they consider that the District Council is best placed to judge whether “the development could not reasonably be sited elsewhere”. LCC state that they will maintain their safeguarding objection if the District Council considers this is not the case.

As considered above, the application proposes a “windfall” residential development far greater than that envisaged for Lea in both the extant and proposed Local Plans.

The CLLP advocates that housing need can be met elsewhere without requiring this site to come forward.

The MRA puts forward that *“the development could not reasonably be sited elsewhere (in Lea) without being located on the sand deposit because the entire village of Lea and its environs is in the middle of the fluvioglacial deposit.”*

No explanation is given as to why this development should only be located within Lea. The CLLP proposes 15% growth within Lea that can be met on one site elsewhere (CL3044), without requiring the application site to come forward.

Site CL3044 (3.04ha area) may also fall within the MSA – but this proposal should be considered in addition to site CL3044 - a further site of 8.93ha being developed out within the MSA for residential purposes.

The CLLP allocates 15% growth in Lea due to its proximity to Gainsborough. It may be noted that the majority of Gainsborough and its environs including land to the east, are not within a MSA.

It is concluded that development of this scale and nature can reasonably be sited elsewhere, outside of the MSA. Accordingly, development would conflict with policy M11 of the LMWLPCS.

(iv) National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies, and is a material consideration, which can typically be attached a significant amount of weight.

It states that (paragraph 12) *"This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making"* and that (paragraph 13) *"The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers... as a material consideration in determining applications"*.

At paragraph's 7 and 8, it sets out the three dimensions to sustainable development: economic, social and environmental, and that *"these roles should not be undertaken in isolation, because they are mutually dependent"*.

Paragraph 14 sets out what is meant by "the presumption in favour of sustainable development", as set out below:

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

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

As already addressed, the proposed development does not accord with the development plan – it does not therefore meet with the first point. The second bullet should only be engaged where the development plan is absent, silent or relevant policies are out-of-date.

As set out above, the Development Plan is neither absent nor silent. It therefore falls as to whether the relevant policies should be deemed to be "out-of-date".

The NPPF generally does not qualify when a policy should be considered as out of date.

Under paragraph 49, it does state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. However, as detailed below, the Council considers it is able to demonstrate a five year supply of deliverable housing land – paragraph 49 should not therefore be engaged.

It does make clear that *“the policies in the Local Plan... should not be considered out-of-date simply because they were adopted prior to the [NPPF’s] publication”* (paragraph 211)

At paragraph 215 it states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with [the NPPF] (the closer the policies in the plan to the policies in the [NPPF], the greater the weight that may be given).”*

It is not a binary test of ‘in’ or ‘out’ of date – it requires weight be applied according to the degree of consistency.

WLLP Policy ‘STRAT7: Windfall and Infill Housing Development in Subsidiary Rural Settlements’, in summary limits village growth to infill development within the built up area, which meets certain set out criteria. In justification, the Local Plan explains:

A74 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.

This is consistent with paragraph 55 of the NPPF which states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”*

In its justification of policy ‘STRAT12: Development in the Open Countryside’, the Local Plan explains:

A96 – The Council believes that the open countryside should be conserved for the sake of its beauty, its diversity of landscape, its wealth of natural and agricultural resources, its biodiversity value and maintaining its [sic.] enjoyment its character gives.

This appears to be somewhat consistent with one of the core principles of the NPPF (paragraph 17) 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 [emphasis added]

In implementing this, National Planning Practice Guidance⁴ advises:

*“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. **Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.**”* [emphasis added]

The Planning Practice Guidance is clear. In implementing the NPPF’s core principle, Local Plans should include strategic policies to conserve/enhance the wider countryside. Policy STRAT12 achieves this aim.

It could be put forward that the spatial application of the WLLP and STRAT12 are based on an out of date assessment of housing need, derived from the now defunct Regional Plan. However, the spatial strategy of the emerging CLLP is based on an up to date assessment of Objectively Assessed Need (OAN) for housing. The up to date CLLP considers Lea should only “accommodate a limited amount of development in order to support function / sustainability” (policy LP2), with a growth level of 15% (policy LP4). Importantly, the application site is still allocated as open countryside (in an Area of Great Landscape Value) – indicating therefore that the WLLP’s spatial application should not be rendered as ‘out-of-date’ in this regard.

Recent Case Law⁵ considers open countryside policies in the context of a withdrawn policy document:

“It is a regular feature of development plans to seek to encourage residential development in appropriate centres and to preserve the openness of the countryside, and policies HS22 and HS24 were adopted to promote those objectives. Those objectives remained relevant and appropriate when the policies were saved in 2007 and in general terms one would expect that they remain relevant and appropriate today. At any rate, that is something which needs to be considered by the planning inspector when the case is remitted, along with the question of the consistency of those policies with the range of policies in the NPPF under the exercise required by para. 215 of the NPPF. The fact that the explanatory text for policy HS24 refers to the Structure Plan does not detract from this. It is likely that the Structure Plan

⁴ Natural Environment - [Paragraph: 001 Reference ID: 8-001-20140306](#)

⁵ *Gladman Developments Ltd v. Daventry District Council* [2016] EWCA Civ 1146

itself was formulated to promote those underlying general objectives and the fact that it has now been superseded does not mean that those underlying objectives have suddenly ceased to exist. As the judge observed at [49], “some planning policies by their very nature continue and are not ‘time-limited’, as they are re-stated in each iteration of planning policy, at both national and local levels.” [emphasis added]

The underlying purpose of policies STRAT7 and STRAT12 remain consistent with the provisions of the NPPF, and future iterations of local policy (in the CLLP, as it stands).

Policies NBE10 and NBE20 consider landscape character, and development on the settlement edge. Both can be considered consistent with one of the core principles in the National Planning Policy Framework being that planning should “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”. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Paragraph 216 of the NPPF sets out that weight may be given to emerging policies, in summary, according to the stage of preparation of the plan, the extent to which there are unresolved objections; and the degree of consistency with the NPPF.

The emerging CLLP is at a very advanced stage. It was submitted to the Secretary of State for examination in June 2016, and Public Hearings were held November-December 2016. Proposed post-modifications, arising from the Hearing sessions are presently at consultation. The Inspector’s Report will then follow.

Policy LP2 - The Proposed Submission Consultation Report on Key Issues Raised⁶ indicates that policy **LP2: The Spatial Strategy and Settlement Hierarchy** did receive comments in objection – one being that *“Lea village has own identity and should not be associated with the built up area of Gainsborough”* and it was proposed that Lea be re-categorised as a small village. It confirms that comments were received both supporting and objecting to the position and / or amount of growth in Lea.

The LP2 Evidence Report⁷ summarises comments on Lea as follows:

Lea is classed as a small village yet it is stated that it is linked to Gainsborough.
Lea has no facilities and the only way to deliver meaningful amenities is through the development process.
Development in Lea will not result in its loss of separate identity.
Suggestion that the reason for classifying Lea in this way is to protect

⁶ Document LP03A - <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁷ Document PS.EVR2 - <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

preferred SUEs.

Following the Hearing sessions, the post-modifications propose LP2 is revised to clarify that there is an allocated site within Lea.

It is however considered that there are not significant unresolved objections in relation to Lea's allocation under LP2. LP2 can be considered to be consistent with NPPF paragraph 55, to "*promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*"

Policy LP4 - The Key Issues Report summarises the comments for Lea as follows:

the status of Lea needs to be clarified as it has a site allocated in LP50 and a growth level in LP4; growth level should take account of the high levels of sewage and surface water flooding; and should allow for a large scale development to boost the village;

The 15% growth target was not challenged at the Hearing Sessions. The applicant did not table an alternative level of growth for Lea. The post-modifications revise the CLLP to be clear that site CL3044 counts towards the level of growth.

