

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 5th April, 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 - 6)
 - i) Meeting of the Planning Committee held on 8 March 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**

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

Large Clear Print: Braille: Audio: Native Language

6. **Central Lincolnshire Food and Enterprise Zone LDO** (PAGES 7 - 98)

7. **Planning Applications for Determination**

a) 134096 Cherry Willingham

Planning application for erection of 69 dwellings on land off Hawthorn Road, Cherry Willingham. (PAGES 99 - 130)

b) 135013 Middle Rasen

Outline planning application for residential development of up to 300 dwellings, including areas of landscaping, public open space, sustainable urban drainage scheme and associated infrastructure-access to be considered and not reserved for subsequent applications on land at Caistor Road, Middle Rasen. (PAGES 131 - 186)

8. **Determination of Appeals** (PAGES 187 - 208)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 28 March 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 March 2017 commencing at 6.30 pm.

Present: Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

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

In Attendance:
Oliver Fytche-Taylor Planning Services Manager
Russell Clarkson Principal Development Management Officer
Martin Evans Senior Planning Officer
Stuart Tym Legal Services Lincolnshire
Dinah Lilley Governance and Civic Officer

Also present 8 Members of the public

Apologies: Councillor Roger Patterson

Membership: There were no substitutions

74 PUBLIC PARTICIPATION PERIOD

There was no public participation.

75 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 8 February 2017.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 8 February 2017, be confirmed and signed as a correct record.

76 DECLARATIONS OF INTEREST

Councillor Matthew Boles declared that he had made comments in objection on the site for item 6b (135491 – Lea) some years ago, prior to becoming a member of the Planning Committee, however he retained an open mind regarding the current application.

Councillor David Cotton declared that item 6b (135491 – Lea) was in his ecclesiastical parish however the interest was purely personal.

Councillor Milne declared that for Item 6b (135491 – Lea) she would step down from the Committee and speak as Ward Member and not take part in the determination of the application.

77 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Services Manager informed the Committee that the closing date for consultation on the modifications to the Central Lincolnshire Local Plan had closed on Monday of that week, and it was hoped that adoption would be complete by the end of April.

Members welcomed the news, and also requested that, although it would be available electronically, the Committee be provided with hard copies. The Planning Services Manager agreed that this would be the case.

78 PLANNING APPLICATIONS FOR DETERMINATION

78a 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.

The Principal Development Management Officer confirmed that there had been no further update, however, proposed that Condition 3 be amended to reflect that the application was retrospective and therefore that the landscaping requirements be effective from the date of the first planting season following the approval of the landscaping scheme.

The Chairman sought clarification that the application was an amendment to the previous permission granted for eight pitches. The Principal Development Management Officer affirmed that permission for eight pitches had been granted in November 2010 but was not implemented in accordance with the permission. This retrospective application was now for 16 smaller pitches on the same site.

It was questioned whether there was an identified need for a traveller site. A need for 72 pitches had been identified in Central Lincolnshire and this site would contribute 16 pitches towards that need. There had been some speculation as to whether the site was to be used for travellers, as, if not, it would not contribute to that quota. It was affirmed there was no evidence that the site was not being used in this way, and that the applicant was amenable with the condition requiring occupancy only by those meeting the national planning policy definition of “gypsy/traveller”.

It was then questioned that if the number of vans on site was to double, would the pitches meet the criteria for the size required? It was confirmed that whilst these were smaller than was typical the guidance did not prescribe a specific size. It was noticed that the vans looked larger than touring caravans, as would be expected to be towed by travellers. The response was that these were static trailers, which were typically provided for within a pitch. The applicant had previously advised they were being primarily used by older residents who wanted a quieter area to stay, with less travelling.

The recommendation was moved and seconded. On being voted upon it was **AGREED** that permission be **GRANTED** subject to conditions as set out in the report with the amendment to Condition 3 as agreed.

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 approval of the details as required by condition 1**; 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.

78b 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.

The Principal Development Management Officer updated the Committee that the Local Education Authority figures quoted in the report as being required as an education contribution were based on the original application for 135 dwellings. Updated figures were awaited, however the legal adviser noted that at outline stage it was good practice to quote a formula rather than specific figures, within any legal obligation.

Jane Brown, of Lea Parish Council, informed the Committee that there were strong objections to the proposals from both the Parish Council and local residents. The Recent residents' survey confirmed the majority did not want development on greenfield sites, with infill sites elsewhere considered preferable. Residents valued the application site as an important green area offering a safe environment used by residents, dog walkers, ramblers, offering views across historic parkland. The Central Lincolnshire Local Plan identified an alternative allocation to meet the 15% growth requirement. The landowner for the CLLP site was already working with the Neighbourhood Planning Group, to meet local needs. The landowner/applicant had not consulted or engaged with the Neighbourhood Planning Group or Parish Council or sought to work with the community.

David Hardy, representing the applicant, noted that he had sent a letter by email to all Members of the Committee with additional information. A chance to settle future growth in Lea. He asserted that growth would happen in Lea, the 15% target growth for medium villages equated to an additional 68 dwellings in Lea. Unusual that only two of twenty 'medium villages' had an allocation – Hemswell Cliff and Lea. Justification for Lea was less clear and had been challenged. The proposed site was felt to be better than that proposed to

be allocated in the CLLP (site CL3044). Historic permission had been granted on application site, indicating that it was previously considered suitable for development. The allocated site had no relevant planning history. The allocated site would have significant harm, to the setting of Grade I Listed Church. The draft Plan only considered these matters at a very high level. CL3044 would result in the loss of important hedgerow, would also have parking and congestion problems, and constraints on site meant that 68 dwellings would not be possible, resulting in pressure elsewhere. The allocated site was also within a Mineral Safeguarding Area. There were several benefits to the proposed site with up to 17 affordable dwellings, with a registered provider indicating a strong commitment to deliver within 12 months. There were no highway objections and infrastructure contributions were offered to improve sustainability. Contributions to health and education would be provided.

Councillor Jessie Milne, having stepped down from the Committee spoke as Ward Councillor for Lea, noted that this was the third application for Lea, one had been withdrawn and the second (450 dwellings) had been refused and was going to a Public Inquiry. The CLLP had designated up to 68 houses for Lea, up to 2025, on a particular site (CL3044). The Neighbourhood Plan was almost ready for submission before going to referendum. There were no facilities within Lea, it did not have a shop, post office or doctors' surgery, or facilities within walking distance and to access any would mean transport to Gainsborough. The land was good quality agricultural land needed to produce food for an increasing population. There was an abundance of wildlife, woodland, shelter for over wintering birds and a footpath in existence on the site and enjoyed by locals as designated parkland. There were traffic, flooding, and drainage issues. There were numerous brownfield sites within Gainsborough which should be developed prior to greenfield sites such as this.

Councillor Milne left the meeting at 7.01pm.

The Principal Development Management Officer informed Members that the previously approved application was granted in the 1990s, and pre-dated the extant 2006 Local Plan, and had not manifested in an allocation within the Local Plan, the statutory document to consider the application against, unless material considerations indicated otherwise. The historical permission had expired and should be afforded limited, if any, weight. Regarding criticism of site CL3044, the Local Plan examination was the correct forum to determine its suitability. The site remained in the draft CLLP following the Hearings, and was a material consideration. The committee should consider the proposal before it, and as the draft CLLP stands, it was advised the application should be considered likely to be in addition to, not instead of, site CL3044.

Members noted that during the CLLP consultation proposed sites were requested to be submitted for consideration, and the CLLP sites were assessed at the appropriate level. Members considered they were not undertaking a comparative exercise, but would consider the application on its merits. Officers clarified that whilst a number of sites had been submitted, each had to be scrutinised for suitability and only one was felt appropriate for adoption.

Members debated the application but could see no policy basis on which to approve the proposals. It was noted that facilities were not within reasonable walking distance. The site was considered to be an unsustainable location in the open countryside. The recommendation to refuse permission was then moved and seconded. On being voted upon it was **AGREED** that permission be **REFUSED**.

Note Councillor Milne returned to the meeting at 7.10pm.

79 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

On a further appeal, circulated the previous day, but not included within the agenda at this meeting, Members queried the Planning Inspector's interpretation of the written ministerial statement on Neighbourhood Plans (12 December 2016). Officers were asking questions of DCLG over the interpretation and whether it was taken in line with the spirit of the WMS. It was felt that the weight given to the Local Plan by Appeal Inspectors was inconsistent, and the Chief Operating Officer had already written to the Inspectorate previously on the matter.

80 COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Planning Service Manager confirmed to Members that the CIL Examination in Public had now concluded and that no new evidence had been presented. The document was now subject to the Inspector's conclusions and his report was anticipated within 6-8 weeks, in the absence of any significant objections. Regular progress updates would be provided to the Committee.

Whilst the CLLP would be effective immediately upon adoption, the CIL legislation was subject to a different process and a report would be submitted to Council for adoption on a specific date, probably in the autumn.

The first session in the new year's programme of training events would be on the Community Infrastructure Levy, possibly in June, on a date to be confirmed.

The meeting concluded at 7.20 pm.

Chairman

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Planning Committee

5 April 2017

Subject: Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO)

Report by:	Director of Commercial and Economic Growth
Contact Officer:	Eve Fawcett-Moralee Director of Commercial and Economic Growth 01427676535 eve.fawcett-moralee@west-lindsey.gov.uk
Purpose / Summary:	West Lindsey District Council proposes a Local Development Order (LDO) be made to support and encourage development related to the Food Enterprise Zone (FEZ) at Hemswell Cliff, Lincolnshire. An LDO is a tool to simplify the planning requirements for development within a defined area and for defined parameters.

RECOMMENDATION(S):

- (1) That Members note that the Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) is currently undergoing public consultation and will conclude 14 April 2017.**

IMPLICATIONS

Legal:

The draft Local Development Order (LDO) would, if adopted, grant outline planning permission for the development of an “agri-food business cluster” at Hemswell Cliff that would support the government’s national agenda to driving the growth of food and farming. The LDO requires further future submission of Reserved Matters applications to provide details of development and this will be carried out using Council’s existing statutory powers in planning.

The Hemswell Cliff FEZ site incorporates the full area, and maintains the key boundaries, of the 26ha site identified in the emerging Central Lincolnshire Proposed Submission Local Plan, with an additional tract of land within the existing business park area included to the northeast.

The ‘Examination in Public’ of the local plan took place during November and December 2016 where there were supportive comments for the site at Hemswell Cliff and wider growth levels planned in the village.

A number of modifications to the local plan were identified during the examination (the modifications are principally to ensure that the plan reflects any legislation changes since it was submitted in June last year, plus a number of tweaks to add clarity to policies). None of the proposed modifications discussed during the examination relate to this Employment Site. The timetable for adoption of the local plan remains in the control of the Planning Inspector leading the examination, however it is still fully expected that the Inspector’s final report and subsequent adoption of the plan by the Joint Committee will take place in late March or April 2017 as planned.

The land within the Hemswell Cliff FEZ site is owned by four main landowners, of which one is currently a West Lindsey Member – Cllr Adam Duguid . The Council has prepared a Memorandum of Understanding (MoU) as a means of working with the landowners to facilitate the development in a delivery consortium.

Financial : FIN/126/17

£50,000 grant award was received in 2015 by Defra to support additional resources for the delivery of the LDO.

The Capital Programme 2016/17 includes a budget of £0.25m, with the full scheme totalling £2m, (£0.5m funded from our own earmarked reserves and the remaining amount subject to the success of a grant bid).

The Council will seek to recoup some of these costs from the local land owners. Officers have also submitted a funding bid to the Greater Lincolnshire Local Enterprise Partnership to support the delivery of infrastructure to bring the site forward. The scheme has been shortlisted, awaiting a formal offer of funding.

Staffing :

In terms of resources the Council has had full capacity both internally and externally to progress the LDO. Colleagues in the Spatial Planning Team are providing support and expertise to represent the Local Planning Authority (LPA) throughout the LDO process. the Growth Team has also a dedicated LDO and Major Projects Officer in addition to the FEZ Project Lead Officer. Drafting of the LDO/Statement of Reasons and EIA associated work includes support from specialist consultants.

Equality and Diversity including Human Rights :

This report has no direct equality and diversity implications.

Risk Assessment :**Delivery and Implementation**

Sustainability and Environmental effects –

An Environmental Impact Assessment (EIA) has been produced to support this LDO, and the conclusions and findings of the EIA have contributed to the formulation of the development parameters and conditions. The conditions and development parameters have been refined in order allow for sufficient control and mitigation, with a view to meeting the goals of the LDO, whilst retaining flexibility where appropriate in order to maximise the attractiveness of the site for development which meets to the aims of the LDO.

New mechanism – Reserved Matters applications pursuant to the Outline planning permission granted by this LDO will be assessed in terms of their conformity to the development parameters detailed in the LDO Statement of Reasons document, and will need to satisfy detailed planning considerations, including those specified in the conditions attached to this LDO.

Viability – a delivery strategy plan that will include a detailed viability appraisal and commercial support options for site development is currently underway. Enabling infrastructure works will require “gap” funding to pump prime this development. We are seeking funds from the GLLEP to help enable this development and the scheme has secured - together with the other two Enterprise Zones in Holbeach and Grimsby – a total investment of £6.5m as part of the Growth Deal 3 submission.

Climate Related Risks and Opportunities : Proposed development at the Hemswell Cliff LDO/FEZ site lies within Flood Zone 1, and is therefore considered to be at low risk of flooding from fluvial and tidal sources.

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

Hemswell Cliff FEZ Draft Local Development Order and Statement of Reasons (Appendix 2)

Technical Background Information (available through marina.disalvatore@west-lindsey.gov.uk)

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

Executive Summary

On 12th February 2015 the government announced proposals for 11 Food Enterprise Zones across the country, including 3 within Lincolnshire, with a view to attracting investment and encouraging closer ties between food and farming businesses to boost the domestic food and farming sector. The Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) seeks to capitalise on the opportunities associated with the existing businesses/premises at Hemswell Cliff and the availability of adjacent land to support the development of an 'agri-food cluster' located within the A15 growth corridor.

The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the types of development which are permitted within a specific area, and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area.

The LDO will facilitate development of new premises and facilities for businesses in the agri-food sector, thereby providing a location for new and expanding businesses and encouraging inward investment. Investment in the agri-food sector in this location will also contribute to the Council's regeneration and socio-economic objectives through the creation of employment opportunities and integration with the existing businesses and residential areas of Hemswell Cliff.

1 Background

1.1 Previous Decisions

In December 2014, Members approved a proposal to undertake a masterplan exercise for Hemswell Cliff, to provide a spatial planning framework for the area and to support the Local Plan policy making process. The masterplan was also intended to assist in leveraging in funds for infrastructure development and as an investment marketing tool for business growth.

Following on from this, in February 2015, the Greater Lincolnshire Local Enterprise Partnership (GLLEP) was successful in attracting funding from Defra to support three pilot schemes for developing Food Enterprise Zones in the geographical area consisting of West Lindsey, North East Lincolnshire and South Holland. West Lindsey received £50,000 to support the development of a LDO at Hemswell Cliff.

A Masterplan for Hemswell Cliff, including the proposed LDO site was completed in 2016. The intention of this document was to “guide the future growth and development of Hemswell Cliff as a strategic employment area and establish a more sustainable residential settlement” supporting strategic economic policy (as set out in the Greater Lincolnshire Local Enterprise Partnership’s Strategic Economic Plan (2014) and the promotion of Hemswell Cliff FEZ.

In June 2016 Members approved the adoption of the Hemswell Cliff Masterplan report along with the Emerging Regeneration Delivery Programme to drive forward the social, economic and environmental regeneration of the wider settlement.

1.2 Wider Vision

The Food Enterprise Zone LDO is being produced in conjunction with a masterplan for Hemswell Cliff. The Hemswell Cliff Masterplan sets out a spatial development framework together with a programme of recommended actions and interventions to address problems associated with a lack of adequate facilities and services, and high levels of deprivation and isolation.

The masterplan vision includes the creation of a successful Food Enterprise Zone, attracting investment and becoming a centre of excellence in the agri-foods sector. The masterplan report recommends actions including attracting commercial investment to the FEZ by the creation of a special purpose vehicle to lead and manage the marketing and development of the FEZ, incorporating WLDC and the GLLEP as partners and seeking public funds to address market failure.

The FEZ site corresponds broadly to a draft employment allocation (site ref. E6) under policy LP5 of the emerging Central Lincolnshire Local Plan.

The Hemswell Cliff Food Enterprise Zone would directly contribute to achieving the Greater Lincolnshire Agri-food Sector Plan vision of doubling the sector's contribution to the economy by 2030, by:

- supporting the growth of larger agri-food businesses;
- building on existing clusters of companies in the agri-food sector;
- ensuring that agri-food businesses have access to land and premises to meet their needs;
- improving access to innovation and applied research services and funding;
- developing and implementing a sector skills plan for the agri-food industry; and
- promoting exports and inward investment in the agri-food sector.

The Central Lincolnshire Food Enterprise Zone, would directly contribute to achieving the Greater Lincolnshire Agri-food sector plan vision of doubling the sector's contribution to the economy by 2030, by focusing on the delivery of the second key priority area of the plan:

“building on existing clusters of companies in the agri-food sector and ensuring that agri-food businesses have access to land and premises to meet their needs – by creating additional commercial space to help companies in the food chain expand”.

The Partnership has published a number of documents outlining key development strategies for each of these growth sectors, including the Agri-Food Sector of which Hemswell Cliff FEZ site is a part. Published in 2014, the SEP was refreshed in 2016 and outlines the general themes for future development across Greater Lincolnshire.