It is considered that there are not significant unresolved objections in relation to LP4, regarding Lea. LP4 can be considered to be consistent with NPPF paragraph 55.

The Key Issues Report advises that nine representations were received for policy LP17: Landscape, Townscape & Views. Whilst they summarise that greater clarity was sought on the AGLVs (i.e. names of AGLVs) – it does not indicate there was any objection to its allocation around Gainsborough and at Lea. LP17 is consistent with paragraph 109 of the NPPF.

The Key Issues Report advises that seven representations were received in relation to LP26: Design and Amenity. This included the opinion that "*some of the measures, for example 'd' and 'e' in relation to physical coalescence and ribbon development respectively, are not design principles: suggestion that these criteria should be applied flexibly to ensure that sustainable development is not restricted, particularly in villages.*"

Following the Hearing sessions, it is not considered that there are any significant unresolved objections in regard to the policy. A core NPPF principle is to "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

Given the stage of preparation, the lack of any significant unresolved objections to the policies as they apply to Lea and to the Site, and the consistency between the CLLP policies and the NPPF, a considerable amount of weight can now be applied to its policies.

(v) Five year housing land supply

The NPPF (paragraph 49) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

The applicant contends that a five year supply cannot be demonstrated on the following grounds – the housing need assessment has not been scrutinised through examination; they have questions over the methodology applied (although not detailed); supply – they consider that delivery of many of the CLLP draft allocation sites are “widely optimistic”.

The latest five year assessment⁸ was published in September 2016 by the Central Lincolnshire Local Plan Team. The Assessment uses an annual requirement of 1,540 dwellings per annum – the figure proposed within the CLLP, and derived from the objectively assessed need (OAN) range identified within the Strategic Housing Market Assessment⁹ (SHMA, July 2015). The figure of 1,540 dwellings per annum (dpa) is above the demographic derived need of 1,432dpa, in order to support the baseline level of job growth identified in the Economic Needs Assessment.

Taking into account a backlog of previous under delivery (2012-16 = 2,425 dwellings; 2016/17 = 427 dwellings), and a 20% buffer, it determines an annual requirement for 2,418 dwellings.

The Assessment identifies a deliverable land supply of 12,712 dwellings. This includes sites already with permission (6,763), emerging allocations in the CLLP (5,201), and a windfall allowance in Lincoln city (300) and rural areas (448). This equates to a supply equivalent to 5.26 years.

Whilst the applicant considers the CLLP allocated sites have yet to be tested, the Examination Hearings into the CLLP have now concluded. Whilst the Inspector’s report is imminently awaited, no sites were clearly concluded to not be deliverable at the Hearing Sessions. The proposed modifications to the CLLP do not propose to remove any sites through a lack of evidence as to deliverability.

The Inspector did request at the examination, that the Committee demonstrates the five year housing land supply using different trajectories (flat or stepped) and methodologies (using the CLLP housing target of 39,960 dwellings). All of the scenarios applied within the Five Year Land Supply Examination Note still demonstrate a five year housing land supply¹⁰, with the majority indicating around a six year supply.

⁸ Document E007 available at <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁹ Document E003 available at <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

¹⁰ See document ED022 <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-examination/#ExaminationDocuments>

It is considered that a five year housing land supply can be demonstrated. Paragraph 49 is not therefore engaged – relevant policies for the supply of housing should not be considered as not being “up to date” in this regard.

(vi) Character, Landscape and Heritage

The application proposes the development of an 8.93ha area of agricultural land in the open countryside for up to 68 dwellings.

Natural England’s 1:250 000 scale Agricultural Land Classification Map (ALC005 – East Midlands region)¹¹ would indicate that the site and immediate surroundings fall within agricultural land classification grade 3 (Good to Moderate). It does not subdivide between grade 3A (good) and grade 3B (moderate), noting this is normally mapped by more detailed survey work.

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

Grade 3A is included within the NPPF’s definition of best and most versatile agricultural land (bmv land). Whilst the applicant advises the tenant farmer describes the soil as “low quality” – they have not provided any site specific survey work to clarify as to which grade on the Agricultural Land Classification that it falls. The development may therefore result in the potential loss of 8.93ha of bmv agricultural land.

Development would equate to a gross density of 7.6 dwellings per hectare – a considerably low density, which would suggest an inefficient use of land. Nevertheless, whilst layout is a reserved matter, the Indicative masterplan (drawing 15-186-201B) submitted with the application suggests that the residential development would be wholly placed in the field between Willingham Road and the Public Right of Way, in the eastern half of the site. The western half is indicated as public open space, with a surface water basin, and areas for “sown wild birdfeed mix” and “rough grassland”. In order to comply with WLLP policy RES5, there is a minimum requirement for 10% of the total site to be used for recreational land.

Saved policy NBE20 states that development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond. Where edge of settlement development is permitted it will require *“i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach.”*

¹¹ See <http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

CLLP Policy LP2, as amended, requires exceptional development to be within “appropriate locations”. To qualify as an ‘appropriate location’, the site, if developed, would:

- retain the core shape and form of the settlement;
- not significantly harm the settlement’s character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

Similar design requirements are set out within CLLP policy LP26, which includes amongst its criteria that development should:

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

d. Not result in the visual or physical coalescence with any neighbouring settlement;

e. Not result in ribbon development, nor extend existing linear features of the settlement, and instead retain, where appropriate, a tight village nucleus;

The proposed development would take place within a publically accessible countryside location to the south-east of the village. It would extend the village a further 200m along Willingham Road, closer to the separate settlement of Knaith Park (a small village under policy LP2). It would narrow the existing ‘gap’ between the villages from around 630m to around 430 metres.

The centre of the site would be over 800 metres from the village green within Lea, which could be defined as its ‘centre’.

The application site is at the furthest extent of the village – with very little integration or correlation with the built up area of the village. It is not considered that development of the site would “retain the core shape and form of the settlement” or retain a “tight village nucleus”.

Whilst the indicative layout suggests (layout and landscaping are reserved matters) that the residential development would take place behind a strengthened hedgerow boundary with Willingham Road, it would nonetheless be a continuation of an already outlying spur of development further along Willingham Road, along an existing linear feature towards Knaith Park.

Extending off an offshoot in a linear fashion further along Willingham Road, the development arguably does not “*respect and maintain the existing character and appearance of the boundary of the settlement footprint*” contrary to WLLP policy NBE20, and conflicts with emerging CLLP policies LP2 and LP26 in this regard also.

This area is designated as an Area of Great Landscape Value (AGLV) in the WLLP (policy NBE10) and CLLP (policy LP17).

Policy NBE10 states that “*High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to*

have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary... Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value.”

In addition, the AGLV designation is carried over into the CLLP – policy LP17 states that *“The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the... Areas of Great Landscape Value...”*

An updated (November 2016) Landscape and Visual Impact Assessment (LVIA) has been submitted with the application.

The LVIA considers:

Little value can be attributed to the site itself as agricultural land, as it is considered of moderate to low quality, with impeded drainage and holds no other qualities of value, such as being a rare landscape character type.

The footpath across the site is a valuable public amenity, particularly as it links to other important footpaths in the area, such as the historic Sheriff’s Walk.