The SEP 2016 details how the Greater Lincolnshire LEP has secured funding to support the development of three sites which have strong links to the agri-food sector, including the Hemswell Cliff FEZ site. The SEP states that *“this will enable local partners to develop a strong business case for each area to become a nationally recognised Food Enterprise Zone.”*

2 Local Development Order

An LDO grants planning permission for specific types of development, subject to conditions where required.

The Council will adopt the Hemswell Cliff LDO under the Town and Country Planning Act 1990 (as amended). Once adopted, the LDO will grant Outline planning consent for an 'Agri-food Business Cluster' subject to a number of limitations and conditions including compliance to

Parameters Plan (Appendix 1), floorspace limits, and design principles appended to the LDO.

The LDO provides Outline planning consent for only those uses specified under 'Agri-Food sector uses' set out in part 1 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as building regulations, highways consents or environmental permits.

Development pursuant to the LDO requires approval of 'reserved matters', which are anticipated to be sought by developers on a plot or phase specific basis. Upgrades to the site's access and infrastructure will also require submission of details the Council's approval.

2.1 The Site

The site extends to approximately 30ha in total and comprises arable fields at the location of a former RAF airbase. The LDO site sits within the area of the former runways and adjacent to the former hangars which now form business accommodation.

The site is located immediately north of the A631 and west of the existing Hemswell Cliff Business Park. Access to the site will be direct to the A631 at or close to the existing access points.

The boundary of the LDO site is shown in Fig. 1 below

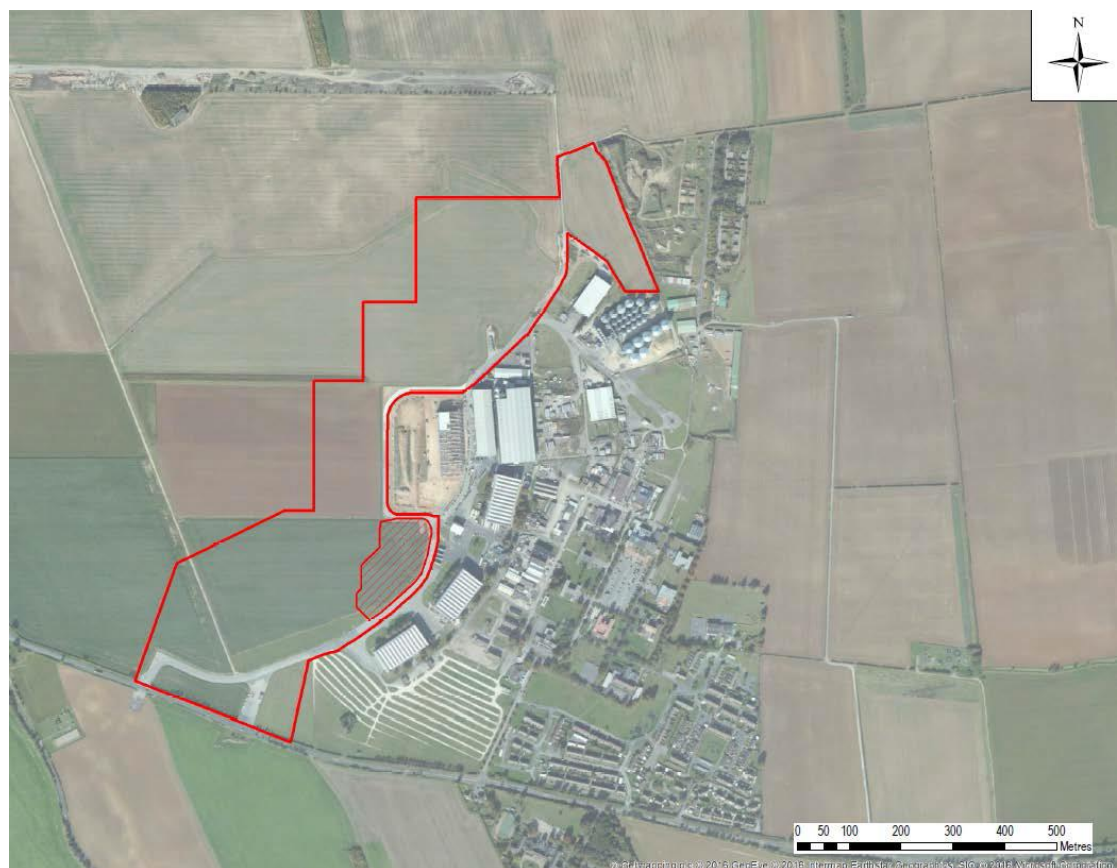


Figure 1: LDO Site Boundary

As there are no existing or discernible boundaries to form the north and west of the LDO site, an alignment has been chosen which keeps the development as close to the existing business park as possible, whilst allowing plots of sufficient size and regularity of shape to accommodate the proposed development.

The proposed development area comprises approximately 30 ha of land and includes perimeter landscaping zones and space for sustainable drainage features and other infrastructure as shown on the Parameters Plan (see Appendix 1).

The site's configuration adjacent to the west boundary of the existing business park provides the opportunity to utilise the existing access road providing that appropriate upgrade works are undertaken, which is intended to increase the cost efficiency and space efficiency of the development. Provision is also made for a new spine road and 'infrastructure corridor' from the access junction through the centre of the site.

2.2 Development Proposed to be Permitted

The Hemswell Cliff LDO grants Outline planning permission for an 'Agri-Food Business Cluster' comprising business (Use Class B1), industrial (Use Class B2) and/or storage and distribution (Use Class B8) uses which are part of, or immediately related to, the Agri-Food sector.

Any submission to propose development pursuant to the LDO must demonstrate that the uses are part of the Agri-Food sector or are closely related to the every-day operations of uses which fall within the sector.

Outline planning permission is granted for development which conforms to the following parameters, categories and exclusions.

As identified on the Parameters Plan, development pursuant to the LDO must conform to the following **parameters**:

- Development to be located wholly within the LDO site boundary as shown on the Parameters Plan.
- Buildings and structures up to a maximum height of 18m above finished ground level
- Overall maximum floorspace of development 70,000 sqm (gross)
- Overall maximum floorspace for standalone office, business support, meeting and ancillary service premises 5,000 sqm (gross)
- Inclusion of a landscape buffer strip to the north, south and west boundaries of the site
- Potential constraints to the scale, design and/or materials of development within the HSE safeguard 'purple zone' associated with the adjacent fireworks factory.

- Restriction to allow development of infrastructure and landscape planting only within the HSE safeguard 'yellow zone' associated with the adjacent fireworks factory.

Uses within the agri-food sector supply chain which are acceptable at the site under the LDO may be categorised as follows:

- Input suppliers – Businesses supplying ingredients, products, packaging and machinery etc. to the agri-food sector.
- Technical and support services – Businesses providing specialist support to the agri-food sector, including financial, legal, agency, IT, technology, maintenance, testing etc.
- Logistics, storage and distribution – Businesses providing storage, transportation and associated value added services for goods produced by the agri-food sector. This incorporates 'cool chain' (i.e. chilled or frozen) as well as ambient storage premises and facilities. This also includes grain storage infrastructure with associated testing, control and value added services.
- Food processing – Businesses which create and process food products, including a broad range of services and processes from cleaning and grading to processed food preparation and packaging. Excludes certain food industry processes (see below).
- Output wholesale and marketing – Businesses involved in the sale and trading of agri-food products. This includes sale into the retail and catering trade, and export of goods.
- Research and Development – Businesses involved in research and development of products and systems associated with the agri-food sector.

The LDO does **not** grant planning permission for the following uses:

- Agricultural production
- catering
- food retail

The LDO does **not** grant planning permission for development comprising the following food industry processes.

- Intensive livestock installations (including that within Schedule 1 of the EIA regulations)
- Installations for the slaughter of animals
- Fish-meal and fish-oil factories
- Sugar factories.
- Production of chemicals; including pesticides and pharmaceutical products

2.3 Environmental Impact Assessment

Developments which are likely to have an impact upon the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

West Lindsey Council adopted a screening opinion on 12th April 2016 that confirmed the proposed development may have significant environmental effects and thereby required an EIA to be undertaken.

The Council then issued a scoping opinion on 15th August 2016 which confirmed the scope of the EIA to be undertaken.

In accordance with the regulations, an EIA has been undertaken and the Environmental Statement is submitted in support of the draft LDO.

The findings of the EIA have influenced the development proposed to be allowed by the LDO and the associated parameters, including matters such as the access junction, site boundary alignment and ecological mitigation.

2.4 Local Development Order Timescales

The LDO takes effect on the date it is adopted by the Council, and will be valid for a period of ten years, following which the LDO will expire.

This period is intended to allow sufficient time for the Hemswell Cliff FEZ site to be prepared for development through infrastructure creation and upgrade, for reserved matters applications to be submitted and determined, for conditions to be discharged and construction to commence. Most importantly however, the period is to allow time for business interest in the site to emerge and the process of business planning and expansion/relocation logistics to take place.

2.5 Relevant Planning History

The LDO site does not benefit from any extant planning consent.

2.6 Development Considerations

2.6.1 Relevant Planning Policies

The draft LDO has been prepared having had regard to the following planning policies:

- Existing Policies
 - o National Planning Policy Framework (March 2012) (NPPF)

- West Lindsey Local Plan First Review (saved policies) (saved in 2009)(existing Local Plan) – The saved policies of the Local Plan remains the statutory development plan for the district, and should be considered a material consideration. Due weight should be given to relevant policies in the existing Local Plan according to their degree of consistency with the NPPF.
- Emerging Policies
 - The NPPF (paragraph 216) states that decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight it may be given). The Further Draft Central Lincolnshire Local Plan (emerging Local Plan) has undergone six weeks of consultation and if adopted, will replace the existing Local Plan. Therefore, certain weight may also be attached to the emerging Local Plan.
- Guidance
 - Planning Practice Guidance (as updated)
 - Planning Advisory Service technical advice on preparing an LDO (September 2015)

2.6.2 Principle of Development

The Hemswell Cliff FEZ (LDO) site lies on agricultural land immediately to the west of Hemswell Cliff, a former RAF military base, which was disposed of by the Ministry of Defence (MOD) in 1985. The LDO site sits within an area of former runways, adjacent to former hangars which formed part of the original use of the site as an RAF air base. The hangars adjacent to the site are now used as business accommodation, and sit alongside new business units. Further to the east, within the old RAF base are a series of business units accommodating small businesses, including cafes/sandwich shops and vehicle repair workshops.

The LDO site is unallocated in the West Lindsey Local Plan Review 2006, however the LDO site is included as a Strategic Employment Site (ref. E6) under draft policy LP5 – Delivering Prosperity and Jobs in the emerging Central Lincolnshire Local Plan (Submission Draft). Policy LP5 states that the site is reserved for B1, B2 and B8 uses, adding that the presumption will be for Strategic Employment Sites to meet the needs for large scale investment which requires significant land take. The existing Hemswell Business Park adjacent to the LDO site is allocated for employment uses in the West Lindsey Local Plan Review 2006.

Hemswell Cliff sits on the fifth tier of the settlement hierarchy outlined in Central Lincolnshire Local Plan policy LP2 – The Spatial Strategy and Settlement Hierarchy, however it is identified for a higher than usual scale of expansion due to the existence of the Hemswell Cliff business

park within the settlement, and the importance attached to the proposals within this LDO for the local and regional economy. The Central Lincolnshire Local Plan policy LP57 – Ministry of Defence Establishments, states that the redevelopment or change of use of redundant MOD land will be supported subject to a set of stipulations, including that: the proposal would not conflict with existing land uses on neighbouring land; and in cases where large scale redevelopment of a site is planned, a holistic approach is taken to development in order to avoid a piecemeal approach.

The proposed uses on the LDO site are consistent with the emerging allocation for the site (ref. E6) in the Central Lincolnshire Local Plan and will complement the existing uses within the Hemswell Cliff business park. The LDO proposes a comprehensive development solution, which seeks to maximise the attractiveness of the entirety of the site to the Agri-Food sector, providing business accommodation in a variety of formats in order to meet the requirements of Agri-Food businesses.

The Hemswell Cliff FEZ will establish a focal point for business development and support to grow the regional food and farming supply chain. The plan is to develop Hemswell Cliff Business Park to create a FEZ, supported by a LDO along the A15 growth corridor. The Hemswell Cliff Business Park will provide flexible and cost effective premises to meet the demand of expanding local agri-food businesses and inward investors.

The food chain is of critical importance to Greater Lincolnshire's economy. It is the largest employer representing 24% of jobs from field to fork and contributes £2.5 billion every year to the area's economy. The Hemswell Cliff FEZ will therefore play a vital role in helping Greater Lincolnshire LEP to achieve their vision of doubling the economic value of the agri-food sector in Greater Lincolnshire by 2030.

Together with the FEZs at Holbeach and Europarc, the three FEZs will establish a triangular hub serving the key agri-food clusters in the Greater Lincolnshire area (arable crop sector and food processing in Central Lincolnshire, fish processing in the South Humber Bank and fresh produce at Holbeach). The "A15 growth corridor" links all three FEZ areas and is thus important strategically in facilitating growth of the food chain across the LEP area.

The development of the Hemswell Cliff FEZ site will help to add value to farm output produced in Lincolnshire. By creating more food processing capacity, for example at Hemswell Cliff, the area can capture more of the post farm gate added value.

Creating food processing and supply chain jobs within the Hemswell Cliff FEZ site will add value to the local economy which will in turn facilitate growth of the wider economy. As Hemswell Cliff is currently a relatively deprived community, creating these high value jobs would particularly benefit local people.

A preceding site search sought high quality, attractive sites, generally 10 ha+ in size, that would be able to accommodate international or national businesses, but also be appealing to regional or local firms. The aim was

that these sites would be prioritised for businesses requiring large scale floorplans and with significant numbers of employees to avoid piecemeal development that would potentially prevent large scale development from taking place.

Criteria for selection included a location on a strategic highway network and/or sites that were well served by public transport. The Hemswell Cliff FEZ site was deemed to meet the above criteria, given its proximity to the A15, sizeable area to accommodate strategic development and existing/proposed agri-food sector uses.

Wider objectives giving weight to the selection of the Hemswell Cliff FEZ site included the regeneration of Hemswell Cliff by attracting inward investment and employment growth.

The proposed development is therefore considered to have a positive impact on the existing commercial area at Hemswell Cliff, helping to attract inward investment and supporting the vitality of the area, in addition to providing significant socio-economic benefits through providing a range of new jobs. As the land also benefits from a draft allocation within the emerging Central Lincolnshire Local Plan, it is considered that the development proposed through this LDO is acceptable in principle.

2.7 Conditions to be Imposed

The development which is proposed to be authorised by the LDO is subject to the limitations and conditions detailed in Schedule 1, Parts 1 to 3 of the LDO, and the general conditions set out in Schedule 2 of the LDO.

The conditions primarily relates to:

- Timing and phasing of development;
- The quantum of development; and
- Mitigation measures or requirement of additional information to ensure the proposed development would be acceptable in planning terms

3 Next Steps

3.1 Consultation

The LDO will be consulted on in accordance with Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In accordance with the LDO regulations, a draft of the LDO, Statement of Reasons and Environmental Statement is being placed on consultation for a period of 6 weeks, following approval by West Lindsey District Council. The consultation has been publicised by site notice and local advertisement. Plans and information for the LDO have been on show at a public consultation event at the Hemswell Cliff Primary School on the 13 March from 3:45pm to 7:15pm. This consultation event was run in conjunction with the Neighbourhood

Planning consultation event, the purpose of which was to show the results of the recent neighbourhood planning questionnaire.

The documentation is also available for review at West Lindsey District Council's offices, on its website and, as appropriate, locally to Hemswell Cliff.

Consultation responses will be taken into account by the Council in accordance with Article 38(10) of the Development Management Procedure Order 2015, in considering what modifications should be made to the draft LDO or whether the LDO should be adopted. If adopted, the LDO will be submitted to the Secretary of State in accordance with Article 38 (11) of the Development Management Procedure Order 2015.

4 Conclusions

The government's aim in introducing Food Enterprise Zones is to attract investment, and to encourage closer ties between food and farming businesses to boost the domestic food and farming sector. The Food Enterprise Zones are based around LDOs, with a view to making the planning process simpler and easier for food and farming businesses that want to expand, in line with local priorities.

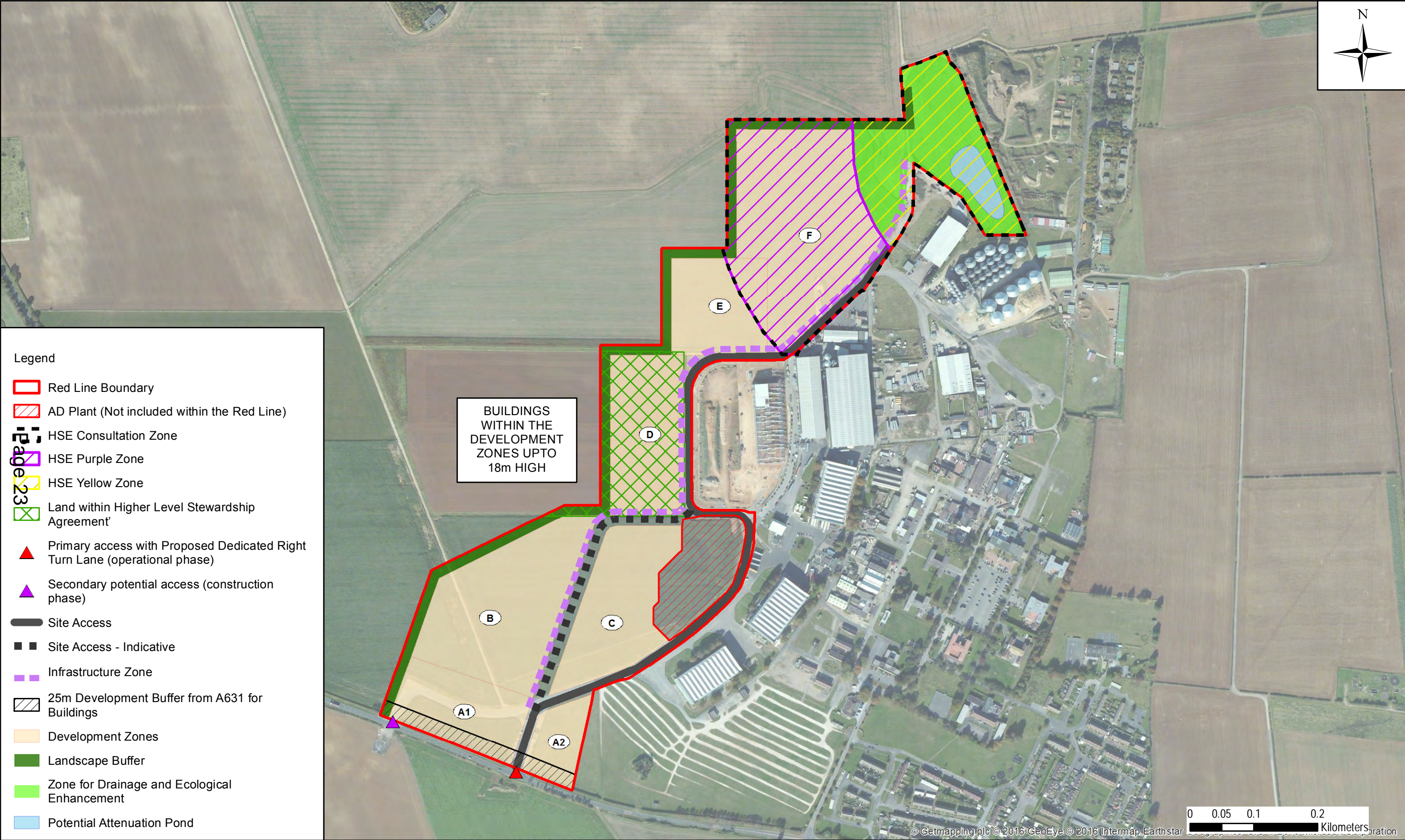
The Hemswell Cliff LDO site would provide the potential to accommodate agri-food business premises at a range of scales, including premises which will be attractive to large scale agri-food businesses. The LDO would provide a stimulus for inward investment in the area from agri-food business in the short-medium term, and would sit alongside a Local Plan allocation, ensuring that the site would be retained for suitable uses in the longer term.

The LDO development proposals would complement the masterplan vision for the regeneration of Hemswell Cliff.

The objectives of the Hemswell Cliff LDO are to:

- Enhance the scale and socio-economic impact of the agri-food sector at a local and regional level;
- Provide developable plots capable of accommodating a range of building types and sizes, which are attractive to businesses within the agri-food sector;
- Provide flexibility by allowing the site to accommodate changing requirements (within defined parameters);
- Support the socio-economic aims and objectives of the Hemswell Cliff masterplan;
- Deliver sustainable development by minimising and mitigating any environmental impacts;

- Facilitate development for businesses which provide a substantial number and diverse range of employment opportunities;
- Enhance the attractiveness of the site to inward investors by facilitating development of uses which are complementary to the main agri-food businesses.



Client:



Project:

HEMSWELL CLIFF FEZ LDO

Title:

PARAMETERS PLAN



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Design:	SE	Drawn:	SE
Chk'd:	GH	App'd:	SE
Date:	19/12/2016	Scale at A3:	1:5,500
Drawing Number:			FIGURE 6
			A3

HEMSWELL CLIFF FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (LDO) 2017

This Order is adopted by West Lindsey District Council (“the Council”) under the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) (“the Act”) and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and shall be known as the Hemswell Cliff Local Development Order 2017 (the “Order”).

1. In this Order:
 - 1.1 definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to interpretation of this Order and references in this Order to “Use Class” are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) order 1987 (as amended); and
 - 1.2 terms defined in Schedule 3 have the meaning given to them there.
2. Subject to article 3 below, planning permission is hereby granted for the development within the Hemswell Cliff LDO Site set out in all Parts of Schedule 1 subject in each case to the restrictions and conditions set out in the relevant Part of Schedule 1.
3. The grant of permission under any Part of Schedule 1 is subject to the General Conditions set out in Schedule 2.
4. Where a material operation has been initiated in respect of any development permitted by this Order at the time this Order expires, is revoked or is revised that said development may be lawfully completed.
5. This Order comes into force on the date on which it is made as indicated below and, subject to the Council’s power to revoke this Order under s.61A(6) of the Act, will remain in force for a period of 10 years from that date, expiring on the tenth anniversary thereof.

Adopted by the Council on [] 2017

By Order of the Council the Common Seal
was affixed hereunto in the presence of:

Authorised Signatory

SCHEDULE 1: PERMITTED DEVELOPMENT

PART 1 – COMMERCIAL DEVELOPMENT

Permitted Development

Outline planning permission is granted for:

1. the erection of a Buildings and associated use of land within Use Class B1;
2. the erection of a Buildings and associated use of land within Use Class B2; and/or
3. the erection of a Buildings and associated use of land within Use Class B8

only where those use fall within, or are immediately related to, the Agri-Food Sector.

Development not permitted

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Classes B1, B2 and/or B8 within the Hemswell Cliff LDO Site exceeding 70,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Class B1a (unless ancillary to floorspace in Use Classes B1b/B1c/B2/B8) within the Hemswell Cliff LDO Site exceeding 5,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the construction of buildings or structures greater than 18m in height above finished ground level.

Conditions

- 1A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 2 – ASSOCIATED INFRASTRUCTURE

Permitted Development

Outline planning permission is granted for:

1. the construction, extension or alternation of roads, pavements, walkways, street lighting and street furniture;
2. the construction of areas and facilities for vehicle parking, bicycle parking and servicing;
3. hard and soft landscaping, including the erection of fences, gates, walls, securing barriers and security gatehouses;
4. the construction of foul and surface water drainage infrastructure, including pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds; and/or

5. the construction, extension or alternation of utilities infrastructure, including telecommunications, gas, electricity, water (including any substations or pumping stations).

Development not permitted

Development is not permitted by Part 2 if it is not primarily to serve the development permitted by Part 1.

Conditions

- 2A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 3 – SITE PREPARATION WORKS

Permitted Development

Full planning permission is granted for:

1. any operations or engineering necessary for the remediation of land and its preparation for development within the Hemswell Cliff LDO Site, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials.

Development not permitted

Development is not permitted by Part 3 if it is not primarily to enable the development permitted by Parts 1 or 2.

Conditions

- 3A Prior to the commencement of development permitted by Part 3, full details of the site preparation works including existing and proposed levels shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.
- 3B Prior to the commencement of development permitted by Part 3, full details of any temporary access, temporary treatment of the works area and boundary shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.

SCHEDULE 2: GENERAL CONDITIONS

Timing / Reserved Matters

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this Order.

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

2. No phase/plot of development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") for that phase/plot have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

REASON: The Order grants outline permission only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of ten years from the date of this Order, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the sooner.

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

Agri-Food Sector and Food Industry Processes

4. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a statement to demonstrate that the nature of the development/use proposed falls within the agri-food sector as defined in Section 4 of the Statement of Reasons. Reserved matters applications shall only be determined where the proposed development/use is deemed to be within the agri-food sector.

REASON: To ensure that development conforms and contributes to the objectives of the Food Enterprise Zone designation.

5. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a statement to describe the scale and nature of any food industry processes to be permitted. Where these processes fall within and exceed the threshold of Schedule 2 of the EIA regulations, the applicant shall seek the screening opinion of the local planning authority as to whether the proposed use requires environmental impact assessment.

REASON: In the interests of amenity and to ensure that the development conforms to the Environmental Impact Assessment (EIA) regulations.

Design and Details

6. Development proposed through the submission of reserved matters shall conform to the approved Site Location Plans (ref. Aecom Figure 1 and Figure 2) and Parameters Plan (ref. Aecom Figure 6).

REASON: To ensure that the development takes place in accordance with the maximum development parameters assessed by the Environmental Impact Assessment (EIA).

7. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a phase/plot context plan to demonstrate that development is compatible with and does not compromise the ability to develop or service other land within the Hemswell Cliff LDO site.

REASON: In order to facilitate comprehensive development of the Hemswell Cliff LDO site.

8. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a Design and Access Statement and associated plans including the following details:

- a. Plot layout
- b. Existing site levels and proposed finished ground and floor levels
- c. Design of buildings and structures
- d. Landscaping/planting (in conformity to the Strategic Landscape Scheme)
- e. Boundary treatment
- f. Parking and circulation
- g. External storage including provision for oil/chemical storage
- h. External lighting
- i. Vehicle parking, circulation and manoeuvring
- j. Facilities for pedestrians and cyclists
- k. Servicing and loading arrangements
- l. Refuse storage and management

The details contained within the Design and Access Statement shall be approved by the local planning authority prior to commencement of that phase/plot of development, excluding site preparation works. Development shall be completed and maintained in accordance to the approved details.

REASON: In the interests of amenity and to ensure acceptable design, access and operation of development.

9. Prior to the occupation of any phase/plot of development, a written scheme detailing how much and by what method renewable energy will be generated from within that phase/plot or the wider Hemswell Cliff LDO site, shall be submitted to and approved in writing by the Local Planning Authority. No individual building shall be occupied until that part of the agreed scheme, which relates to the building or its curtilage, has been implemented in full.

REASON: In order to achieve sustainable development and reduce CO2 emissions.

10. Prior to the commencement of any phase/plot of development excluding site preparation works, full details of all external materials shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of visual amenity and ensure the proposals uses materials and components that have a low environmental impact.

HSE Safeguard Zone

11. Prior to submission of any reserved matters application for development of land within the 'HSE consultation zone' as identified on the Parameters Plan (Aecom Figure 6), the applicant shall consult the Health & Safety Executive on the extent and details of any safeguarding zones which may influence the use, nature and location of development. Any development thereafter proposed shall conform to the advice of the HSE, which shall be submitted in writing with the reserved matters applications.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

12. Unless otherwise confirmed in writing by the Health & Safety Executive, no development of a 'vulnerable construction' as defined by The Explosives Regulations 2014 and determined by the Health & Safety Executive shall take place in the 'purple zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

13. Unless otherwise confirmed in writing by the Health & Safety Executive, no development or use of land, with the exception only of landscaping or infrastructure where people are not present, shall take place in the 'yellow zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

Highways and Access

14. Prior to the commencement of development pursuant to Part 1 of the Order, a scheme of works to improve the public highway and site access, comprising a Right Turn Lane and Footway (or as otherwise agreed), shall be submitted to and approved by the local planning authority. The development shall not be brought into use until the works are certified as being complete by the local planning authority, unless otherwise agreed.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

15. No phase/plot of development pursuant to Part 1 of the Order shall take place before a scheme to create or improve an estate road sufficient to provide access to that phase/plot from an existing public highway has been approved pursuant to Part 2 of the Order. That phase of development shall not be brought into use until the estate road has been constructed to a specification to enable its adoption as Highway Maintainable at the Public Expense.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

Landscaping and Trees

16. No development shall take place until a Strategic Landscaping Scheme (SLS) relating to the boundaries, frontages, common areas and infrastructure across the entire FEZ site has been submitted to and approved in writing by the Local Planning Authority. The SLS shall include details of:
- a. planting plans;
 - b. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c. schedules of plants, noting species, plant sizes and proposed numbers/ densities;
 - d. a programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
 - e. a scheme for the future maintenance of the landscaped areas.

The SLS shall be implemented as approved. Each phase/plot developed shall be landscaped and maintained in accordance to the SLS.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

17. Any trees dying or becoming diseased within five years of their being planted in accordance with Condition 16 above shall be replaced during the period of October to March in the year that immediately follows the developer being notified that they need replacing, by trees of a suitable size and species and to the satisfaction of the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

18. The scheme of works to improve the public highway and site access submitted pursuant to condition 14 of the LDO for approval by the local planning authority shall include:
- a. A plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm (measured over the bark at a point 1.5 metres above ground level), showing which trees are to be retained and which are to be removed;
 - b. Details of the species, size, and an assessment of the general state of health and stability of each retained tree;
 - c. Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
 - d. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - e. Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above. The works approved pursuant to condition 14 shall be undertaken in accordance with the details approved in paragraphs (a)-(e) above.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests.

Flood risk and drainage

19. No plot/phase of development shall commence, nor any discharge of surface water from that plot/phase take place, until a Surface Water Management Scheme for that development plot/phase has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development; and shall include:
- a. the incorporation of sustainable drainage systems (SuDS) to attenuate flows from the site and maximise on-plot infiltration (where appropriate);
 - b. details of an infiltration test undertaken to ascertain the feasibility of drainage by on-plot infiltration methods;
 - c. details of the method of attenuating surface water run-off from the site to greenfield run-off rate;
 - d. details of sufficient attenuation and long-term storage to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% to account for climate change, and surcharging of the drainage system can be stored on the site without risk to people or property;
 - e. calculations demonstrating that sufficient space will be provided on site for any necessary surface water storage and attenuation;
 - f. details of any balancing works and off-site works;
 - g. details of any proposed culverts or bridges for watercourses/land drains, justifying that they are necessary and ensuring that they do not constrict flow or otherwise reduce the carrying capacity of any watercourse/land drain;
 - h. the location and design of any surface water outfall;
 - i. details of how the drainage scheme will be constructed and operate, prior to any hard standing or buildings being constructed on that development plot;
 - j. all site surface water drainage will be designed to Sewers for Adoption standard in order to meet current best practice design standards; and
 - k. details of how the surface water system will be maintained and managed after completion.

The Surface Water Management Scheme shall subsequently be fully implemented in accordance with the approved details before the first occupation of the relevant development plot to which it relates. Thereafter, the drainage system shall be managed and maintained in conformity to the approved Scheme.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

20. Should the results of an infiltration test undertaken in preparation of a Surface Water Management Scheme indicate that an infiltration system will not function adequately in adverse conditions, then the Scheme shall include details of an alternative means of drainage appropriate to the plot and in conformity to the principles of sustainable drainage.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

21. No surface water from the development or any part thereof shall be discharged from the site except through the approved system.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

22. Prior to the commencement of development under Part 1 or Part 2 of the LDO, written confirmation shall be obtained from Anglian Water that the existing sewer networks and foul water treatment facility at Hemswell Cliff have sufficient capacity to accommodate the full development allowed by the LDO. Should it not be possible to achieve this confirmation, then full details of an alternative proposed means of foul water treatment shall be submitted to and approved in writing by the Local Planning Authority. No buildings within the LDO site shall be occupied or brought into use prior to completion of any approved foul drainage works.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

23. There shall be no discharge of foul or contaminated drainage from the site into groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through a trapped gully and an oil interceptor. Each drainage run shall also be provided with a cut-off valve prior to any discharge point. The gully and interceptor shall be designed and constructed to have a capacity compatible with the site being drained. Vehicle washdowns and detergents shall not be passed through the interceptor. Clean roof water shall not pass through the gully or interceptor.

REASON: To reduce the risk of pollution and sediment being washed out to any watercourse and to prevent the potential pollution of clean surface water run-off.

25. All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the lifetime of the development.

REASON: To prevent the potential pollution of clean surface water run-off.

26. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/ sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also be denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

REASON: To ensure that foul and surface water systems may be managed and maintained.

Ground Conditions and Soils

27. Prior to the commencement of any phase/plot of development, including any construction or other work that involves disturbance to soils a Soil Resource Plan (SRP) for that phase/plot/works shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resource Plan shall include the following:
- a. maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - b. methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - c. location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - d. schedules of volumes for each material.
 - e. expected after-use for each soil; whether topsoil to be retained for landscape areas, or used on adjacent agricultural land within the farmers' control to thicken the topsoils and improve quality; and

- f. identification of person responsible for supervising soil management.
Development shall thereafter proceed only in accordance with the approved scheme.

REASON: To ensure the sustainable use of displaced soils.

28. No development shall take place until a land contamination assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
- a. A UXO specialist will be commissioned and an assessment carried out as per C681 Unexploded Ordnance (UXO) - A Guide for the Construction Industry (CIRIA 2009) to quantify the risk of encountering UXO. Thereafter, if the risks of encountering UXO and/or ordnance containing chemical agent remain, construction contractors will be required to prepare a UXO risk mitigation strategy, to reduce risks to an acceptable level, in consultation with the Local Planning Authority. The approved UXO mitigation strategy, including any Emergency Response Plan, shall be implemented as approved.
 - b. A site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration.

Archaeology and Heritage

29. No development shall take place on any phase/plot within the Hemswell Cliff FEZ site until a scheme of archaeological investigation for that phase/plot, supported by the results, has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. Each scheme shall provide for:

- a. a programme of archaeological investigation, including access to that site by archaeological contractors to be nominated by the developer and approved in writing by the Local Planning Authority;
- b. the identification and evaluation of the extent, character and significance of archaeological remains on that site;
- c. an assessment of the impact of the proposed development on the remains;
- d. proposals for the preservation in situ of the remains or where the Local Planning Authority agree that this is not possible, for the investigation, recording and recovery of remains and the publishing of findings; and
- e. notification to the Local Planning Authority of the commencement of archaeological investigations.