The landscape value is fair, although the beneficial characteristics are the mature trees on site, and the boundary planting that forms parts of the larger landscape pattern described by the LCA. Therefore it is these elements that should be protected, managed, and enhanced.

It concludes the significance of effect on landscape receptors as follows:

Landscape receptor	Sensitivity of receptor	Magnitude of effects	Significance of effects	Positive/neutral /negative
Historic parkland	Medium-Low	Medium	Moderate	Neutral
Woodland groups	Medium	Negligible	Not significant	Positive
Individual trees	Medium	Negligible	Not significant	Neutral
Public amenity of footpaths	Medium	Medium	Moderate	Neutral
Arable farmland	Low	High	Moderate	Negative

Table 1 – Significance of effects on landscape receptors

The LVIA considers that *“All of the footpaths as public amenities will benefit from the improved management of the area, mitigating the negative effects of changing the scenic and perceptual qualities that contribute to their value.”*

In terms of visual impact, the LVIA considers the effect from six viewpoints, as summarised below:

Viewpoint	Potential visual receptors	Description of views	Sensitivity of visual receptors	Magnitude of effects	Significance of visual effects
1	People in vehicles on Willingham Road (B1241)	Short range, limited by hedgerow, transient	Medium-low	Low	Slight
1	Pedestrians on Willingham Road (B1241)	Short range, limited by hedgerow	Medium	Medium	Moderate
2	People in vehicles on Willingham Road (B1241)	Short range, transient, limited by avenue trees	Low	Low	Slight
2	Pedestrians on Willingham Road (B1241)	Short range, limited by avenue trees	Medium	Low	Slight
3	Users of Moorhouse Farm public footpath, Lea/1054/1	Short range, eye level, filtered by proposed trees	High-medium	Medium	Moderate
4	Users of footpaths in Sheriff's Walk and New Plantation	Medium range, eye level, filtered by woodland trees	High-medium	Medium	Moderate
5	Users of the playing field	Medium range, limited by planting, likely limited by activity	Low	Medium	Slight
6	People in vehicles on Willingham Road to the north	Short range, limited by hedgerow, transient	Medium-low	Low	Slight

Table 2: Significance of effects on visual receptors

Curiously absent is an assessment of the effect upon users of public footpath Lea/1053/1 which runs through the site itself. One would expect the sensitivity of the visual receptor to be high, the magnitude of effect to be high, and therefore the significance of visual effects to be substantial or even very substantial.

Residents have noted this omission and do advise that footpath Lea/1053/1 is well-used and valued as a ready gateway for villagers to access the open countryside. It is certainly the experience of the case officer, who has encountered residents on the footpath on every occasion, even in adverse weather.

Indeed, the Survey Results¹² for the forthcoming Lea Neighbourhood Plan, place “easy access to the countryside”, “rural atmosphere” and “woodland walks” highly as what residents enjoy about living in Lea Parish.

Land to the west of the public right of way, is designated as “Historic Park & Gardens” in the WLLP. It is a local designation (defined as a non-designated heritage asset in the NPPF). Policy NBE8 states that “*Development will not be permitted which would harm the character, appearance, setting or features of*” such.

It is part of the former grounds of Lea Hall (now demolished). Whilst the site is now used for agricultural purposes, vestigial elements of the former parkland, such as the woodland belts and parkland trees are still clearly discernible, particularly when making use of the footpath.

The Indicative Masterplan (drawing 15-186-201B) does however suggest that the development can be achieved without new buildings encroaching into the historic park designation. It indicates the land west of the footpath as public open space, likely to contain water features associated with the surface water drainage, wild planting, and a “native woodland mix” to the south is indicated. At present this area is in active agricultural use – it therefore offers the potential for a neutral, if not betterment in regard to the character, appearance, setting or features of the historic parkland. Landscaping is a reserved matter – it would be appropriate for any landscaping scheme to be informed by its historic context.

(vii) *Highways, Road Safety and Access*

WLLP policy STRAT1 requires development to be satisfactory with regard to:

ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;

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

The application seeks permission for site access now (it is not a reserved matter). A singular point for vehicular access is proposed – directly off Willingham Road (B1241) on the eastern boundary of the site. Pedestrian only access would be gained to the site along the existing Public Right of Way.

Residents have raised concerns with the proposed location of the site access close to a bend within the road, and the capacity of the Willingham Road/Gainsborough Road junction to safely accommodate further traffic.

¹² See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/lea-neighbourhood-plan/>

It should be recognised that highway safety did not form a reason for refusal of previous planning application 133236 (450 dwellings).

A revised Transport Assessment (TA) has been submitted with the application – albeit considering 135 dwellings, and not the (up to) 68 dwellings now proposed.

Appendix E (drawing 14553/001) details the proposed access onto Willingham Road. It shows the access will be a priority junction with 6.75m carriage width and junction radii of 10.5m. A visibility splay of 2.4m x 122.6m would be provided. It proposes road widening within Willingham Road in order to provide a “ghost island right turn lane”. This would prevent traffic turning right into the site from blocking the carriageway.

Whilst the concerns of residents are recognised, the access is essentially the same as was proposed for the 450 dwelling scheme. It did not previously form a reason for refusal and the Local Highways Authority has raised no objections, subject to planning conditions.

The TA anticipates the following vehicle trips will be generated for a 135 dwelling scheme:

Peak Hr	Trip Rates (per dwelling)		Trip Generation (135 dwellings)	
	In	In	In	In
AM (0800-0900)	0.151	0.420	20	57
PM (1700-1800)	0.384	0.240	52	32
Daily (0700-1900)	2.600	2.691	351	363

The TA concludes that the proposed access onto Willingham Road, and Gainsborough Road (A157) / Willingham Road (B1241) junction, will operate comfortably within capacity following development.

Some residents have cited safety concerns with the existing Willingham Road/Gainsborough Road junction. However, the TA details all reported Personal Injury Accidents (PIA) and no particular safety concern appears to emerge.

It is considered that development would accord with policy STRAT1(ii) and would not result in a severe residual cumulative effect on transport grounds.

(viii) Accessibility and Public Transport

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

- iii. The scope for providing access to public transport;*
- iv. The scope for reducing the length and number of car journeys;*

The NPPF (paragraph 29) states that:

The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Lea has very limited facilities of its own. It contains a Primary School and Parish Church. There is a small Village Hall. Lea Park contains some recreational facilities – tennis courts and cricket pitch.

The village does not contain any convenience store or other shop or A1/A2 use. It does not contain any A4 Public House or A3 restaurant/café. It does not contain any health clinic, dentist practice, pharmacy or other health facilities.

This application does not propose any on-site facilities, such as an A1 (shop). Walking distances to key facilities can be summarised here:

Nearest Facility	Walking Distance	Approximate walking time¹³
Health Facilities		
General Practitioners (GP) (Caskgate St Surgery, Gainsborough)	4,300 metres	51 mins
Pharmacy (Boots, Gainsborough Centre)	4,400 metres	53 mins
Dental Surgery (Gainsborough Dental Care, Spital Street, Gainsborough)	3,800 metres	45 mins
Educational Facilities		
Primary School (The Grove, Lea)	400 metres	5 mins
Secondary School (Queen Elizabeth High School, Gainsborough)	5,700 metres	1hr 8 mins
Retail Facilities		
Convenience Store (Bankside News, Lea Road, Gainsborough)	2,100 metres	25 mins
Supermarket (Aldi, Lea Road, Gainsborough)	2,800 metres	34 mins
Gainsborough Town Centre	4,400 metres	53 mins
Transport Facilities		
Bus Stop (Lea Green)	850 metres	10 mins
Railway Station (Lea Road Station, Gainsborough)	2,700 metres	32 mins

¹³ Based on average walking speed of 5km/h (3.1mph)

With the exception of the Primary School, most facilities are beyond reasonable walking distances.