Each scheme shall then be carried out as approved.

REASON: to secure the identification, investigation and/ or protection of archaeological remains.

30. Prior to the commencement of development, a report shall be produced and submitted to the Local Planning Authority which will document the history and development of the former airfield at Hemswell Cliff. The format of the report will be agreed with the archaeology officer for Lincolnshire County Council.

REASON: to ensure the implementation of an appropriate level of archaeological recording and reporting.

Sustainable Travel

31. No development shall be occupied on any plot of the LDO site until a Travel Plan for that development plot, that is in accordance with the principles set out in Hemswell Cliff LDO Framework Travel Plan, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authorities. The development of each plot shall thereafter take place in accordance with the agreed Travel Plan for that plot, which shall be implemented in full.

REASON: In order to maximise the sustainability of the development.

32. Prior to the occupation of each phase/plot of development, a feasibility study shall be undertaken to consider the following:
- a. the likely year on year passenger demand for a shuttle bus linking the LDO site with Gainsborough and other centres where significant numbers of employees at the Hemswell Cliff FEZ may originate;
 - b. the likely routing and frequency of the shuttle bus route;
 - c. an estimate of yearly operating costs for the shuttle bus operation;
 - d. a funding mechanism where all occupiers of the Hemswell Cliff FEZ contribute as and when they come forward;
 - e. a recommendation on the feasibility of the shuttle bus service.

The feasibility study report shall be submitted to and approved by the local planning authority. Should the report conclude that a shuttle bus service is feasible, then the potential arrangement and commissioning of a service shall be discussed further between the local planning authority and occupier businesses.

REASON: In order to maximise the sustainability of the development

Nature Conservation and Biodiversity

33. No works involving the loss of any hedgerow, tree or shrub shall take place between March and August (inclusive) in any year unless approved in writing by the local planning authority.
REASON: In the interest of nature conservation.

34. No development shall take place until an Ecological Management and Enhancement Plan (EMEP) for the whole Hemswell Cliff FEZ site has been submitted to and approved in writing by the Local Planning Authority. The EMEP shall be based on the biodiversity enhancement measures set-out in Chapter 10 - Terrestrial Ecology and Nature Conservation of the ES. The submitted details shall include how the EMEP will be implemented on a strategic (site wide) and individual development (plot by plot) basis to demonstrate a coherent approach to biodiversity enhancement and management across the site. The EMEP shall be implemented as approved.

REASON: In the interest of nature conservation and to enhance biodiversity interests.

35. No development that removes or disturbs any features within the Entry Level and Higher Level Stewardship Scheme at Hall Farm (Harpwell) as shown on the Parameters Plan (ref. Aecom Figure 6) shall take place until a satisfactory scheme to replace those features has been submitted to and agreed in writing by the local planning authority.

REASON: In the interest of nature conservation.

Noise

36. No development shall take place on any plot within the Hemswell Cliff FEZ site until a scheme of noise assessment, supported by the results, has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved.
The noise assessment shall:

- a. Make reference to updated baseline noise surveys to confirm that the existing noise climate does not exceed the existing background noise level stated in Table 7.17 of the Environmental Statement (ES);
- b. Demonstrate how the impact avoidance and mitigation measures referred to in Sections 7.4 and 7.6 of the Noise Chapter (Chapter 7) of the ES have been considered and taken into account;
- c. Include details of how the operational noise limits at local noise sensitive receptors shall be achieved, ensuring that following the addition of any acoustic feature corrections to the sound sources under assessment, the combined BS 4142 rating level from all sources within all development zones at the Hemswell Cliff FEZ site are equal to or lower than those in Table 7.17.
- d. In the event that monitoring required under (a) shows that the existing noise climate has changed significantly, the proposed operational noise limits set out in Table 7.17 shall be discussed and any revised noise limits agreed with the Local Planning Authority.

REASON: In the interest of residential amenity.

Odour

37. In order to protect the amenity of local residents, no wastes or feedstock materials that have the potential to give rise to odour beyond the site boundary shall be stored outside of the buildings, unless agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

38. No development which has the potential to give rise to odour at nearby residential properties shall take place until an odour assessment and odour management plan has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of residential amenity.

39. The air ventilation and odour control systems to be employed as part of this development shall be implemented and carried out in accordance with the details and systems to be submitted and approved by the Local Planning Authority.

REASON: In the interest of residential amenity.

40. Unless otherwise agreed in writing, prior to the occupation of any plot of development, a detailed Operational Environmental Management Plan (OEMP) for that individual development plot has been submitted to and approved in writing by the Local Planning Authority. The OEMP shall include information on the following:

- a. measures to deal with accidental pollution (groundwater, surface water and soils) and details of any necessary equipment (e.g. spillage kits) to be held on site;
- b. a scheme to deal with potential risks associated with contamination;
- c. measures to reduce and manage operational waste;
- d. a scheme for artificial lighting, specifying measures to minimise the impact of light spill.

REASON: In order to protect the environment and safeguard residential amenity.

Construction

41. No development shall take place on any phase/plot of the LDO site until a Construction Traffic Management Plan (CTMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authorities. Construction on that plot shall thereafter take place in accordance with the agreed CTMP for that plot, which shall be implemented in full.

REASON: To minimise impact on the local highway network

42. Unless otherwise agreed in writing, no phase/plot of development shall take place until a detailed Construction Environmental Management Plan (CEMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include information on the following:

- a. details of a telephone complaints line and the methodology to deal with any complaint;
- b. methods of communication with local residents in the event of abnormal working;
- c. hours of working (Monday- Friday 08:00-18:00 hours and Saturday 08.00 -13.00 and no working on Sunday or Bank Holidays unless otherwise agreed with the Local Planning Authority);
- d. measures to control the emissions of dust, noise and vibration (as set out in British Standard BS 5228-1 Parts 1 and 2:2009 – Code of Practice for noise and vibration control on construction and open sites and IAQM 'Guidance on the assessment of dust from demolition and construction, 2014);
- e. measures to prevent pollution (surface water, groundwater and soils);
- f. a scheme for artificial lighting, specifying measures to minimise the impact of lighting;
- g. a scheme to deal with potential risks associated with contamination including unexploded ordnance; and
- h. measures to reduce and manage construction waste.

The development of each plot shall thereafter be constructed in accordance with the approved details.

REASON: To safeguard residential amenity and minimise pollution.

INFORMATIVES

This LDO does not preclude the submission of full planning applications for development within the boundary of the Hemswell Cliff FEZ. Any such planning application shall be determined in accordance with the development plan and relevant material considerations which will include the objectives and status of the Food Enterprise Zone.

Any such application must be justified and its impact assessed in the context of the full FEZ development allowed by this LDO. Any such application must propose adequate mitigation of the impact of development over and above that of the development allowed and mitigated by the LDO.

SCHEDULE 3: INTERPRETATION

Terms used in this order have the following meanings:

Agri-Food Sector Uses	Uses specified in section 4.2, excluding those specified in section 4.4, of the Statement of Reasons.
Additional Guidance	Additional guidance relating to the physical form of development; design, appearance and materials; services and infrastructure; landscape planting; and phasing as set out in Appendix 5 of the Statement of Reasons.
Estate Road	A road sufficient to provide access to that phase/plot of development from an existing public highway.
Food Industry Processes	Processes specified in section 4.3, excluding those specified in section 4.4, of the Statement of Reasons.
Footway	A new pedestrian footpath to the north side of the A631 between the access to the Hemswell Cliff LDO site and Gibson Road.
General Conditions	The conditions identified in Schedule 2 of the Order.
GIA	'Gross Internal Area' as calculated in accordance with the RICS Code of Measuring Practice (sixth edition 2007).
Highways Agreement	An agreement with the Lincolnshire County Council pursuant to sections 38/278 of the Highways Act 1980.
Hemswell Cliff Food Enterprise Zone (FEZ)	The proposed development at the Hemswell Cliff LDO Site intended to facilitate growth in the Agri-Food Sector.
Hemswell Cliff LDO Site	The area shown edged red on the plan attached to this Order as Appendix 1 of the Statement of Reasons and being the Order area.
Parameters Plan	The plan (ref. Aecom Figure 6) attached to this Order as Appendix 2 of the Statement of Reasons.

Phase/Plot	Any defined area for a development, as submitted with a Reserved Matters application pursuant to the LDO, within the LDO site.
Reserved Matters	Details to be submitted for approval pursuant to General Condition 2 in relation to layout, scale, appearance, means of access and/hard and soft landscaping.
Right Turn Lane	A dedicated lane within the A631 to provide enhanced access to the Hemswell Cliff LDO Site at its primary access point as shown on the Parameters Plan.

Statement of Reasons

Local Development Order
Food Enterprise Zone
Hemswell Cliff

Prepared for

West Lindsey District Council

January 2017 DRAFTv1.4

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Quality Assurance

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Version	Prepared by	Approved by	Date
Draft v1.4	WS/HR	HR	20 January 2017

1. Introduction

1.1. Context

West Lindsey District Council (WLDC) proposes a Local Development Order (LDO) be made to support and encourage development related to the Food Enterprise Zone (FEZ) at Hemswell Cliff, Lincolnshire (hereafter referred to as 'the Hemswell Cliff FEZ site'). An LDO is a tool to simplify the planning requirements for development within a defined area and for defined parameters.

On 12th February 2015 the government announced proposals for 11 Food Enterprise Zones across the country, including 3 within Lincolnshire, with a view to attracting investment and encouraging closer ties between food and farming businesses to boost the domestic food and farming sector. The Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) seeks to capitalise on the opportunities associated with the existing businesses/premises at Hemswell Cliff and the availability of adjacent land to support the development of an 'agri-food cluster' located within the A15 growth corridor.

The LDO will facilitate development of new premises and facilities for businesses in the agri-food sector, thereby providing a location for new and expanding businesses and encouraging inward investment. Investment in the agri-food sector in this location will also contribute to the Council's regeneration and socio-economic objectives through the creation of employment opportunities and integration with the existing businesses and residential areas of Hemswell Cliff.

1.2. Hemswell Cliff Masterplan and Local Plan

The Food Enterprise Zone LDO is being produced in conjunction with a masterplan for Hemswell Cliff. The Hemswell Cliff Masterplan (prepared by OpenPlan) sets out a spatial development framework together with a programme of recommended actions and interventions to address problems associated with a lack of adequate facilities and services, and high levels of deprivation and isolation.

The masterplan vision includes the creation of a successful Food Enterprise Zone, attracting investment and becoming a centre of excellence in the agri-foods sector. The masterplan report recommends actions including attracting commercial investment to the FEZ by the creation of a special purpose vehicle to lead and manage the marketing and development of the FEZ, incorporating WLDC and the GLLEP as partners and seeking public funds to address market failure.

The FEZ site corresponds broadly to a draft employment allocation (site ref. E6) under policy LP5 of the emerging Central Lincolnshire Local Plan.

1.3. Local Development Orders

An LDO grants planning permission for specific types of development, subject to conditions where required. The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the types of development which are permitted within a specific area, and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area.

The Council will adopt the Hemswell Cliff LDO under the Town and Country Planning Act 1990 (as amended). Once adopted, the LDO will grant Outline planning consent for an 'Agri-food Business Cluster' (see section 4), subject to a number of limitations and conditions including compliance to a parameters plan, floorspace limits, and design principles appended to the LDO.

An indicative proposal is set out on the illustrative layout plan (which supersedes that shown within the Hemswell Cliff Masterplan) appended to the LDO, which shows one way in which development could be brought forward on the site in accordance with the parameters plan.

1.4. Limitations

The LDO provides Outline planning consent for only those uses specified under 'Agri-Food sector uses' set out in part 1 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as building regulations, highways consents or environmental permits.

Development pursuant to the LDO requires approval of 'reserved matters', which are anticipated to be sought by developers on a plot or phase specific basis. Upgrades to the site's access and infrastructure will also require submission of details for the Council's approval.

The LDO does not grant planning permission for agricultural production, catering or food retail uses, or for certain food industry processes which are inappropriate to this site (see section 4). Where development pursuant to the LDO proposes appropriate food industry processes above the applicable size threshold (1,000 sqm), the developer will be required to consult the local planning authority on the possible requirement for an environmental impact assessment (EIA) relating specifically to those processes.

The LDO does not limit any person's ability to submit planning applications for alternative development on the LDO site.

2. The LDO Site

The site extends to approximately 30ha in total and comprises arable fields at the location of a former RAF airbase. The LDO site sits within the area of the former runways and adjacent to the former hangars which now form business accommodation.

The site is located immediately north of the A631 and west of the existing Hemswell Business Park. Access to the site will be direct to the A631 at or close to the existing access points.

The boundary of the LDO site is shown on the site location plans (ref. Aecom Figure 1 and Figure 2) provided as Appendix 2 and indicated on the aerial photograph below.



Picture 1 - LDO Boundary (from ES Figure 2)

As there are no existing or discernible boundaries to form the north and west of the LDO site, an alignment has been chosen which keeps the development as close to the existing business park as possible, whilst allowing plots of sufficient size and regularity of shape to accommodate the proposed development.

The proposed development area comprises approximately 30 ha of land and includes perimeter landscaping zones and space for sustainable drainage features and other infrastructure as shown on the Parameters Plan (see Appendix 3).

The site's configuration adjacent to the west boundary of the existing business park provides the opportunity to utilise the existing access road providing that appropriate upgrade works are undertaken, which is intended to increase the cost efficiency and space efficiency of the development. Provision is also made for a new spine road and 'infrastructure corridor' from the access junction through the centre of the site.

3. Purpose of the LDO

The government's aim in introducing Food Enterprise Zones is to attract investment, and to encourage closer ties between food and farming businesses to boost the domestic food and farming sector. The Food Enterprise Zones are based around LDOs, with a view to making the planning process simpler and easier for food and farming businesses that want to expand, in line with local priorities.

The Hemswell Cliff LDO site provides the potential to accommodate agri-food business premises at a range of scales, including premises which will be attractive to large scale agri-food businesses. The LDO will provide a stimulus for inward investment in the area from agri-food business in the short-medium term, and will sit alongside a Local Plan allocation, ensuring that the site will be retained for suitable uses in the longer term.

Accordingly, the Council is encouraging a mix of building types and sizes, subject to the limitations and conditions set out in the LDO (including the parameters plan). This is intended to allow flexibility to meet the requirements of new or expanding businesses and inward investors, and to enable responsiveness to changes within the agri-food sector. It will facilitate the development of space to meet the needs of a variety of businesses, including support services which will make the site a more attractive location for agri-food businesses. The ability to accommodate a range of unit sizes will also help to foster start-up businesses, and assist with the retention of agri-food business as they expand.

The LDO development proposals complement the masterplan vision for the regeneration of Hemswell Cliff.

The objectives of the Hemswell Cliff LDO are to:

- Enhance the scale and socio-economic impact of the agri-food sector at a local and regional level;
- Provide developable plots capable of accommodating a range of building types and sizes, which are attractive to businesses within the agri-food sector;
- Provide flexibility by allowing the site to accommodate changing requirements (within defined parameters);
- Support the socio-economic aims and objectives of the Hemswell Cliff masterplan;
- Deliver sustainable development by minimising and mitigating any environmental impacts;
- Facilitate development for businesses which provide a substantial number and diverse range of employment opportunities;
- Enhance the attractiveness of the site to inward investors by facilitating development of uses which are complementary to the main agri-food businesses.

4. Description of Development to be Permitted

This section provides a summary of the development granted planning permission by the LDO. The LDO and appendices should be reviewed in full to ascertain the precise development permitted.

The Hemswell Cliff LDO grants Outline planning permission for an 'Agri-Food Business Cluster' comprising business (Use Class B1), industrial (Use Class B2) and/or storage and distribution (Use Class B8) uses which are part of, or immediately related to, the Agri-Food sector.

Development proposals pursuant to the LDO must submit 'Reserved Matters' applications for details of appearance, landscaping, layout and scale, as well as details of the particular food industry uses and processes to be undertaken (see below).

Any submission to propose development pursuant to the LDO must demonstrate that the uses are part of the Agri-Food sector or are closely related to the every-day operations of uses which fall within the sector. See sector explanation below for further guidance.

Outline planning permission is granted for development which conforms to the following parameters, categories and exclusions. Further non-prescriptive guidance is also provided in Appendix 5 on the nature of development anticipated at the site.

4.1. Physical Parameters

As identified on the Parameters Plan (Ref. Aecom ES Figure 6), development pursuant to the LDO must conform to the following parameters:

- Development to be located wholly within the LDO site boundary as shown on plan ref. Aecom ES Figure 1.
- Buildings and structures up to a maximum height of 18m above finished ground level
- Overall maximum floorspace of development 70,000 sqm (gross)
- Overall maximum floorspace for standalone office, business support, meeting and ancillary service premises 5,000 sqm (gross)
- Inclusion of a landscape buffer strip to the north, south and west boundaries of the site
- Potential constraints to the scale, design and/or materials of development within the HSE safeguard 'purple zone' associated with the adjacent fireworks factory.
- Restriction to allow development of infrastructure and landscape planting only within the HSE safeguard 'yellow zone' associated with the adjacent fireworks factory.