Accordingly, Lea is very much subsidiary to Gainsborough and reliant upon access to Gainsborough for basic key facilities, hence its “subsidiary rural settlement” status under WLLP policy STRAT3. As paragraph A74 notes:

A74 Residential development in subsidiary rural settlements will only be permitted where the local facilities and services can support new residents. The existing services and facilities are highly unlikely to be able to support large-scale developments; in subsidiary rural settlements residents would need to travel to access them. This would not meet with sustainability goals, which aim to reduce the need to travel by the private car. Larger scale proposals could also cause a significant detrimental impact on the character of the settlement.

The nearest bus stop, at Lea Green on Gainsborough Road, is approximately 850m away (10min walk). An hourly service (Bus Service 100) commences at 0808hrs. To access facilities within Gainsborough will typically require a minimum two hour return journey, when making use of the bus.

The TA makes reference to the provision of two new bus stops “within the vicinity of Willingham Road / The Grove junction”, although full details are not provided, and are to be “agreed with LCC”. The Highways Authority advise this can be secured with a “Grampian” condition.

It is because of the limited facilities within Lea that only limited growth is promoted, through the existing local plan (STRAT7) and emerging plan (LP2, LP4).

The TA submitted with the application acknowledges this, with a modal split (arising from census data) being stacked heavily with reliance upon the use of the private vehicle.

Mode	Split (%)	AM Peak		PM Peak	
		In	Out	In	Out
Car Driver	85.5%	20	57	52	32
Car Passenger	6.0%	1	4	4	2
Pedestrians	3.6%	1	2	2	1
Public Transport	1.9%	1	1	1	1
Bicycle	1.6%	1	1	1	1
Other	1.4%	0	1	1	1
Total	100.0%	24	66	61	38

It is considered that Lea, a subsidiary rural settlement in the WLLP (policy STRAT3) and medium village in the emerging CLLP (policy LP2) is not a sustainable location for major growth, as is now being proposed.

(ix) Flood Risk / Drainage / Water Supply

A number of residents have cited concerns in this regard, stating that the site is prone to becoming saturated with water (to the west of the public footpath) and that existing drainage and sewerage capacity and facilities are inadequate.

The site is within flood zone 1 (low probability). It therefore accords with the WLLP (policy STRAT1 states to “avoid utilizing land subject to flood risk”) and the NPPF’s sequential approach (paragraph 100 onwards) to steer new development to areas with the lowest probability of flooding.

National Planning Practice Guidance¹⁴ requires that “*when considering major development... sustainable drainage systems should be provided unless demonstrated to be inappropriate.*”

A Flood Risk Assessment (FRA, November 2016) has been submitted with the application.

It acknowledges that there are marshy areas within the wider site and that the site does not appear to benefit from positive land drainage – one 100mm diameter land drain was found which appeared to be draining one area of particularly marshy ground to a ditch within the applicant’s landownership.

Soakaway testing revealed comparatively high ground water levels (further testing is recommended prior to a detailed drainage scheme to ascertain whether there are any localised areas where infiltration may be possible). It acknowledges there is a risk of ground water flooding, to be factored into a drainage scheme.

Whilst the application is in outline only – a schematic surface water drainage scheme is indicated (for the 135 dwelling scheme). It is proposed that the site is drained through a combination of permeable surfacing, adopted surface water sewers and underdrained swales. Surface water drains with swales will direct surface water to balancing pond(s) to the west of the public right of way. Here, surface water will be discharged at a controlled rate to the existing ditch to the south, via a new ditch/swale.

The Lead Local Flood Authority (LCC) have raised no objections in this regard, but do recommend a planning condition to secure final drainage details.

The Environment Agency has advised that, regarding public water supply, water is not freely available in the Anglian Water Resource Planning Zone, and that WLDC will need to be sure that there are resources available to supply the extra demand incurred through the proposed development.

¹⁴ Flood Risk and Coastal Change [Paragraph: 079 Reference ID: 7-079-20150415](#)

Anglian Water have been consulted (twice) as part of the application. At the time of writing they have raised no comments on the application. However, in responding to the previous application 133236 they did not raise any issues in regard to public water supply. Furthermore, the water company will have a general duty to allow the connection.

Many residents have cited concerns with the capability of existing sewerage infrastructure to accommodate the proposed development. As stated, at the time of writing, Anglian Water have not commented on the application.

However, in commenting on the application for 450 dwellings (133236) they did advise that the Upton Water Recycling Centre does not have capacity to treat flows from the site. They did however acknowledge that they are obliged to accept flows from development and would therefore take the necessary steps to ensure there is sufficient treatment capacity should permission be granted.

The developer has indicated that foul water could be routed to the 150mm diameter sewer to the north of the site within Willingham Road. If a connection to Willingham Road is feasible there will be a requirement to include an adopted foul pumping station, and associated rising main, within the development owing to the fall of the site to the south.

A planning condition, to secure a foul water drainage strategy, is considered to be both relevant and necessary.

(x) Local Infrastructure

WLLP saved policy STRAT1 requires development to be satisfactory in regard to:

ix. The availability and capacity of infrastructure and social/community facilities to adequately serve the development;

WLLP saved policy STRAT19 states:

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

The NPPF advises (paragraph 72 that *“The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.”*

The Local Education Authority (LCC) advises that *“This development would result in a direct impact on local Schools. In this case both the Primary and Secondary Schools that serve that serve Lea are projected, notwithstanding*

the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level.”

LCC advise that present projections show that, excluding the effect of the development in question, Lea Primary School will have no permanent surplus places and Gainsborough Sixth Form will have no surplus permanent places by 2019. They seek a capital contribution to enable an additional 27 primary school places and 5 school-based sixth form places (equating to £396,601.00). They advise the money will be spent on:

- Primary - New classroom block at Benjamin Adlard Primary - sufficient children attend Lea Primary from Gainsborough, creating additional capacity in Gainsborough would thereby release these places for children from this development (£304,463)
- Secondary- N/A
- Sixth Form - One additional general teaching classroom at Queen Elizabeth Grammar School, Gainsborough (£92,138).

The applicant has advised that they will make contributions in regard to education.

Whilst NHS England have been consulted on the application, they have not, at the time of writing, made any comments. At the time of the previous 450 dwelling application – they did cite concerns with the capacity at surgeries within Gainsborough, and sought a capital contribution to address this.

The applicant has displayed a willingness to make a capital contribution towards health infrastructure if one is required.

Any capital contributions will need to be secured through a S106 planning obligation.

(xi) Affordable Housing

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

The Strategic Housing Market Assessment (SHMA, 2015) demonstrates a need for 17,400 affordable homes in the period 2012-2036.

The accompanying planning statement advises that a “policy compliant” contribution of 25% affordable homes (up to 17 units) will be provided, and that LACE Housing Association “has indicated a strong commitment to deliver these properties within the next 12 months”).

The affordable housing contribution will need to be secured through a S106 planning obligation.

(xii) Ecology

'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'(NPPF paragraph 109).

Natural England make no comments on the application. They had previously advised (application 133236) that the larger development of 450 dwellings would not be likely to have an adverse effect on the Lea Marsh Site of Special Scientific Interest (SSSI).