4.2. Agri-Food Sector Uses

Businesses in the agri-food sector which are encouraged to locate at the site may be specialist agri-food businesses, specialist agri-food departments within larger or more general businesses, or businesses providing essential goods/services to agri-food sector clients. Businesses which are not dedicated to the agri-food sector or which provide goods/services only incidentally to agri-food sector clients will not be allowed to locate at the site under the provisions of this LDO.

Uses within the agri-food sector supply chain which are acceptable at the site under the LDO may be categorised as follows:

- Input suppliers – Businesses supplying ingredients, products, packaging and machinery etc. to the agri-food sector.

- Technical and support services – Businesses providing specialist support to the agri-food sector, including financial, legal, agency, IT, technology, maintenance, testing etc.
- Logistics, storage and distribution – Businesses providing storage, transportation and associated value added services for goods produced by the agri-food sector. This incorporates 'cool chain' (i.e. chilled or frozen) as well as ambient storage premises and facilities. This also includes grain storage infrastructure with associated testing, control and value added services.
- Food processing – Businesses which create and process food products, including a broad range of services and processes from cleaning and grading to processed food preparation and packaging. Excludes certain food industry processes (see below).
- Output wholesale and marketing – Businesses involved in the sale and trading of agri-food products. This includes sale into the retail and catering trade, and export of goods.
- Research and Development – Businesses involved in research and development of products and systems associated with the agri-food sector.

4.3. Food Industry Processes

The following food industry processes are anticipated to be allowed within the Agri-Food Business Cluster development at Hemswell Cliff.

- Manufacture of vegetable and animal oils and fats
- Packing and canning of animal and vegetable products
- Manufacture of dairy products
- Brewing and malting
- Confectionery and syrup manufacture
- Industrial starch manufacturing installations

Where development pursuant to the LDO proposes any processes within the above list (greater than 1,000 sqm floorspace), the developer shall consult the local planning authority (LPA) on the possible requirement for an environmental impact assessment (EIA).

Should the local planning authority's screening opinion be that the processes proposed could have a significant environmental effect, then the reserved matters application for development including the use/process must be supported by an Environmental Statement prepared in conformity to the EIA regulations.

4.4. Exclusions

The LDO does not grant planning permission for the following uses:

- agricultural production
- catering
- food retail

The LDO does not grant planning permission for development comprising the following food industry processes.

- Intensive livestock installations (including that within Schedule 1 of the EIA regulations)
- Installations for the slaughter of animals
- Fish-meal and fish-oil factories

- Sugar factories.
- Production of chemicals; including pesticides and pharmaceutical products

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5. LDO Timescales

The LDO takes effect on the date it is adopted by the Council, and will be valid for a period of ten years, following which the LDO will expire.

This period is intended to allow sufficient time for the Hemswell Cliff FEZ site to be prepared for development through infrastructure creation and upgrade, for reserved matters applications to be submitted and determined, for conditions to be discharged and construction to commence. Most importantly however, the period is to allow time for business interest in the site to emerge and the process of business planning and expansion/relocation logistics to take place.

Provided that Reserved Matters approval has been obtained, any development commenced under the LDO but not completed by its expiry is permitted to be completed. Any proposed development not commenced before its expiry will require express planning permission and therefore a formal planning application will need to be submitted to the Council.

Following the expiry of the LDO, no new uses or change of use will be permitted, unless permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Council has the power to revoke or modify the LDO at any time before its expiry or could be directed to do so by the Secretary of State. Revocation or modification of the LDO would be subject to notification via the Council's website and local press notice.

At the end of the LDO's ten-year period, West Lindsey District Council will review the effect of the LDO with a view to making a decision on whether to: renew the LDO with no revisions; or renew the LDO with new terms and conditions; or revoke the LDO.

Prospective developers are advised to submit reserved matters applications in plenty of time to enable work to start before the LDO expires.

6. Legislative Framework

LDOs were introduced in 2006 through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specific types of development as detailed in the Order. These primary powers were amended by section 188 of the Planning Act 2008 in June 2009.

The detailed legislative framework for LDOs is contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended), and in Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO).

Article 38 (1) of the DMPO states that where a local planning authority proposes to make an LDO they shall first prepare:

- A draft order; and
- A statement of their reasons for making the order.

Article 38 (2) states that the 'Statement of Reasons' must contain:

- A description of the development which the order would permit; and
- A plan or statement identifying the land to which the order would relate.

This document satisfies the requirements of Article 38 (1) and 38 (2) of the DMPO.

The Growth and Infrastructure Act 2013 removed the requirement to consult the Secretary of State prior to adoption and enables local planning authorities to approve an LDO immediately. The requirement was replaced by the notification to the Secretary of State, through the National Planning Casework Unit, as soon as practical after adoption.

Where development approved by an LDO may have a significant environmental effect, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are applied. These regulations set out the requirements for an Environmental Impact Assessment to be undertaken (see Section 8).

Given that part of the LDO site lies within the safeguarding zone of a licenced explosives site, any proposals for development within this zone shall conform to the relevant aspects of the Explosives Regulations 2014 and associated requirements of the Health & Safety Executive (HSE).

7. Relevant Planning Policies

The relevant planning policies considered for the LDO are as follows:

7.1. National Planning Policy Framework

Paragraph 14	Presumption in favour of sustainable development
Paragraph 17	Core planning principles
Paragraphs 18-22	Building a strong, competitive economy
Paragraph 28	Supporting a prosperous rural economy
Paragraph 29-41	Promoting sustainable transport
Paragraphs 56-68	Requiring good design
Paragraph 93-108	Climate change and flood risk
Paragraphs 109-125	Conserving and enhancing the natural environment
Paragraphs 126-141	Conserving and enhancing the historic environment

7.2. West Lindsey Local Plan First Review 2006 (saved policies)

STRAT1	Development Requiring Planning Permissions
STRAT3	Settlement Hierarchy
STRAT15	Employment Allocations
STRAT19	Infrastructure Requirements
SUS1	Development Proposals and Transport Choice
SUS13	Hazardous Proposals
SUS15	Derelict, Under-Utilised and Previously Developed Land
ECON1	Employment Development Provision
ECON3	Protection of Agricultural Land
NBE10	Protection of Landscape Character in Development Proposals
NBE14	Waste Water Disposal
NBE15	Water Quality and Supply
NBE17	Control of Potentially Polluting Uses
NBE19	Landfill and Contaminated Land
NBE20	Development on the Edge of Settlements

7.3. Emerging Central Lincolnshire Local Plan (Submission Draft)

LP1	A Presumption in Favour of Sustainable Development
LP2	The Spatial Strategy and Settlement Hierarchy
LP3	Level and Distribution of Growth
LP4	Growth in Villages
LP5	Delivering Prosperity and Jobs

LP12	Infrastructure to Support Growth
LP13	Accessibility and Transport
LP14	Managing Water Resources and Flood Risk
LP16	Development on Land Affected by Contamination
LP17	Landscape, Townscape and Views
LP18	Climate Change and Low Carbon Living
LP21	Biodiversity and Geodiversity
LP26	Design and Amenity
LP55	Development in Hamlets and the Countryside
LP57	Ministry of Defence Establishments

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8. Environmental Impact Assessment

Developments which are likely to have an impact upon the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

West Lindsey Council adopted a screening opinion on 12th April 2016 that confirmed the proposed development may have significant environmental effects and thereby required an EIA to be undertaken.

The Council then issued a scoping opinion on 15th August 2016 which confirmed the scope of the EIA to be undertaken.

In accordance with the regulations, an EIA has been undertaken and the Environmental Statement is submitted in support of the draft LDO.

The findings of the EIA have influenced the development proposed to be allowed by the LDO and the associated parameters, including matters such as the access junction, site boundary alignment and ecological mitigation, which are discussed in Section 10 of this statement.

9. Planning History

The statutory registers of planning applications held by West Lindsey District Council and Lincolnshire County Council have been reviewed.

This indicates that there have been no applications made or determined for development within the LDO site.

The following planning applications have recently been submitted and determined in relation to development adjacent to the LDO site and in the vicinity of Hemswell Cliff, which have been considered in the preparation and assessment of the LDO:

9.1. Expansion of Parkacre Site, Hemswell Business Park

Planning Permission was granted (ref. 133082) on 26th April 2016 for the redevelopment of land at the rear of Hangar 2, including erection of a storage building; a building link to a newly constructed production facility building, demolition of existing buildings and general alterations to existing external parking and access arrangements. This application was resubmitted on 25th November 2016 (ref. 135511), in order to alter the shape of the proposed storage building, and is currently under consideration by West Lindsey District Council.

The above applications have been made on behalf of Parkacre Enterprises Ltd (Parkacre). Parkacre manufactures and packages vitamins, minerals and supplements at the Hemswell Business Park and is proposing to expand its operations due to increased demand and growth of the business.

9.2. Hemswell Biogas, proposal to increase tonnages of waste to 90,000 tonnes per annum

An application (ref. W127/134934/16) to vary Condition 3 of planning permission W127/133701/15, relating to the Hemswell Cliff Biogas Anaerobic Digestion (AD) Facility located on the Hemswell Cliff Industrial Estate, was made to Lincolnshire County Council in August 2016. The application was approved with conditions on 7 November 2016. The development does not involve any form of new construction, given that the design and size of the AD facility already constructed is capable of handling greater than the 40,000 tonnes per annum of materials currently accepted.

9.3. Development of 40 no. Residential Dwellings on land west of Lancaster Green, Hemswell Cliff

An application for outline planning permission (ref. 133344) was made in August 2015 for up to 40 No. residential dwellings by TWD Developments Ltd. The development site is located approximately 350 m south east of the Hemswell Cliff FEZ site at Lancaster Gate and comprises approximately 1.1 ha parcel of greenfield land. Planning permission was granted on appeal on 14th June 2016, with all matters reserved apart from access.

9.4. Development of 180 no. Residential Dwellings at Land South of A631, Hemswell Cliff

An application for outline planning permission (ref. 134720) was made on 25th July 2016 for up to 180 No. residential dwellings, with all matters reserved apart from access, by Hemswell Estates Ltd. The development site is located approximately 700 m south-east of the Hemswell Cliff FEZ site and comprises approximately 7.6 ha parcel of greenfield land. The Council's Planning Committee resolved to grant planning permission subject to completion and signing of a section

106 agreement on 14th December 2016, with an additional condition imposed requiring the provision of a controlled pedestrian crossing on the A631 to serve the development.

9.5. Development of a new office block at Unit 10 Learoyd Road, Hemswell Business Park.

Planning permission was granted (ref. 134705) on 26th September 2016 for a two storey B1 (a) office block (270 square metres gross internal floorspace) on land adjacent to the existing Highfields Group operation. J.S. Highfields specialise in transport, warehousing, and distribution, with a specialism in delivering agricultural products.

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10. Development Considerations

10.1. Principle of Development

The Hemswell Cliff FEZ (LDO) site lies on agricultural land immediately to the west of Hemswell Cliff, a former RAF military base, which was disposed of by the Ministry of Defence (MOD) in 1985. The LDO site sits within an area of former runways, adjacent to former hangars which formed part of the original use of the site as an RAF air base. The hangars adjacent to the site are now used as business accommodation, and sit alongside new business units. Further to the east, within the old RAF base are a series of business units accommodating small businesses, including cafes/sandwich shops and vehicle repair workshops.

The LDO site is unallocated in the West Lindsey Local Plan Review 2006, however the LDO site is included as a Strategic Employment Site (ref. E6) under draft policy LP5 – Delivering Prosperity and Jobs in the emerging Central Lincolnshire Local Plan (Submission Draft). Policy LP5 states that the site is reserved for B1, B2 and B8 uses, adding that the presumption will be for Strategic Employment Sites to meet the needs for large scale investment which requires significant land take.

The existing Hemswell Business Park adjacent to the LDO site is allocated for employment uses in the West Lindsey Local Plan Review 2006.

Hemswell Cliff sits on the fifth tier of the settlement hierarchy outlined in Central Lincolnshire Local Plan policy LP2 – The Spatial Strategy and Settlement Hierarchy, however it is identified for a higher than usual scale of expansion due to the existence of the Hemswell Business Park within the settlement, and the importance attached to the proposals within this LDO for the local and regional economy. The Central Lincolnshire Local Plan policy LP57 – Ministry of Defence Establishments, states that the redevelopment or change of use of redundant MOD land will be supported subject to a set of stipulations, including that: the proposal would not conflict with existing land uses on neighbouring land; and in cases where large scale redevelopment of a site is planned, a holistic approach is taken to development in order to avoid a piecemeal approach.

The proposed uses on the LDO site are consistent with the emerging allocation for the site (ref. E6) in the Central Lincolnshire Local Plan and will complement the existing uses within the Hemswell Business Park. The LDO proposes a comprehensive development solution, which seeks to maximise the attractiveness of the entirety of the site to the Agri-Food sector, providing business accommodation in a variety of formats in order to meet the requirements of Agri-Food businesses.

The Hemswell Cliff FEZ will establish a focal point for business development and support to grow the regional food and farming supply chain. The plan is to develop Hemswell Business Park to create a FEZ, supported by a LDO along the A15 growth corridor. The Hemswell Business Park will provide flexible and cost effective premises to meet the demand of expanding local agri-food businesses and inward investors.

The food chain is of critical importance to Greater Lincolnshire's economy. It is the largest employer representing 24% of jobs from field to fork and contributes £2.5 billion every year to the area's economy. The Hemswell Cliff FEZ will therefore play a vital role in helping Greater Lincolnshire LEP to achieve their vision of doubling the economic value of the agri-food sector in Greater Lincolnshire by 2030.

Together with the FEZs at Holbeach and Europarc, the three FEZs will establish a triangular hub serving the key agri-food clusters in the Greater Lincolnshire area (arable crop sector and food processing in Central Lincolnshire, fish processing in the South Humber Bank and fresh produce at Holbeach). The "A15 growth corridor" links all three FEZ areas and is thus important strategically in facilitating growth of the food chain across the LEP area.

The development of the Hemswell Cliff FEZ site will help to add value to farm output produced in Lincolnshire. By creating more food processing capacity, for example at Hemswell Cliff, the area can capture more of the post farm gate added value.

Creating food processing and supply chain jobs within the Hemswell Cliff FEZ site will add value to the local economy which will in turn facilitate growth of the wider economy. As Hemswell Cliff is currently a relatively deprived community, creating these high value jobs would particularly benefit local people.

A preceding site search sought high quality, attractive sites, generally 10 ha+ in size, that would be able to accommodate international or national businesses, but also be appealing to regional or local firms. The aim was that these sites would be prioritised for businesses requiring large scale floorplans and with significant numbers of employees to avoid piecemeal development that would potentially prevent large scale development from taking place.

Criteria for selection included a location on a strategic highway network and/or sites that were well served by public transport. The Hemswell Cliff FEZ site was deemed to meet the above criteria, given its proximity to the A15, sizeable area to accommodate strategic development and existing/proposed agri-food sector uses.

Wider objectives giving weight to the selection of the Hemswell Cliff FEZ site included the regeneration of Hemswell Cliff by attracting inward investment and employment growth.

The proposed development is therefore considered to have a positive impact on the existing commercial area at Hemswell Cliff, helping to attract inward investment and supporting the vitality of the area, in addition to providing significant socio-economic benefits through providing a range of new jobs. As the land also benefits from a draft allocation within the emerging Central Lincolnshire Local Plan, it is considered that the development proposed through this LDO is acceptable in principle.

10.2. Employment Uses and Economic Growth

Paragraph 18 of the NPPF sets out the Government's commitment to supporting economic growth. The NPPF advises that local planning authorities should help achieve economic growth by planning proactively to meet the development needs of business and support an economy fit for the 21st century; that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting; and that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances (paragraphs 20-21). Draft policy LP5 of the Central Lincolnshire Local Plan supports, in principle, proposals which assist in the delivery of economic prosperity and job growth to the area.

This LDO grants Outline planning permission for the uses set out in Section 4 – Description of Development Permitted (use class B1, B2 and B8), and for buildings to form business premises, provided that they are in accordance with the use and development parameters, within the LDO site. The uses and development parameters have been selected in order to provide attractive business space for the Agri-Food sector.

A degree of flexibility has been incorporated into the LDO in order to allow for an 'Agri-food Business Cluster' which includes a range of complementary uses focused on the Agri-food sector, and to provide the flexibility needed in order to respond to changing business needs and economic circumstances, making the LDO site a resilient employment site for the short, medium and possibly longer term. As indicated by the illustrative layout drawing, the LDO facilitates the provision of business units of a range of sizes and formats. This is to encourage new start-up businesses, to provide capacity for their retention through provision of larger floorplate units into which they can expand, and to attract large scale agri-food businesses. The range of business

units will also facilitate the inclusion of businesses which support the operations, making the site a more attractive location for the Agri-Food sector.

The Hemswell Cliff FEZ will therefore play a vital role in helping Greater Lincolnshire LEP to achieve their vision of doubling the economic value of the agri-food sector in Greater Lincolnshire by 2030. Creating food processing and supply chain jobs within the Hemswell Cliff FEZ site will add value to the local economy which will in turn facilitate growth of the wider economy. As Hemswell Cliff is currently a relatively deprived community, creating these high value jobs would particularly benefit local people.

10.3. Landscape and Setting

The LDO grants Outline planning permission, with all matters reserved. This means that layout, scale, appearance, means of access, and hard and soft landscaping will be provided in one or more reserved matters applications. The height and extent of the potential development is controlled by the parameters plan attached to the LDO. Reserved Matters applications will also be supported by a design and access statement setting out how detailed proposals comply with the parameters plan and additional guidance of the LDO.