A Phase 1 Habitat and Protected Species Assessment has been submitted with the application. The Phase 1 study dates from June 2015 - the authors consider the survey results contained to be accurate for two years. The report appears to have been partially updated (Rev2 – 18/11/2016).

It also covers a considerably much larger 65.12ha site, encompassing the application site, application 133236 (450 dwelling) site, and a significant area to the south.

The Phase 1 study concludes that the site supports a number of habitat types included on both National and Local Biodiversity Action Plans as being of broad habitat type or priority habitat type.

It advises that the habitats have the potential to support a number of protected and/or notable species and further species surveys are required for breeding and wintering birds; bats; badgers; great crested newts; reptiles and botanical interest.

Breeding and wintering birds – The Phase 1 Habitat Study concludes that the site contains suitable nesting bird habitat in the form of woodland, mature trees, hedgerows and bordering areas of scrub. In addition, arable fields provide suitable breeding habitat for some ground-nesting farmland birds, for example lapwing and skylark. Depending on the farming regime, it is possible that the large arable fields could support potentially significant numbers of overwintering species.

A Wintering Birds Survey (March 2015) has been submitted – it is the same report submitted with application 133236. The report considers that the survey results contained to be accurate for 2 years. The survey comprised 4 visits on the 25th February, 3rd March, 12th March and 19th March 2015. Thus, the report is at the end of its lifespan, for being relied upon as accurate.

The survey concludes that *"A total of 34 species were recorded during the surveys of which 17 are listed as Birds of Conservation Concern (BoCC) (8 Red and 9 Amber species). With the exception of Linnet, all notable species were recorded at relatively low levels and / or sporadically across the surveys; subsequently the site is considered to be of only local relevance to those*

species recorded. The site contains several public footpaths that has encouraged high level of disturbance on site from dog walkers which is not conducive to attracting large numbers of wintering birds; specifically waders and wildfowl. Further to this, the arable land and associated habitats (stubble / standing water) on site are not considered to be of a quality that would attract or support significant numbers of wintering birds. That said these habitats are not currently managed to encourage wintering birds. Overall, the most notable records are that of the consistent numbers of feeding Linnets, winter thrushes, Meadow Pipits and Skylarks.”

The report concludes that wintering birds will benefit from the area set aside on the western section of the application site for ecological enhancements. It recommends that an Ecological Management Plan will be necessary – this can be secured by a planning condition.

The Breeding Birds Survey (June 2015) similarly is approaching the end of its two year lifespan – its surveys were carried out in April and mid-June 2015. It notes that *“Activity was heavily concentrated to boundary features and woodland habitats with no evidence of breeding ground-nesting species within the application site.*

Several public footpaths located on site encourage high levels of disturbance from dog walkers which is not conducive to attracting ground nesting birds. Hedge and tree-dwelling bird species were dominant.”

In evaluation it states that *“From the 34 species recorded it is expected that 15 of these are probable breeders on site. Many of these species are common, widespread breeders and were expected to be present in the identified habitats. The most significant records from the surveys are that of song thrush, willow warbler, whitethroat, dunnock, starling, linnet and yellowhammer. No ground nesting birds were recognised as confirmed or probable breeders within the application site or study area. House sparrow were possible breeders within the application site. The proposals offer excellent scope to improve nesting opportunities for these species within the application site.*

The report makes a series of recommendations in terms of vegetation clearance and a 3m exclusion zone during construction (March to August), artificial nest provision and native planting. These should be secured by planning condition.

Bats – The Phase 1 Habitat Survey recognises that the site possess a range of features, notably woodland and hedgerow, that have the potential to act as important flight paths and foraging resources for local bat populations. It also identifies several mature trees have high potential to support roosting bats and recommends further survey work.

Further bat surveys (September 2015) confirm that trees T2 (Mature Oak – brown long-eared bats) and T3 (Mature Oak – Common Pipistrelle, Soprano Pipistrelle) were used by bats for roosting. Both trees are covered by the Tree Preservation Order (TPO trees T3 and T4 respectively).

The report recommends four trees to remain in situ (T1, T2, T3 and T4), and trees T2 and T3 cannot be cut back or pruned without ecologist supervision.

T2 and T3 should be permanently fenced off. During construction, a 3m buffer should be established. There should be no direct light or light spillage onto trees T2 and T3. Substantial bat boxes should be erected on mature trees in vicinity. Native hedgerows to encourage foraging bats should be considered. Measures to protect the existing trees containing bat roosts, and to ensure biodiversity enhancement should be secured through planning conditions. Whilst the Lincolnshire Wildlife Trust (LWT) previously supported the report recommendations, they point out the need to have foraging/commuting corridors from the roosts.

As the layout is indicative only, it is expected that this could be accommodated within the final layout.

Badgers - The Badgers Survey (April 2015) also has a two year lifespan – its surveys were carried out on 31st March and 8th April 2015.

It finds no evidence of badger activity. It recommends that “An ecological ‘toolbox talk’ should be provided to all site personnel by a suitably qualified ecologist prior to development works commencing.”

Great Crested Newts (GCN) – The Great Crested Newt Survey (June 2015) has a two year ‘lifespan’ – surveys were undertaken April-June 2015. It advises that a small population of GCNs were recorded in one pond within 100m of the proposed site boundary to the south east. It concludes the potential impacts upon individual GCN are considered to be negligible (no impact) given the small population and the distance GCNs would have to commute along suboptimal habitat to reach the area proposed for clearance. 0.032 ha (320m²) of suboptimal GCN habitat, in the form of a species poor defunct hedgerow along the eastern boundary is to be temporarily lost. Within this same eastern boundary an estimated 0.01 ha (100m²) of sub-optimal GCN habitat will be permanently lost to provide an access (road) to the application site from the eastern boundary. New beneficial habitats in the areas designated as SUDS/Swale, Water balancing areas, and soft landscaping, will provide long term beneficial impacts and enhanced habitat (in terms of quality and area) as compensation. Recommendations are made for site clearance for the access point and eastern boundary hedgerow; creation of swales and balancing ponds; soft landscaping along southern and eastern boundaries and protection during construction.

Reptiles – The Reptiles Survey (June 2015) encountered a single grass snake on the southern boundary but no other reptiles, and concludes reptiles are scarce. It states that the area considered for development consists principally of arable land where reptiles will not be impacted upon, although there are patches of suitable habitat on the site - if the proposed development impinges into woodland fringes and field margins on the site then a ‘destructive search’ by a suitably qualified ecologist is required before any engineering work can proceed.

It recommends measures which “could simply involve retention of unmanaged grassland and the creation of hibernacula’s at the borders around the site boundary and also establishing other green corridors consisting of rank grassland to the islands retained within the sites development.”

Botanical interest – The Phase 1 Habitat Survey acknowledges that “Owing to the range of features on site (notably the wet woodland, southern wet ditch and some field margins) there is potential for the site to possess botanical species of interest and / or substantial diversity”.

A subsequent Botanical Survey (July 2015) has been submitted. It records Nine Distinct Habitat types across the study site (application site and land to the west and south), all of which are considered widespread across the British Isles. No species / assemblages were found onsite which are listed within the Lincolnshire Biodiversity Action Plan (LBAP) or Local Wildlife Site selection criteria. The application site itself “has been classified as being of low importance for the local population.” The land to the south is identified as having a higher value.

It recommends “Where amenity grassland has been proposed within the plans, the integration of a range of other grassland would be encouraged to enhance diversity e.g. wildflower grassland or tall grassland. Connectivity with a mixture of sward height will greatly enhance the local diversity on site.”

It should be noted that the Ecology evidence submitted is that submitted with earlier application 133236. As all of the Biodiversity and Ecology Reports will have surpassed their two year lifespan prior to any development taking place, it would be necessary and relevant to require new surveys to be undertaken via a planning condition.

(xiii) *Archaeology*

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

A desk based assessment, dated April 2015, was submitted with the application. It is the report submitted with application 133236. It concludes that the archaeological potential for the site is considered to be moderate, with the greatest potential being for prehistoric and Roman activity.

On site investigations previously took place, as recorded in the submitted Archaeological Investigation Report (January 2016). The investigation found a ‘small assemblage of locally produced roman pottery’ in trenches towards the western part of the site (trenches 3 & 4). It concludes “The generally low density of finds recovered from the features suggests they are more likely to be boundary features for fields or stock enclosures, rather than a focus of settlement or industrial activity.” Small quantities of medieval material (tile fragments) was also recorded (trenches 5 & 8 towards the centre of the site).

As the areas of interest are outside of the current application site, the County Archaeology Team advises that no further archaeological input will be necessary.

Other matters

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material.

The provision of additional homes will attract increased Council tax precepts and the New Homes Bonus.

Planning Practice Guidance¹⁵ advises that

“Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.”

It is considered that, as the local finance considerations are not necessary to, or shown to help, make the development acceptable in planning terms, they are not material to this decision and should be afforded little, if any weight.

Overall Planning Balance and Conclusions

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

The proposed development would run contrary to the provisions of the West Lindsey Local Plan (First Review). Development is far in excess of the level of growth permitted under policy STRAT7, for subsidiary rural settlements such as Lea. It would take place on undeveloped land in the open countryside. It would fall on the bottom rung of STRAT9’s sequential prioritizing of previously developed land. It does not meet with any of the countryside compatible uses supported by policy STRAT12.

Development would take place in a Sand and Gravel Mineral Safeguarding Area (MSA). It is considered that the development could be reasonably sited elsewhere – it therefore runs contrary to policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and development Management Policies).

The West Lindsey Local Plan is set to be replaced by the Central Lincolnshire Local Plan (CLLP). The emerging CLLP is a material consideration, and is at a very advanced stage, with Hearing sessions having completed in December 2016.

The CLLP proposes only limited growth for medium villages such as Lea (policy LP2). It allows, within appropriate locations, for sites up to 9 dwellings,

¹⁵ Determining a Planning Application - [Paragraph: 011 Reference ID: 21b-011-20140612](#)

or in exceptional circumstances, up to 25 dwellings. The site, at 68 dwellings, is far in excess of that envisaged by policy LP2. The application site is not considered to meet the definition of an 'appropriate location' or qualify under any exceptional circumstances.

Policy LP4 of the CLLP promotes a 15% growth target for Lea, above the standard 10% due to its proximity to Gainsborough. The CLLP advocates this growth can be met at site CL3044. Unless site CL3044 was removed, and no compelling reasons have been given for such at the Examination in Public or by the applicant, then the development subject of this application should be considered in addition to CL3044 – cumulatively a 30% growth to the village of Lea, twice that being promoted for this medium village.

Lea is not a sustainable location for significant growth – it has very little facilities of its own, and most basic features (convenience shopping, employment centres, health & dental facilities) are far beyond reasonable walking distances.

The application site is at the furthest extent of the village – with very little integration or correlation with the built up area of the village. It is not considered that development of the site would “retain the core shape and form of the settlement” or retain a “tight village nucleus”. It would be a continuation of an already outlying spur of development further along Willingham Road, along an existing linear feature towards Knaith Park.

In this regard, development will conflict with saved WLLP policy NBE20, and emerging CLLP policies LP2 and LP26.

The NPPF requires that applications for residential development be considered against the presumption in favour of sustainable development.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

The proposed development does not accord with the first bulletpoint. It is contrary to the provisions of the development plan.

The development plan is neither silent or absent. The second bulletpoint should only be engaged if the development plan policies are deemed to be out of date.

For the reasons set out above, it is considered that the relevant policies in the development plan are largely consistent with the NPPF, and the Council can demonstrate a deliverable five year supply of housing land. The relevant policies are therefore not 'out of date' and a standard balancing exercise therefore applies. Applying NPPF paragraph 216, a significant amount of weight can be applied to conflict with the WLLP policies.

The key, if not only, benefits of the development would be the delivery of up to 68 houses, of which 25% (up to 17) would be affordable houses. There is a demonstrated need for housing, and affordable housing within the district.

The CLLP is at an advanced stage of preparation, there are not significant unresolved objections to its policies in relation to Lea, and the policies are deemed consistent with the NPPF. Applying the NPPF paragraph 216 test, a considerable amount of weight can be attributed to these policies. The CLLP advocates a spatial approach towards meeting housing need, without requiring the need for significant growth within Lea, an otherwise unsustainable location.

Development would result in a significant major development taking place on the very edge of a subsidiary rural settlement with very limited facilities. Key facilities are beyond reasonable walking distances resulting in a heavy reliance upon private motor vehicles.

It is considered that there are significant and demonstrable adverse impacts that would outweigh any benefits of development.

Recommendation

That planning permission is refused on the following grounds:

1. The development is proposed within an Area of Great Landscape Value (AGLV), alongside a subsidiary rural settlement. Development at the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels in view of its limited facilities, being heavily dependent on private vehicles to access employment, retail and other basic facilities. The application site is at the furthest extent of the village - It would not retain a tight village nucleus, and would instead extend existing linear features away from the village, with adverse harm to the setting and character of this rural village. Development would conflict with and undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the policies of the West Lindsey Local Plan First

Review (2006), most particularly policies STRAT9, STRAT12, NBE8, NBE10 and NBE20. Development would also be contrary to the provisions of the draft Central Lincolnshire Local Plan, particularly policies LP2, LP4, LP17 and LP26.

2. The application proposes a non-mineral development within a Mineral Safeguarding Area for Sand and Gravel. The development would sterilise mineral resources within the Mineral Safeguarding Area, and it has not been demonstrated that the development could not be reasonably sited elsewhere. Development does not therefore comply with policy M11 of the Lincolnshire Minerals and Waste Plan: Core Strategy and Development Management Policies.

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 engage the applicant's and will not adversely affect any objector's right to respect for his private and family life, and his home. Neither is there any disproportionate interference with the Applicant's rights under Article 1 Protocol 1 which is expressly subject to the right of the state to control the use of property in line with the general public interest.

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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Planning Committee

8 March 2017

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

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

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial : 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

Appendix A - Summary

- i) Appeal by A & T Coles against the decision of West Lindsey District Council to refuse planning permission for demolition of existing buildings and erection of 5 dwellings at Walk Farm, Green Lane, Cherry Willingham.

Appeal Allowed - See copy letter attached as Appendix Bi.

Officer Recommendation – Grant permission

Committee Decision – Refuse permission

- ii) Appeal by Mr M Barrett against the decision of West Lindsey District Council to refuse planning permission for change of use of agricultural building to form a single dwelling at Agricultural Building, Highfield Farm, East Torrington, Market Rasen.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Prior approval required.