Draft policy LP17 of the emerging Central Lincolnshire Local Plan, and saved policy NB10 of the West Lindsey Local Plan Review require that proposals should have particular regard to maintaining and responding positively to features within the landscape and townscape which positively contribute to the character of the area. Similarly policy LP26 – Design and Amenity, of the emerging Central Lincolnshire Local Plan requires that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape.

10.3.1. LANDSCAPE

The Hemswell Cliff FEZ site comprises of open agricultural farmland, heavily influenced by the adjacent Hemswell Business Park, which contains the hangars and other operational buildings that were associated with the former RAF airbase, as well as newer industrial units and structures that have been built in more recent years.

Due to the arable use of the Hemswell Cliff FEZ site, there are currently few features of landscape value present on the site. Views to the Hemswell Cliff FEZ site are medium distance views and often obscured by landform. The Hemswell Cliff FEZ site will be perceived as an extension of the light industrial landscape of Hemswell Business Park.

The Hemswell Cliff LDO development is assessed to result in a minor adverse (and therefore not significant) effect on the landscape upon opening of the development. This effect further reduces as a result of the maturation of proposed landscape screen planting on the Hemswell Cliff FEZ site, resulting in a minor beneficial effect in the long term.

A landscape/planting scheme designed to provide screening is required to be incorporated as part of any plot development and is secured by planning conditions. The parameters plan precludes development from a perimeter zone (to the north, south and west boundaries) where landscape planting will be incorporated.

10.3.2. VISUAL AMENITY

Views from the wider area are limited by distance, intervening landform, small woodland blocks, hedgerows and hedgerow trees along roads. Longer range views will assimilate the Hemswell Cliff FEZ site into the backdrop of existing structures associated with Hemswell Business Park, which is often visible on the horizon.

Tree belt planting as part of the landscape scheme of the Hemswell Cliff FEZ site and the infill planting and management of existing hedgerows along the A631 will have a positive effect, by providing screening of the Hemswell Cliff FEZ site in the long term.

Prospective views of the LDO development have been assessed and concluded not to constitute a significant effect on visual amenity during construction or operation of the development. Any effect on visual amenity will reduce over time as a result of the maturation of proposed landscape planting.

Overall, it is considered that the development proposed through the LDO will respond positively to natural and man-made features within the existing landscape and townscape.

10.4. Ecology

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity; and Central Lincolnshire Local Plan Draft Policy LP21 – Biodiversity and Geodiversity states that all development should minimise impacts on biodiversity and geodiversity, and seek to deliver a net gain. A Preliminary Ecological Appraisal and Breeding Bird Survey have been carried out to support this LDO, and the potential impacts of the proposed development have been assessed through the Environmental Impact Assessment which supports this LDO.

West Lindsey Local Plan 2006 saved policies relate specifically to national designations (SSSIs or NNRs) (Policy NBE11), locally designated nature conservation sites and ancient woodlands (Policy NBE12), and 'wildlife corridors' (Policy NBE13). The Hemswell Cliff FEZ site is not subject of any ecological allocation (except the Environmental Stewardship scheme relating to field boundaries – see Soils and Agriculture below), nor will any such allocation be affected by development pursuant to the LDO.

The Hemswell Cliff FEZ site comprises arable and grassland habitat, which supports locally important populations of breeding farmland birds. The loss of this habitat will result in the loss of breeding bird territories within the footprint of the development, including ground nesting Red and Amber List species of high and moderate concern. However, the assessment has concluded that the displacement of the small numbers recorded is significant at the local level only and does not require mitigation.

The creation of woodland, scrub and waterbodies within the development footprint as part of the landscape and surface water drainage strategy will create nesting opportunities for a range of bird species, as well as creating habitat suitable for terrestrial and aquatic invertebrates, small mammals and foraging bats within the Hemswell Cliff FEZ site boundary. At present the Hemswell Cliff FEZ site is of relatively low ecological value for most species, except nesting birds, due to the prevailing intensive agricultural land management regime. It is therefore reasonable to assume that the newly created habitats will be sufficient to achieve no net loss of biodiversity overall, in accordance with national planning policy.

10.5. Transport and Access

Paragraph 29 of the NPPF acknowledges the importance of sustainable transport. Paragraph 32 of the NPPF requires all developments that generate a significant amount of movement to be supported by a Transport Assessment. Paragraph 32 goes on to state that local authorities must consider whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Policy SUS1 of the existing Local Plan seeks that large scale development proposals are located in sustainable locations which can be easily and suitably accessed by existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided.

Emerging Local Plan policy LP12 states that development will only be allowed where it is demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

Emerging Local Plan policy LP13 supports development proposals which contribute towards an efficient and safe transport network and which offers a range of transport choices for the movement of people and goods. Development is encouraged to minimise additional travel demand by location, travel planning and increased use of sustainable modes of transport.

The Transport Assessment prepared to support the LDO application for the proposed Hemswell Cliff FEZ site has assessed the transport impacts of the proposed Hemswell Cliff FEZ site.

In accordance with good practice, a Scoping Study was prepared which set out the parameters of the Transport Assessment. The Scoping Study was submitted to Lincolnshire County Council, whereby the scoping assessment methodology was discussed and agreed.

10.5.1. TRAFFIC GENERATION

The transport impacts arising during the operational phase of the Hemswell Cliff FEZ site have been assessed for the 'Forecast Assessment Year' of 2031, when the FEZ site is fully built out. No reduction in car driver trips, expected with the implementation of the Travel Plan, has been applied to the trip generation, therefore the assessment represents a 'worst case' scenario.

The transport impact of cumulative development has been assessed. This has included a number of committed developments including proposed Gainsborough Northern and Southern Urban Extension areas, Riverside Gateway LDO, proposed residential developments to the south of the A631 in Hemswell Cliff, and expansion of the Hemswell Biogas AD Plant and Parkacre development within the Hemswell Business Park.

Whilst the proposed development will naturally give rise to an increase in traffic on the local road network, detailed junction capacity modelling demonstrates that all junctions within the study area operate within their design capacity in both the AM and PM peak hours 'with development'.

In conclusion, the predicted transport impacts would not have a detrimental impact on highway safety or highway capacity. The residual cumulative impacts of the proposed development are not considered 'severe' in terms of paragraph 32 of the NPPF.

10.5.2. SUSTAINABLE TRAVEL

To maximise the opportunities for sustainable transport modes, occupier Travel Plans will be secured by a condition of the LDO. As the specific occupiers of the FEZ site are not known at this stage, a Framework Travel Plan has been prepared at Outline stage to identify measures and establish procedures to encourage employees of future occupiers to adopt modes of transport which reduce reliance on single occupancy private car use.

The Framework Travel Plan is intended to provide a template for compliance by future tenants. It also provides guidance so that businesses can develop their own final Travel Plans which, while being in line with the Framework, are customised to their individual circumstances.

The location of the site does not provide the potential for access by foot, on bicycle or by public transport in a cost effective manner, aside from access to Hemswell Cliff village. The Framework Travel Plan therefore concentrates on encouraging car sharing to reduce the number of single occupancy peak hour car trips. It also identifies the possibility of a peak hours journey to work shuttle bus to improve non-car accessibility. Such a measure would need to be the subject of a feasibility study in the first instance. As it would be a site wide resource, a mechanism for sharing the costs between occupants of the FEZ site (and potentially the existing business park) would be agreed prior to any service coming into operation.

Details such as provision of cycle parking spaces and facilities shall be provided with the submission of reserved matters applications.

10.5.3. ACCESS

The modelling of the site's access to the A631 indicates that the existing main entrance to Hemswell Business Park could accommodate the additional development traffic associated with the Hemswell Cliff FEZ site without any upgrade being required.

Nevertheless, it is proposed to enhance the access by upgrading the existing priority junction. Widening of the highway is proposed to allow creation of a dedicated right turn lane which will enhance the operation and safety of the junction.

Furthermore, subject to confirmation of feasibility, it is proposed to provide a new pedestrian/cycle access route between the Hemswell Cliff FEZ site and Hemswell Cliff village. This is anticipated to be either a new footway to the north side of the A631 between the site access and Gibson Road, or a new route via the existing business park.

The proposed mitigation approach has been presented to and discussed with Lincolnshire County Council as the Highway Authority. The junction upgrade works and possible footway are secured by a planning condition and will be undertaken through a s278 agreement with the Highway Authority.

Officers of the Highways Authority have also indicated a desire for a roundabout to be created on the A631 which could serve to provide access to the FEZ site and would calm traffic running through Hemswell Cliff. There is no requirement in terms of safety or capacity for such a roundabout to provide access to the FEZ.

Whilst the desire to calm traffic through Hemswell Cliff is recognised, the appropriate means of doing this is not considered to be the imposition of an additional cost on the FEZ development for infrastructure works not required to mitigate its impact. The cost of providing a roundabout would substantially exceed that of the adequate junction upgrades proposed and could reduce the attractiveness of the FEZ to businesses if the cost is passed on and may therefore compromise its viability.

Should any separate project relating to traffic calming within Hemswell Cliff conclude, following a cost-benefit analysis, that a roundabout is the most appropriate means to calm traffic and that the cost of constructing the roundabout would be funded from budgets unrelated to the FEZ development, then a roundabout is considered to be compatible with the FEZ and would be supported.

10.5.4. PARKING

The car parking to be provided for the Hemswell Cliff FEZ site will be confirmed as reserved matters applications come forward for individual units. However, to ensure that the development does not encourage unnecessary car use, the number of spaces will be within maximum parking standards as identified within the Lincolnshire County Council parking standards.

10.6. Flood Risk and Drainage

Paragraph 100 of the NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. Development at the Hemswell Cliff FEZ site conforms to this objective given that it lies within Flood Zone 1, and is therefore considered to be at low risk of flooding from fluvial and tidal sources.

Emerging Local Plan policy LP14 'Managing Water Resources and Flood Risk' sets out a series of factors which development proposals need to demonstrably meet, including that development should not increase the flood risk for existing or proposed properties within the area, and that

Sustainable Drainage Systems (SuDS) are incorporated into the proposals unless they can be shown to be impractical.

Policy STRAT1 of the existing Local Plan seeks to ensure that there is sufficient availability and capacity of infrastructure to adequately serve the development. Policy NBE14 seeks to ensure that foul sewage and surface water run-off are planned for.

10.6.1. FLOOD RISK

A flood risk assessment has been undertaken in support of the LDO which concludes that:

- The risk of flooding from fluvial and tidal sources, and from artificial sources, drainage and sewer infrastructure is low.
- Whilst the risk of flooding from groundwater is low, given that the site lies in an area susceptible to groundwater flooding, a 300mm difference in ground level to floor level is to be incorporated in the development and secured by planning condition.
- Whilst the majority of the site is at 'very low' risk of flooding from surface water, there is a small area at 'low' risk of flooding at the northern extent of the site. As such, the Hemswell Cliff FEZ site is considered to be at low risk of surface water flooding.

10.6.2. SURFACE WATER DRAINAGE

A Drainage Constraints Report has been prepared to set out how surface water runoff from the Site will be managed after development. The proposed drainage design of the Hemswell Cliff FEZ site is based on providing surface water attenuation storage up to and including a 1 in 100 year event plus 30% allowance for climate change using infiltration based methods.

The drainage strategy proposes the use of infiltration basins within each plot, whereby surface water flows are attenuated within plots before infiltrating into the ground. This is the most sustainable form of surface water drainage.

The suitability of any location for infiltration may vary according to ground conditions. Whilst it is considered likely that the ground conditions across the whole site will be able to support infiltration, this is to be determined by soakaway tests to be undertaken during the detailed design stage.

Should the soakaway tests indicate that infiltration cannot be achieved at any given plot, then surface water from the site will be restricted to the equivalent greenfield run off rate for the site.

Provision is made within the LDO for construction of an attenuation pond and associated pipes or swales, the detail of which would be approved via a reserved matters submission if required. The ability to construct the pipes or swales is preserved by the identification of an 'infrastructure zone' on the Parameters Plan, which runs immediately adjacent to the existing and proposed spine road.

An attenuation pond will be located (if required) within the northernmost extent of the site and will outfall, via a piped network and new outfall into Aisthorpe Springs, a watercourse located to the east of the Site. This location is lowest lying and within the HSE safeguarding 'yellow zone' (see Section 10.12) where development of an employment use (or other use where people are present) would not be supported.

Additional attenuation storage will be achieved using a combination of swales, balancing ponds, channels, pipe network and/or underground storage within the development plots.

The Hemswell Cliff FEZ site is not likely to increase surface water runoff and therefore meets the requirements of the NPPF, regional and local planning policies. There are no anticipated off-site impacts as a result of the development of the Hemswell Cliff FEZ site.

Planning conditions will require the submission and approval of full surface water drainage details for each proposed phase or plot of development prior to commencement of development of that phase or plot.

10.6.3. FOUL WATER DRAINAGE

An assessment has been undertaken to ascertain the capacity of the foul water drainage network in the vicinity of the Hemswell Cliff FEZ site. Anglian Water's initial assessment of capacity of the sewer networks and foul water treatment facility located to the east of the Hemswell Cliff FEZ site suggests that there is insufficient capacity in the works and the sewer network to accommodate the flow levels anticipated to be required. Further hydraulic modelling is being undertaken by Anglian Water to confirm the assessment. If the initial assessment proves to be correct and the existing foul wastewater treatment facility does not have capacity to serve the development, then an alternative option would be required such as the construction of a private treatment facility to serve the site.

Planning conditions require confirmation that the existing sewer networks and foul water treatment facility located to the east of the Hemswell Cliff FEZ site have sufficient capacity to accommodate the development to be obtained prior to commencement. In the event that this cannot be confirmed, the conditions require that details of an appropriate alternative means of treating foul water from the development are approved prior to commencement of the development.

Thereafter, planning conditions require the submission and approval of full foul water drainage details for each proposed phase or plot of development prior to commencement of development of that phase or plot.

10.7. Services and Infrastructure

Policy STRAT1 of the existing Local Plan seeks to ensure that there is sufficient availability and capacity of infrastructure to adequately serve the development. Conditions are proposed to ensure further details on foul sewage and surface water run-off are submitted to and approved by the Council.

An assessment has been undertaken to ascertain the capacity of existing water, gas and electricity network in the vicinity of the Hemswell Cliff FEZ site. In relation to the location of existing utilities on site, constraints imposed by them and the potential for future connections or the proposed development, the following has been found:

- The extent of essential existing gas utility assets is considered adequate and has capacity to serve the proposed development at the Hemswell Cliff FEZ site;
- Consultation with the respective statutory undertakers has found that connection for gas could be facilitated for the proposed quantum of development, without the need for remedial works or any reinforcement of existing infrastructure assets;
- Whilst Northern Power Grid is able to provide an electricity supply to the site, this would require funding to allow necessary reinforcements to be made.
- The provision of clean water to the site to meet the levels required for 'wet industry' is only achievable with significant reinforcement which would need to be funded. Anglian Water has indicated that sufficient supply to meet the 'domestic use' requirements for the proposed development is achievable with minimal reinforcement. [Further advice is awaited from Anglian Water on the options, costs and timescales]
- A further response is also awaited from Anglian Water regarding foul drainage infrastructure. It is understood that it may be necessary to construct and operate a private sewage treatment

works on the site, which would require agreement from the Environment Agency for a discharge to the watercourse.

10.8. Renewables and Energy Efficiency

Paragraph 93 of the NPPF supports the delivery of renewable and low carbon energy and associated infrastructure as a central element of the economic, social and environmental dimensions of sustainable development. The Hemswell Cliff FEZ development has the potential to incorporate the generation of, and to utilise, energy generated from renewable and low carbon sources. For example, the existing anaerobic digestion facility located adjacent to the LDO site may have the potential to provide energy to businesses within the FEZ. A condition of the LDO requires details of the generation and use of renewable or low carbon energy for each plot or phase of development to be prepared, approved by the Council and incorporated in the development.

10.9. Ground Conditions

Paragraph 121 of the NPPF dictates that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land stability, and that after remediation the land should not be capable of being determined as contaminated land. Saved policy NBE19 of the West Lindsey Local Plan Review 2006, and draft policy LP16 of the Central Lincolnshire Local Plan Submission Draft require appropriate site investigation and risk assessment to be carried out to assess risks to people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site.

Given the site's former use as an RAF airfield, initial desktop assessments have indicated the possible presence of land contamination and/or unexploded ordnance (UXO) (see below). The Phase 1 Environmental Site Assessment report therefore concludes that the construction and operational activities at the Hemswell Cliff FEZ site have the potential to impact on human health and controlled waters.

However, with the effective implementation of mitigation measures (including a ground investigation, detailed desktop UXO assessment and any necessary remediation and/or design adaptations as secured by LDO conditions), all potential geological and contamination related effects associated with the proposed Hemswell Cliff site during the construction and operational phases are considered to be removed or reduced to an acceptable level.

A planning condition attached to the LDO require further site investigation to be undertaken and approved prior to development of each phase or plot. Any further mitigation works will be undertaken accordingly.

10.9.1. UNEXPLODED ORDNANCE AND CHEMICAL AGENTS

Given the site's former use as an RAF base and airfield, it has been confirmed through the Preliminary Unexploded Ordnance Risk Assessment that there is a risk of unexploded ordnance (UXO) remaining within the LDO site.