Appeal Decision

Site visit made on 24 January 2017

by **L Fleming BSc (Hons) MRTPI**

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

Decision date: 03 February 2017

Appeal Ref: APP/N2535/W/16/3156035

Walk Farm, Green Lane, Cherry Willingham, Lincoln LN3 4AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by A & T Coles against the decision of West Lindsey District Council.
 - The application Ref 133559, dated 22 September 2015, was refused by notice dated 11 February 2016.
 - The development proposed is demolition of existing buildings and erection of 5 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 5 dwellings at Walk Farm, Green Lane, Cherry Willingham, Lincoln LN3 4AW in accordance with the terms of the application Ref 133559, dated 22 September 2015, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area including its impact on the setting of Lincoln Cathedral;
 - The effect of the proposed development on highway safety;
 - whether the proposed development would amount to sustainable development having regard to the development plan and national policies.

Preliminary Matters

3. The Council states that it is able to demonstrate a 5.26 year supply of deliverable housing land in accordance with paragraph 47 of the National Planning Policy Framework as evidenced by the Central Lincolnshire Five Year Land Supply Report published in September 2016. However, this assessment relies on sites which would be allocated in the emerging local plan, without such the Council would be somewhat short of the five year land supply requirement.
4. That said, in accordance with paragraph 216 of the Framework weight may be given to emerging policies subject to the extent of unresolved objections. There is no evidence before me which allows me to make this judgement and as these allocations have not yet been fully examined I have attached little weight to them. I have therefore determined this appeal on the basis that the

Council is currently unable to demonstrate a five year supply of deliverable housing land.

Character and appearance

5. The appeal site is a triangular parcel of land located on the west side of Green Lane. The site currently accommodates a group of agricultural buildings and has hedging along its eastern boundary and part of its western boundary. To the south is a row of three detached dwellings, before the lane meets a railway line.
6. The dwellings nearby are of varying sizes and character, set in reasonably sized plots with space between them and set back from the road behind a grass verge, hedging and trees which gives the area a relatively verdant, rural and spacious character and appearance.
7. The proposed development would involve the replacement of the farm buildings with five detached dwellings set in reasonably sized plots. The existing hedging would be retained, additional landscaping provided and new traditional boundary treatments would be installed. The proposed dwellings would be arranged in a courtyard, with space between the buildings and roughly in line with the row of dwellings to the south. Thus, I find the proposed development would accord with the pattern of development in the area and the retained and proposed landscaping would ensure it blended into its verdant and rural setting.
8. Whilst Lincoln Cathedral is visible to the west, it is some distance away with views interrupted by trees, hedging and buildings in the landscape. Even though the proposed development would be just about visible from Lincoln Cathedral it would not be more noticeable than the existing farm buildings and would be viewed alongside the existing buildings on Green Lane and with the wider built up part of Cherry Willingham in the background. Thus, I find the proposed development would have a negligible impact on the setting of Lincoln Cathedral and the landscape.
9. Thus the proposal would not harm the setting of the Lincoln Cathedral or the character and appearance of the area. It would therefore accord with the aims of saved Policies STRAT 1, STRAT 8, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review (2006) (LP) which taken together, seek to ensure new development does not harm the landscape character of an area and the overall character and appearance of an area.

Highway Safety

10. Green Lane is a relatively narrow single carriage lane. Even though it is unlit and has no public footpath, the appeal site is only a short distance from High Street and the centre of the village which has pavements and street lighting.
11. Furthermore, given this section of Green Lane currently only serves a small number of dwellings, paddocks and agricultural land it is unlikely to experience significant volumes of traffic. Thus, whilst I acknowledge that the lane is well used by walkers, the increase in traffic generated by five additional dwellings would not be significant enough to result in any increased risk to highway safety in the area as a result of vehicle collisions with pedestrians.

-
12. The proposed development would therefore accord with saved Policy STRAT 1 of the LP which seeks to ensure new development does not create or aggravate highway problems.

Sustainable development

13. The appeal site is outside of the defined built footprint of Cherry Willingham and therefore within the countryside. Saved Policy STRAT 12 of the LP is broadly restrictive of new housing development in the countryside. However, as the Council is currently unable to demonstrate a five year supply of deliverable housing land in accordance with paragraphs 47 and 49 of the Framework insofar as saved Policy STRAT 12 of the LP seeks to restrict new dwellings it is out of date.
14. Thus, the proposal should be considered in accordance with the presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
15. Paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided unless there are special circumstances. As the site adjoins a row of three dwellings and is close to the main built up part of the village, the proposed dwellings would not be isolated.
16. Cherry Willingham benefits from a good range of local facilities including a primary school, secondary school, shops, and a doctors/health care service. There is also a relatively frequent bus service which connects the village to Lincoln where a range of employment opportunities are accessible. Thus, many day to day needs could be met within the village or could be accessed close by using public transport, such that the occupants of the proposed dwellings would not be entirely dependent on the use of a private car.
17. The proposal would provide five new homes contributing to the supply of housing in the District and the village. There would also be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction. As such the proposal would help to maintain the vitality of the rural community.
18. Thus, overall I find the adverse impacts of the scheme including the conflict with saved Policy STRAT 12 do not demonstrably outweigh the benefits of the scheme. Thus, when assessed against the policies in the Framework taken as a whole, I conclude that the proposal does amount to sustainable development having had regard to the development plan and national policies.

Other Matters

19. I have considered the impact of the proposed development on the enjoyment of walking routes nearby. However, as I found no harm to the character and appearance of the area and the proposed dwellings would be close to other dwellings the proposal would have no harmful impact on walking routes in the area.

Conditions

20. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance (PPG). I have also combined some of the conditions suggested to ensure each individual condition is able to meet the PPG tests.
21. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions which require materials and landscaping to be agreed and the existing landscaping to be protected all in the interests of safeguarding the character and appearance of the area. However, I have amended the suggested conditions relating to materials to allow preparatory works to proceed before such matters are agreed to ensure efficient construction.
22. Furthermore, a condition is also necessary to ensure an appropriate access and turning space is put in place and retained thereafter in the interests of highway safety. For the same reason conditions are also needed to ensure visibility associated with the railway line is retained and vehicle passing bays are installed on Green Lane following agreement of such works with the Highway Authority.
23. In the interests of safeguarding biodiversity, conditions are necessary to ensure wildlife habitats are appropriately protected and managed and ecological implications appropriately assessed and mitigated.
24. A condition is also necessary to ensure proper site drainage and sewage management. However, I have amended the suggested condition to allow preparatory work to take place before such matters are agreed in the interests of efficient construction.
25. Conditions are also necessary to ensure any asbestos or other site contamination is appropriately dealt with, to ensure the safety of the future occupants and nearby residents. However, there is no substantive evidence before me which demonstrates exceptional circumstances exist to justify the removal of permitted development rights. Thus, I have not imposed a condition to this effect.