This preliminary assessment has resulted in an overall Medium risk from UXO with a recommendation that a Detailed UXO Threat Assessment Desk Top Study is undertaken for this site. The report indicates that:

“The risk of encountering UXO at the site of an airfield is highly dependent upon the history of the site. Factors to be considered include the type of airfield and its role before, during and after WWII. Additional factors affecting the site include records of aerial attacks, test firing butts, bomb stores, remote wooded training areas, practice bomb areas, ammunition storage locations, defensive positions, aircraft crash sites etc.”

Further information obtained by West Lindsey Council from the National Archive at Kew indicates that:

“Our records show that Hemswell was subjected to several enemy attacks during the Second World War, which caused craters and some damage to buildings. In one instance there is mention of unexploded bombs, but these will almost certainly have been dealt with.

In respect of chemical weapons used during the Second World War, a Category 2 risk may exist at Hemswell. The Scientific Support Branch report states:

Category 2. Sites where evidence shows storage of 65 lb. LC bombs definitely took place. The 65 lb. bombs were extremely susceptible to leaking, both during transportation and from corrosion by the mustard filling. There is a very high probability of leakers having been buried/burnt on site with consequent contamination of the ground.”

Accordingly, a condition is attached to the LDO which secures further investigation to be undertaken and risk mitigation measures to be agreed prior to the commencement of development.

10.10. Agriculture and Soils

The NPPF requires that local planning authorities take into account the economic and other benefits of the best and most versatile agricultural land (paragraph 112); and Central Lincolnshire Local Plan draft policy LP55 and saved policy ECON3 require that the best and most versatile agricultural land is protected. An Agricultural Land Classification and Soil Resources Assessment has been undertaken.

The area of agricultural land required permanently for the Hemswell Cliff FEZ site amounts to approximately 26.4 ha, of which approximately 18.3 ha is best and most versatile (BMV) land in Grades 2 and 3a.

The Hemswell Cliff FEZ site comprises bare agricultural land, predominantly in arable use and used for growing combinable crops. There are no farm buildings, dwellings or other significant items of fixed farm infrastructure within the site. Two fields within the centre of the site are within an Environmental Stewardship scheme (the creation and management of buffer strips and floristically-enhanced grass margins).

The permanent change of use of this land is assessed as a minor adverse effect on agricultural land, which is not considered to be significant. Similarly, with the beneficial re-use of surplus soils generated by the development, the effect on the soil resources is not considered to be significant.

The primary measures to mitigate the impacts on agricultural land and soil resources will be set out in a Soil Resources Plan, which will confirm the soil types on site; the most appropriate re-use for the different types of soils; and proposed methods for handling, storing and replacing soils on-site. The Soil Resources Plan will aim to re-use as much of the surplus soil resources on or adjacent to the site in the detailed design of the development so that they can continue their various ecosystem functions on or adjacent to the site. Features within Environmental Stewardship can be re-created on adjacent residual land within the same farm holding.

The only impacts on the farms relate to the loss of relatively low proportions of land from the edge of each holding. There is no severance or fragmentation of holdings, and no loss of fixed farm infrastructure. The effects on farm holdings identified are not considered to be significant.

Following completion of the construction works, there will be no additional direct adverse impacts on agriculture, although the developments to be authorised by the Hemswell Cliff FEZ site potentially offer opportunities to farms in the locality to add value to their primary produce.

10.11. Archaeology and Heritage

The NPPF emphasises the importance of conserving and enhancing the historic environment (paragraphs 126-141), and that development should cause less than substantial harm to the designated heritage asset (paragraph 133). Central Lincolnshire Local Plan draft policy LP25 – The Historic Environment stipulates that development proposals should protect, conserve and seek opportunities to enhance the historic environment.

A cultural heritage assessment has been undertaken to ascertain whether development pursuant to the LDO could cause substantial harm to heritage assets.

The assessment concludes that the historic built environment is characterised by dispersed settlements, including the listed buildings and conservation area at Harpswell and Hemswell, the significance of which will not be adversely impacted by the development at the Hemswell Cliff FEZ site.

Impacts to the historic built environment resulting from the development of the Hemswell Cliff FEZ site are limited to those assets related to the former RAF Hemswell site. There will be a minor adverse effect on the Grade II listed Hemswell Court and the non-designated heritage assets of the former hangars and administrative buildings, as new structures on the former airfield will change the setting of these heritage assets and reduce the intervisibility between the former hangars and the airfield. The change impacts upon the setting of the assets which contribute to their significance. By reducing the visibility between the hangars and the former airfield, there will be reduced understanding of the context.

However, the preservation level of the airfield is poor and its level of heritage significance is not sufficient to merit its conservation. It has been agreed with the archaeology officer for LCC that an appropriate level of recording will be carried out and will constitute a suitable and proportionate level of mitigation. A condition of the LDO will secure the preparation of a report which documents the history and development of the former airfield.

Potential impacts to buried archaeological remains within the Hemswell Cliff FEZ site will be mitigated via a programme of archaeological fieldwork, comprising geophysical survey and targeted trench evaluation, which will inform detailed excavation and recording as necessary, thereby ensuring that evidential value is not lost. This is secured by conditions, with the details of this determined at reserved matters stage, when details of the developments proposed within the Hemswell Cliff FEZ site are known.

10.12. Noise and Air Quality

A core principle of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17), and paragraph 123 stipulates that planning policies and decisions should avoid noise from giving rise to significant adverse impacts. Central Lincolnshire Local Plan Draft Policy LP26 – Design and Amenity stipulates that impacts in terms of noise and upon air quality should be considered in relation to both the construction and life of the development.

This LDO is supported by a Noise and Vibration Assessment and an Air Quality Assessment based upon the anticipated impact of construction activity and traffic generation. As occupier businesses and their operational activities are not known at this stage, further assessment will also be undertaken at the reserved matters stage.

10.12.1. NOISE AND VIBRATION

The noise assessment has included monitoring surveys to establish the existing ambient and background sound levels at the closest noise sensitive receptors to the site.

Given that there are no residential receptors within close proximity to the Hemswell Cliff FEZ site, vibration effects are considered unlikely to be significant. However, in order to minimise vibration effects at neighbouring commercial/industrial premises which may be sensitive, further identification of any significant vibration producing operations and the appropriate mitigation of any identified significant effects, once the Main Contractor is appointed for each plot, will be required and is secured by condition.

Any noise resulting from an increase in traffic on the local road network during the construction and operation of the Hemswell Cliff FEZ is predicted to result in negligible effects, which would not be significant.

With respect to the operation of development at the FEZ site, noise limits have been derived at nearby residential locations (as set out in table 7.17 of the Environmental Statement) based on the results of the baseline noise surveys.

Following the implementation of appropriate mitigation measures during the detailed design stage to meet the required noise limits (as a minimum), the residual effects of fixed mechanical plant, processing equipment and deliveries from all development plots, combined noise levels at nearby residential locations would increase, but would be below the level above which adverse effects on health and quality of life can be detected.

To ensure that any issue of noise levels increasing over time as the FEZ is developed and becomes fully operational is monitored and controlled so as to ensure an acceptable level of amenity at nearby residential locations, a condition is attached to the LDO which requires each proposed element of development to assess background noise level and incorporate noise control measures to ensure conformity to the accepted levels.

10.12.2. AIR QUALITY

A qualitative construction phase assessment has been undertaken to determine the potential dust impacts. Appropriate mitigation measures have been proposed and will be secured through inclusion of a Construction Environmental Management Plan as a condition of the LDO.

A quantitative operational phase assessment and detailed dispersion modelling have been undertaken to determine the impact of traffic derived pollutant concentrations at nearby sensitive receptors.

As the precise nature of activities to take place at the Hemswell Cliff FEZ site are unknown at this outline stage, it is not possible to assess the air quality effects associated with operational activities (beyond those associated with road traffic emissions). Air quality will therefore be subject of further assessment and control at the reserved matters stage as secured by a condition of the LDO.

10.13. Health and Safety

10.13.1. HSE CONSULTATION ZONE / EXPLOSIVES SITE

Consultation with the Health & Safety Executive (HSE) has identified the location of a licenced explosives site (fireworks factory) to the north east of the LDO site. The HSE has identified two safeguarding zones which surround the licenced site and overlap the LDO site.

The 'yellow line' encompasses the explosives site and defines the minimum permissible distance between an explosives site and inhabited buildings or assembly places. Within this line, the construction of new inhabited buildings and public traffic routes are restricted. The area within the Yellow Line is known as the Yellow Zone.

The 'purple line' encompasses the explosives site and defines the minimum permissible distance between an explosives site and inhabited buildings which are by definition of vulnerable

construction. Additionally, the construction of new inhabited buildings of curtain-wall construction or high rise buildings is restricted. The area within the Purple Line is known as the Purple Zone.

Buildings of vulnerable construction are defined by The Explosives Regulations 2014 as:

“Vulnerable building means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5 m² and extending over more than 50% or 120 m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12 m in height with solid walls and individual glass panes or frangible panels larger than 1.5 m² and extending over at least 50% of any elevation;

(c) a building of more than 400 m² plan area with continuous or individual glazing panes larger than 1.5 m² extending over at least 50% or 120 m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.”

This definition is expanded upon in the Ministry of Defence Explosives Regulations for the Safe Storage and Processing of Ordnance, Munitions and Explosives, January 2013 (JSP 482), which provides the following examples of structures susceptible to disproportionate damage:

“(i) unframed structures with limited continuity utilising non-ductile materials;

(ii) large-span, tension or other special structures with critical load-bearing elements;

(iii) unusually weak structures (typically historic or timber framed buildings);

(iv) buildings containing vulnerable elements such as pre-cast panel fixings or large span slender masonry panels which may be particularly susceptible to failure and lead to a falling debris hazard.”

Further assessment is required for ‘Large Facilities of Special Construction or Importance’ including where these are not assessed to be of vulnerable construction. Stated examples of such buildings include *inter alia*:

“(a) Large factories.

(b) Multi-storey office buildings...”

It is of paramount importance to ensure that development and use of land pursuant to the LDO is appropriate to its location in close proximity to an explosives site so as to ensure that any risks are limited to an acceptable level.

The LDO boundary includes land within the safeguard zones as it is feasible that the licenced explosives site use may change or cease during the period of the LDO, and/or that certain forms of development or land use are acceptable within the zones.

The safeguard zones (yellow and purple lines) that were provided by the HSE on 16th September 2016 have been transposed onto the parameters plan which forms part of the LDO.

Conditions of the LDO require that the HSE is consulted prior to the submission of any proposed development or use of land within the safeguard zone. This will allow the HSE to confirm the extent and details of the safeguard zone at that time and to provide guidance or instruction on the use, nature or location of development.

Any development proposal subsequently submitted for reserved matters approval must then demonstrate conformity to the HSE's advice or requirements. Any proposal failing to do this should be refused planning permission.

Whilst the explosives licence remains in place, the effect of this is anticipated to be a limitation of any proposed use or development in yellow zone to landscaping, planting or infrastructure such as a drainage pond. This area may therefore serve to provide a net gain in biodiversity and to optimise the development of the main plots by reducing land lost to infrastructure.

The effect within the purple zone is likely to be a limitation on building size, design and materials. It is possible that the restrictions will prevent the development of large roof-span or multi-storey buildings, or result in increased cost of development, both of which could reduce the attractiveness of this part of the site to certain forms of agri-food development. However, as this limitation is subjective to design and may change over time, it is not considered sufficient to omit the land from the LDO. See Appendix 5 – Additional Guidance.

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11. Consultation Process

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the Town and Country Planning (Development Management Procedure) Order 2010 (Statutory Instrument 2010/2184). Consultation must include any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO. Both informal and formal consultation procedures are being followed by West Lindsey District Council.

The approach to consultation adopted in the preparation of the LDO has built upon the work already undertaken by West Lindsey District Council for the Hemswell Cliff Masterplan.

The preparation of the Hemswell Cliff Masterplan was informed by the outputs of community consultation events, and meetings and discussions with key stakeholders, including a Key Stakeholders' Workshop on 17th February 2016 and a Community 'Drop-in' on 3rd March 2016.

West Lindsey District Council has worked closely with the key statutory consultees in the preparation of this LDO, including:

- Environment Agency;
- Natural England;
- Lincolnshire County Council;
- LCC Waste and Minerals;
- West Lindsey District Council;
- Historic England;
- Anglian Water; and
- Health and Safety Executive.

Consultation on the draft LDO proposals has been carried out during the preparation of the Environmental Impact Assessment (EIA), which supports the LDO, and notes from the Key Stakeholders' Workshop on 17th February 2016 for the Hemswell Cliff Masterplan were considered during the EIA Scoping Stage. A stakeholder scoping workshop was held on 14th June 2016, following a briefing for statutory consultees on the general scope and purpose of the LDO by West Lindsey District Council.

Thereafter, a formal request for a Scoping Opinion was made on 6th July 2016 including an EIA Scoping report, circulated by West Lindsey District Council to statutory consultees. A formal EIA Scoping Opinion was then published, together with written comments from Statutory Consultees, on 15th August 2016.

After receipt of the Scoping Opinion, further consultation with a range of stakeholders has been undertaken by technical specialists preparing the necessary assessments to support the EIA. The purpose of such consultation has been to:

- Gather additional relevant baseline data available from consultees;
- Discuss and agree specific locations of sensitive receptors for baseline monitoring and/ or assessment; and
- Confirm the proposed approach to assessment, including mitigation measures agreed as necessary.

A key aim of the consultation has been to agree assessments which address realistic worst-case assumptions and which ensure that specific relevant concerns of consultees are addressed, whilst also making sure the LDO helps to streamline the planning process for potential developers

as much as possible, by reducing the amount of additional work required at the reserved matters stage.

The LDO will be consulted on in accordance with Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In accordance with the LDO regulations, a draft of the LDO, Statement of Reasons and Environmental Statement will be placed on consultation for a period of not less than 28 days, following approval by West Lindsey District Council. The consultation will be publicised by site notice and local advertisement. The documentation will be available for review at West Lindsey District Council's offices, on its website and, as appropriate, locally to Hemswell Cliff.

Consultation responses will be taken into account by the Council in accordance with Article 38(10) of the Development Management Procedure Order 2015, in considering what modifications should be made to the draft LDO or whether the LDO should be adopted. If adopted, the LDO will be submitted to the Secretary of State in accordance with Article 38 (11) of the Development Management Procedure Order 2015.

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12. Risk Management

Reserved Matters applications pursuant to the Outline planning permission granted by this LDO will be assessed in terms of their conformity to the development parameters detailed in this document (see section 4), and will need to satisfy detailed planning considerations, including those specified in the conditions attached to this LDO.

An Environmental Impact Assessment (EIA) has been produced to support this LDO, and the conclusions and findings of the EIA have contributed to the formulation of the development parameters and conditions. The conditions and development parameters have been refined in order allow for sufficient control and mitigation, with a view to meeting the goals of the LDO, whilst retaining flexibility where appropriate in order to maximise the attractiveness of the site for development which meets to the aims of the LDO.

The LDO will be subject to continuous monitoring in order to allow the local planning authority to respond to emergent circumstances, and changes to the development context for the site. This will inform the review and management of the LDO, if required in order to maintain the attractiveness of the site to development which meets the aims of the LDO, or to maintain the sustainability of the site. After 10 years the LDO will cease to have effect unless there is a Council resolution to extend the LDO beyond this timeframe.

13. Monitoring

Details of all applications received through the LDO will be available on the Council's public register of planning applications. The Council monitors any changes on the ground, and should any breaches of the terms of the LDO occur, the Council will consider appropriate enforcement action.

The LDO will be subject to continuous monitoring to assess its effectiveness in delivering development in accordance with the aims established within this document, and to allow for review and management of the LDO at any point during its lifespan where it is demonstrated that this is required in order to meet the aims of the LDO as set out in this document. The local planning authority will carry out regular monitoring of planning applications, as well as regular monitoring of the attractiveness and viability of the site for development which meets the aims of the LDO.

The local planning authority will carry out regular engagement throughout the period of duration for the LDO with key stakeholders, the Local Enterprise Partnership, relevant businesses and commercial agents, in order to monitor the level of commercial interest in the site, and the functionality of the LDO in enhancing the attractiveness of the site to development which meets the aims of the LDO.

The Council will liaise with landowners and developers, and will carry out site visits on a regular basis throughout the period of duration for the LDO, in order to monitor development progress as well as the level of occupation of business premises within the LDO site.

The LDO will cease after 10 years, unless within this time period a motion is passed by the local planning authority which extends the period of duration for the LDO.

Appendix 1 Draft Local Development Order

HEMSWELL CLIFF FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (LDO) 2017

This Order is adopted by West Lindsey District Council (“the Council”) under the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) (“the Act”) and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and shall be known as the Hemswell Cliff Local Development Order 2017 (the “Order”).

1. In this Order:
 - 1.1 definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to interpretation of this Order and references in this Order to “Use Class” are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) order 1987 (as amended); and
 - 1.2 terms defined in Schedule 3 have the meaning given to them there.
2. Subject to article 3 below, planning permission is hereby granted for the development within the Hemswell Cliff LDO Site set out in all Parts of Schedule 1 subject in each case to the restrictions and conditions set out in the relevant Part of Schedule 1.
3. The grant of permission under any Part of Schedule 1 is subject to the General Conditions set out in Schedule 2.
4. Where a material operation has been initiated in respect of any development permitted by this Order at the time this Order expires, is revoked or is revised that said development may be lawfully completed.
5. This Order comes into force on the date on which it is made as indicated below and, subject to the Council’s power to revoke this Order under s.61A(6) of the Act, will remain in force for a period of 10 years from that date, expiring on the tenth anniversary thereof.