Conclusion

26. For the reasons given, on balance, I conclude that the proposed development would accord with the aims of the development plan and national policies. Therefore, having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Overview Drawing No 000/0061, Block and Location Plan Drawing No 002/0061, Existing Site Plan Drawing No 003/0061, Proposed Sketch Plan drawing No 005/0061, Proposed Plan Units 1, 5 Drawing No 010/0061, Proposed Elevations Units 1, 5 Drawing No 011/0061, Proposed Plan Units 2 Drawing No 012/0061, Proposed Elevation Unit 2 Drawing No 013/0061, Proposed Plan Unit 3 Drawing No 014/0061, Proposed Elevation Unit 3 Drawing No 015/0061, Proposed Plan Unit 4 Drawing No 016/0061, Proposed Elevation Unit 4 Drawing No 017/0061, Proposed Garage Plans and Elevations Unit 4-5 Drawing No 018/0061, Proposed Site Plan Drawing No 020/0061, Boundary Treatment Drawing No 021/0061 all dated August 2015.
- 3) No development shall take place until a landscaping scheme including details of the height and materials used for the boundary treatments and the surface material of the parking spaces and estate road have been submitted to and approved in writing by the local planning authority. All planting and introduction of trees shall be carried out in the first planting and seeding season following the implementation of the use, whichever is the sooner; and any hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The development shall be carried out in accordance with the approved details which should be retained thereafter.
- 4) No development shall take place until an asbestos survey (including required remedial works) has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development or demolition shall take place during the bird breeding season (1st March to 31st August) in any year until, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledge. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any demolition works commence.
- 6) No construction works above ground level shall take place until a sample panel of brickwork and bond, sample of the timber cladding and sample of a roof tile used in the development has been made available on site and agreed in writing by the local planning authority. The sample panel of brickwork and bond shall be constructed with lime mortar mixed with a washed sharp sand brushed back at first set. The development shall be carried out in accordance with the approved details.
- 7) No construction works above ground level shall take place until details of all other external materials listed below have been submitted and agreed in writing by the local planning authority.
 - rainwater goods and downpipes including the colour

- all windows, domestic doors and garage doors including section drawings, depth of reveal and colour finish
- rooflight details including section drawings and colour finish

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

- 8) No construction works above ground level shall take place until details of a scheme for the disposal of foul/surface water (including soakaway/percolation tests) from the site and a plan identifying their position has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 9) Prior to the first occupation of the dwellings hereby approved a Section 278 Agreement under the Highways Act 1980 shall be entered into with the local highway authority (Lincolnshire County Council) to provide passing places along Green Lane along with all other ancillary works and a scheme shall be submitted to and agreed in writing by the local planning authority for the construction of 3 number passing places along Green Lane along with the arrangements for the disposal of surface water run-off. The development shall be carried out in accordance with the approved details which shall be fully implemented before any of the dwellings hereby approved are occupied.
- 10) No development shall take place until details including positions of three bat boxes, three swallow nest boxes and a single barn owl box has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 11) Prior to first occupation of the dwellings hereby approved the access and turning space shall be fully completed in accordance with the approved plan Proposed Site Plan Drawing No 020/0061 and retained for that use thereafter.
- 12) If during the course of construction, 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.
- 13) No site clearance including the removal of existing materials and storage of building material on site shall take place without the supervision of a suitably qualified ecologist. Completion of the supervision shall be confirmed in writing to the local planning authority by the qualified ecologist and works shall immediately cease if protected species are found and will not commence until methods of mitigation have been approved by the local planning authority and the development should be carried out in accordance with the approved methods of mitigation.
- 14) During and after construction no part of the development shall cause the level crossing site lines road traffic signs and markings or the crossing itself to be obstructed. This includes the parking of caravans, machines and equipment together with the erection of signs, fences and the planting

of trees and hedges. All roads paths or ways providing access to any part of the railway undertakers land shall be kept open at all times.

END OF SCHEDULE

Appeal Decision

Site visit made on 24 January 2017

by **L Fleming BSc (Hons) MRTPI**

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

Decision date: 20 February 2017

Appeal Ref: APP/N2535/W/16/3160230

Agricultural Building, Highfield Farm, East Torrington, Market Rasen, Lincolnshire LN8 5SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015..
 - The appeal is made by Mr M Barrett against the decision of West Lindsey District Council.
 - The application Ref 134321, dated 14 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is change of use of agricultural building to form a single dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits a change of use of a building and any land within its curtilage from a use as an agricultural building to a residential use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) and the building operations reasonably necessary to convert the building to that use.
3. The Council considers that the proposal is not permitted development because the works would require building operations beyond those which fall within the category specified in Q.1 (i) of the GPDO. The main issue is therefore whether the proposal meets the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Reasons

4. Q.1(i) of the GPDO indicates that development is not permitted if the development under Class Q (b) of the GPDO would consist of building operations other than the installation or replacement of (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling.

5. Furthermore, the Planning Practice Guidance provides advice¹ on the interpretation of Class Q (i) of the GPDO and advises that Class Q of the GPDO assumes that the agricultural building is capable of functioning as a dwelling. Furthermore, it makes clear that it is not the intention to include the construction of new structural elements for the building. Thus, notwithstanding the works listed under Class Q.1(i) of the GPDO necessary for the building to function as a dwelling, the starting point for those considerations is that the existing building is capable of conversion and functioning as a dwelling.
6. The appeal building is a four bay, mono pitch steel framed structure. Its roof is covered with corrugated steel sheeting as are two sides of the building. There are timber purlins and the floor appears to be concrete although it appears in relatively poor condition. There is also a small lean-to corrugated steel structure with a raised concrete floor.
7. The proposal would involve the retention of the existing steel frame. The timber purlins and the bolts holding the steel frame together would be replaced. A new slab floor would be laid and four new non load bearing external walls erected which would be rendered and timber clad and a new standing seam zinc roof installed.
8. Even though the appellant has stated that no additional foundation strengthening is necessary, paragraph 3.06 of the structural report² states regarding the existing foundations for this type of structure we would expect the stanchions were cast into a concrete pad, effectively providing fixity. We would expect existing pads to be exposed for verification. Whilst I find no reason to disagree that the existing steel frame is structurally sound and capable of carrying the load of the proposed works there is nothing before me to indicate that verification of the structural integrity of the foundations and their juncture with the steel frame has taken place and as such the overall structural integrity of the existing building could be compromised.
9. I acknowledge that the Council's Principal Building Control Surveyor commented that the proposal probably falls within Class Q.1 (i) of the GPDO. However, I find that given the existing building is open on two sides, only the steel structure and floor would remain, the scale of works are extensive and as such are tantamount to the construction of a new building to function as a dwelling and could not reasonably be described as a conversion of the existing building. Furthermore, on the basis of the evidence before me, I am not satisfied the existing building is capable of carrying the load of the proposed works without the construction of new structural elements for the building in the form of foundation strengthening.
10. In reaching these conclusions I have considered the appeal decisions³ where Inspectors have found the conversion of agricultural buildings to dwellings to be permitted development. However, the full details of those cases are not before me, particularly the full details of the buildings which would be converted and the work necessary for their conversion. Thus, they are not directly comparable and I have afforded them limited weight.

¹ Paragraph 105 Reference ID 13-104-20150305

² Review of the Structure, Agricultural Building Highfield Farm, Structural Design Associates, February 2016

³ APP/N2739/W/15/3003584, APP/D0840/W/16/3147174, APP/P0240/W/15/3005436 APP/U1240/W/15/3006037 & APP/Q1825/W/15/3006087

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11. Nonetheless, I have considered this case on its merits with regard to bespoke site specific circumstances and overall I conclude that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond works reasonably necessary to convert the building. I am also not satisfied that the proposal would not involve the construction of new structural elements for the building.
 12. Consequently, the building is not capable of conversion within the scope of the permitted development rights under Class Q of the GPDO and the proposed works would amount to development for which an application for planning permission would be required. Thus, the proposal would not therefore meet the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Other Matters

13. I note that the appellant is dissatisfied with the Council's handling of the case. However, this is a matter which would need to be pursued with the Council. I confirm that I have had regard only to the planning merits of the proposal.

Conclusion

14. I have found that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond the building works reasonably necessary to convert the building to function as a dwellinghouse. Therefore, for the reasons given and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

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