Adopted by the Council on [] 2017

By Order of the Council the Common Seal
was affixed hereunto in the presence of:

Authorised Signatory

SCHEDULE 1: PERMITTED DEVELOPMENT

PART 1 – COMMERCIAL DEVELOPMENT

Permitted Development

Outline planning permission is granted for:

1. the erection of a Buildings and associated use of land within Use Class B1;
2. the erection of a Buildings and associated use of land within Use Class B2; and/or
3. the erection of a Buildings and associated use of land within Use Class B8

only where those use fall within, or are immediately related to, the Agri-Food Sector.

Development not permitted

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Classes B1, B2 and/or B8 within the Hemswell Cliff LDO Site exceeding 70,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Class B1a (unless ancillary to floorspace in Use Classes B1b/B1c/B2/B8) within the Hemswell Cliff LDO Site exceeding 5,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the construction of buildings or structures greater than 18m in height above finished ground level.

Conditions

- 1A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 2 – ASSOCIATED INFRASTRUCTURE

Permitted Development

Outline planning permission is granted for:

1. the construction, extension or alternation of roads, pavements, walkways, street lighting and street furniture;
2. the construction of areas and facilities for vehicle parking, bicycle parking and servicing;
3. hard and soft landscaping, including the erection of fences, gates, walls, securing barriers and security gatehouses;

4. the construction of foul and surface water drainage infrastructure, including pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds; and/or
5. the construction, extension or alternation of utilities infrastructure, including telecommunications, gas, electricity, water (including any substations or pumping stations).

Development not permitted

Development is not permitted by Part 2 if it is not primarily to serve the development permitted by Part 1.

Conditions

- 2A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 3 – SITE PREPARATION WORKS

Permitted Development

Full planning permission is granted for:

1. any operations or engineering necessary for the remediation of land and its preparation for development within the Hemswell Cliff LDO Site, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials.

Development not permitted

Development is not permitted by Part 3 if it is not primarily to enable the development permitted by Parts 1 or 2.

Conditions

- 3A Prior to the commencement of development permitted by Part 3, full details of the site preparation works including existing and proposed levels shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.
- 3B Prior to the commencement of development permitted by Part 3, full details of any temporary access, temporary treatment of the works area and boundary shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.

SCHEDULE 2: GENERAL CONDITIONS

Timing / Reserved Matters

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this Order.

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

2. No phase/plot of development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site and the landscaping of the site (hereinafter called “the reserved matters”) for that phase/plot have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

REASON: The Order grants outline permission only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of ten years from the date of this Order, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the sooner.

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

Agri-Food Sector and Food Industry Processes

4. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a statement to demonstrate that the nature of the development/use proposed falls within the agri-food sector as defined in Section 4 of the Statement of Reasons. Reserved matters applications shall only be determined where the proposed development/use is deemed to be within the agri-food sector.

REASON: To ensure that development conforms and contributes to the objectives of the Food Enterprise Zone designation.

5. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a statement to describe the scale and nature of any food industry processes to be permitted. Where these processes fall within and exceed the threshold of Schedule 2 of the EIA regulations, the applicant shall seek the screening opinion of the local planning authority as to whether the proposed use requires environmental impact assessment.

REASON: In the interests of amenity and to ensure that the development conforms to the Environmental Impact Assessment (EIA) regulations.

Design and Details

6. Development proposed through the submission of reserved matters shall conform to the approved Site Location Plans (ref. Aecom Figure 1 and Figure 2) and Parameters Plan (ref. Aecom Figure 6).

REASON: To ensure that the development takes place in accordance with the maximum development parameters assessed by the Environmental Impact Assessment (EIA).

7. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a phase/plot context plan to demonstrate that development is compatible with and does not compromise the ability to develop or service other land within the Hemswell Cliff LDO site.

REASON: In order to facilitate comprehensive development of the Hemswell Cliff LDO site.

8. Any phase/plot of development proposed through the submission of reserved matters shall be accompanied by a Design and Access Statement and associated plans including the following details:

- a. Plot layout
- b. Existing site levels and proposed finished ground and floor levels
- c. Design of buildings and structures
- d. Landscaping/planting (in conformity to the Strategic Landscape Scheme)
- e. Boundary treatment
- f. Parking and circulation
- g. External storage including provision for oil/chemical storage
- h. External lighting
- i. Vehicle parking, circulation and manoeuvring
- j. Facilities for pedestrians and cyclists
- k. Servicing and loading arrangements
- l. Refuse storage and management

The details contained within the Design and Access Statement shall be approved by the local planning authority prior to commencement of that phase/plot of development, excluding site preparation works. Development shall be completed and maintained in accordance to the approved details.

REASON: In the interests of amenity and to ensure acceptable design, access and operation of development.

9. Prior to the occupation of any phase/plot of development, a written scheme detailing how much and by what method renewable energy will be generated from within that phase/plot or the wider Hemswell Cliff LDO site, shall be submitted to and approved in writing by the Local Planning Authority. No individual building shall be occupied until that part of the agreed scheme, which relates to the building or its curtilage, has been implemented in full.

REASON: In order to achieve sustainable development and reduce CO2 emissions.

10. Prior to the commencement of any phase/plot of development excluding site preparation works, full details of all external materials shall be submitted to and

approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of visual amenity and ensure the proposals uses materials and components that have a low environmental impact.

HSE Safeguard Zone

11. Prior to submission of any reserved matters application for development of land within the 'HSE consultation zone' as identified on the Parameters Plan (Aecom Figure 6), the applicant shall consult the Health & Safety Executive on the extent and details of any safeguarding zones which may influence the use, nature and location of development. Any development thereafter proposed shall conform to the advice of the HSE, which shall be submitted in writing with the reserved matters applications.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

12. Unless otherwise confirmed in writing by the Health & Safety Executive, no development of a 'vulnerable construction' as defined by The Explosives Regulations 2014 and determined by the Health & Safety Executive shall take place in the 'purple zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

13. Unless otherwise confirmed in writing by the Health & Safety Executive, no development or use of land, with the exception only of landscaping or infrastructure where people are not present, shall take place in the 'yellow zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

Highways and Access

14. Prior to the commencement of development pursuant to Part 1 of the Order, a scheme of works to improve the public highway and site access, comprising a Right Turn Lane and Footway (or as otherwise agreed), shall be submitted to and approved by the local planning authority. The development shall not be brought into use until the works are certified as being complete by the local planning authority, unless otherwise agreed.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

15. No phase/plot of development pursuant to Part 1 of the Order shall take place before a scheme to create or improve an estate road sufficient to provide access to that phase/plot from an existing public highway has been approved pursuant to Part 2 of the Order. That phase of development shall not be brought into use until the estate road has been constructed to a specification to enable its adoption as Highway Maintainable at the Public Expense.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

Landscaping and Trees

16. No development shall take place until a Strategic Landscaping Scheme (SLS) relating to the boundaries, frontages, common areas and infrastructure across the entire FEZ site has been submitted to and approved in writing by the Local Planning Authority. The SLS shall include details of:
- planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/ densities;
 - a programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
 - a scheme for the future maintenance of the landscaped areas.

The SLS shall be implemented as approved. Each phase/plot developed shall be landscaped and maintained in accordance to the SLS.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

17. Any trees dying or becoming diseased within five years of their being planted in accordance with Condition 16 above shall be replaced during the period of October to March in the year that immediately follows the developer being notified that they need replacing, by trees of a suitable size and species and to the satisfaction of the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

18. The scheme of works to improve the public highway and site access submitted pursuant to condition 14 of the LDO for approval by the local planning authority shall include:
- A plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm (measured over the bark at a point 1.5 metres above ground level), showing which trees are to be retained and which are to be removed;
 - Details of the species, size, and an assessment of the general state of health and stability of each retained tree;
 - Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
 - Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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

pursuant to condition 14 shall be undertaken in accordance with the details approved in paragraphs (a)-(e) above.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests.

Flood risk and drainage

19. No plot/phase of development shall commence, nor any discharge of surface water from that plot/phase take place, until a Surface Water Management Scheme for that development plot/phase has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development; and shall include:
- a. the incorporation of sustainable drainage systems (SuDS) to attenuate flows from the site and maximise on-plot infiltration (where appropriate);
 - b. details of an infiltration test undertaken to ascertain the feasibility of drainage by on-plot infiltration methods;
 - c. details of the method of attenuating surface water run-off from the site to greenfield run-off rate;
 - d. details of sufficient attenuation and long-term storage to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% to account for climate change, and surcharging of the drainage system can be stored on the site without risk to people or property;
 - e. calculations demonstrating that sufficient space will be provided on site for any necessary surface water storage and attenuation;
 - f. details of any balancing works and off-site works;
 - g. details of any proposed culverts or bridges for watercourses/land drains, justifying that they are necessary and ensuring that they do not constrict flow or otherwise reduce the carrying capacity of any watercourse/land drain;
 - h. the location and design of any surface water outfall;
 - i. details of how the drainage scheme will be constructed and operate, prior to any hard standing or buildings being constructed on that development plot;
 - j. all site surface water drainage will be designed to Sewers for Adoption standard in order to meet current best practice design standards; and
 - k. details of how the surface water system will be maintained and managed after completion.

The Surface Water Management Scheme shall subsequently be fully implemented in accordance with the approved details before the first occupation of the relevant development plot to which it relates. Thereafter, the drainage system shall be managed and maintained in conformity to the approved Scheme.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

20. Should the results of an infiltration test undertaken in preparation of a Surface Water Management Scheme indicate that an infiltration system will not function adequately in adverse conditions, then the Scheme shall include details of an alternative means of

drainage appropriate to the plot and in conformity to the principles of sustainable drainage.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

21. No surface water from the development or any part thereof shall be discharged from the site except through the approved system.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

22. Prior to the commencement of development under Part 1 or Part 2 of the LDO, written confirmation shall be obtained from Anglian Water that the existing sewer networks and foul water treatment facility at Hemswell Cliff have sufficient capacity to accommodate the full development allowed by the LDO. Should it not be possible to achieve this confirmation, then full details of an alternative proposed means of foul water treatment shall be submitted to and approved in writing by the Local Planning Authority. No buildings within the LDO site shall be occupied or brought into use prior to completion of any approved foul drainage works.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

23. There shall be no discharge of foul or contaminated drainage from the site into groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through a trapped gully and an oil interceptor. Each drainage run shall also be provided with a cut-off valve prior to any discharge point. The gully and interceptor shall be designed and constructed to have a capacity compatible with the site being drained. Vehicle washdowns and detergents shall not be passed through the interceptor. Clean roof water shall not pass through the gully or interceptor.

REASON: To reduce the risk of pollution and sediment being washed out to any watercourse and to prevent the potential pollution of clean surface water run-off.

25. All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the lifetime of the development.

REASON: To prevent the potential pollution of clean surface water run-off.

26. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/ sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also be denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

REASON: To ensure that foul and surface water systems may be managed and maintained.

Ground Conditions and Soils

27. Prior to the commencement of any phase/plot of development, including any construction or other work that involves disturbance to soils a Soil Resource Plan (SRP) for that phase/plot/works shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resource Plan shall include the following:
- maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.
 - expected after-use for each soil; whether topsoil to be retained for landscape areas, or used on adjacent agricultural land within the farmers' control to thicken the topsoils and improve quality; and
 - identification of person responsible for supervising soil management.
- Development shall thereafter proceed only in accordance with the approved scheme.

REASON: To ensure the sustainable use of displaced soils.

28. No development shall take place until a land contamination assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
- A UXO specialist will be commissioned and an assessment carried out as per C681 Unexploded Ordnance (UXO) - A Guide for the Construction Industry (CIRIA 2009) to quantify the risk of encountering UXO. Thereafter, if the risks of encountering UXO and/ or ordnance containing chemical agent remain, construction contractors will be required to prepare a UXO risk mitigation strategy, to reduce risks to an acceptable level, in consultation with the Local Planning Authority. The approved UXO mitigation strategy, including any Emergency Response Plan, shall be implemented as approved.
 - A site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall

include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration.

Archaeology and Heritage

29. No development shall take place on any phase/plot within the Hemswell Cliff FEZ site until a scheme of archaeological investigation for that phase/plot, supported by the results, has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. Each scheme shall provide for:
- a programme of archaeological investigation, including access to that site by archaeological contractors to be nominated by the developer and approved in writing by the Local Planning Authority;
 - the identification and evaluation of the extent, character and significance of archaeological remains on that site;
 - an assessment of the impact of the proposed development on the remains;
 - proposals for the preservation in situ of the remains or where the Local Planning Authority agree that this is not possible, for the investigation, recording and recovery of remains and the publishing of findings; and
 - notification to the Local Planning Authority of the commencement of archaeological investigations.
- Each scheme shall then be carried out as approved.

REASON: to secure the identification, investigation and/ or protection of archaeological remains.

30. Prior to the commencement of development, a report shall be produced and submitted to the Local Planning Authority which will document the history and development of the former airfield at Hemswell Cliff. The format of the report will be agreed with the archaeology officer for Lincolnshire County Council.

REASON: to ensure the implementation of an appropriate level of archaeological recording and reporting.

Sustainable Travel

31. No development shall be occupied on any plot of the LDO site until a Travel Plan for that development plot, that is in accordance with the principles set out in Hemswell Cliff LDO Framework Travel Plan, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authorities. The development of each plot shall thereafter take place in accordance with the agreed Travel Plan for that plot, which shall be implemented in full.

REASON: In order to maximise the sustainability of the development.

32. Prior to the occupation of each phase/plot of development, a feasibility study shall be undertaken to consider the following:
- a. the likely year on year passenger demand for a shuttle bus linking the LDO site with Gainsborough and other centres where significant numbers of employees at the Hemswell Cliff FEZ may originate;
 - b. the likely routing and frequency of the shuttle bus route;
 - c. an estimate of yearly operating costs for the shuttle bus operation;
 - d. a funding mechanism where all occupiers of the Hemswell Cliff FEZ contribute as and when they come forward;
 - e. a recommendation on the feasibility of the shuttle bus service.

The feasibility study report shall be submitted to and approved by the local planning authority. Should the report conclude that a shuttle bus service is feasible, then the potential arrangement and commissioning of a service shall be discussed further between the local planning authority and occupier businesses.

REASON: In order to maximise the sustainability of the development

Nature Conservation and Biodiversity

33. No works involving the loss of any hedgerow, tree or shrub shall take place between March and August (inclusive) in any year unless approved in writing by the local planning authority.

REASON: In the interest of nature conservation.

34. No development shall take place until an Ecological Management and Enhancement Plan (EMEP) for the whole Hemswell Cliff FEZ site has been submitted to and approved in writing by the Local Planning Authority. The EMEP shall be based on the biodiversity enhancement measures set-out in Chapter 10 - Terrestrial Ecology and Nature Conservation of the ES. The submitted details shall include how the EMEP will be implemented on a strategic (site wide) and individual development (plot by plot) basis to demonstrate a coherent approach to biodiversity enhancement and management across the site. The EMEP shall be implemented as approved.

REASON: In the interest of nature conservation and to enhance biodiversity interests.

35. No development that removes or disturbs any features within the Entry Level and Higher Level Stewardship Scheme at Hall Farm (Harpswell) as shown on the Parameters Plan (ref. Aecom Figure 6) shall take place until a satisfactory scheme to replace those features has been submitted to and agreed in writing by the local planning authority.

REASON: In the interest of nature conservation.

Noise

36. No development shall take place on any plot within the Hemswell Cliff FEZ site until a scheme of noise assessment, supported by the results, has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. The noise assessment shall:

- a. Make reference to updated baseline noise surveys to confirm that the existing noise climate does not exceed the existing background noise level stated in Table 7.17 of the Environmental Statement (ES);
- b. Demonstrate how the impact avoidance and mitigation measures referred to in Sections 7.4 and 7.6 of the Noise Chapter (Chapter 7) of the ES have been considered and taken into account;
- c. Include details of how the operational noise limits at local noise sensitive receptors shall be achieved, ensuring that following the addition of any acoustic feature corrections to the sound sources under assessment, the combined BS 4142 rating level from all sources within all development zones at the Hemswell Cliff FEZ site are equal to or lower than those in Table 7.17.
- d. In the event that monitoring required under (a) shows that the existing noise climate has changed significantly, the proposed operational noise limits set out in Table 7.17 shall be discussed and any revised noise limits agreed with the Local Planning Authority.

REASON: In the interest of residential amenity.

Odour

37. In order to protect the amenity of local residents, no wastes or feedstock materials that have the potential to give rise to odour beyond the site boundary shall be stored outside of the buildings, unless agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

38. No development which has the potential to give rise to odour at nearby residential properties shall take place until an odour assessment and odour management plan has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of residential amenity.

39. The air ventilation and odour control systems to be employed as part of this development shall be implemented and carried out in accordance with the details and systems to be submitted and approved by the Local Planning Authority.

REASON: In the interest of residential amenity.

40. Unless otherwise agreed in writing, prior to the occupation of any plot of development, a detailed Operational Environmental Management Plan (OEMP) for that individual development plot has been submitted to and approved in writing by the Local Planning Authority. The OEMP shall include information on the following:
- a. measures to deal with accidental pollution (groundwater, surface water and soils) and details of any necessary equipment (e.g. spillage kits) to be held on site;
 - b. a scheme to deal with potential risks associated with contamination;
 - c. measures to reduce and manage operational waste;
 - d. a scheme for artificial lighting, specifying measures to minimise the impact of light spill.

REASON: In order to protect the environment and safeguard residential amenity.

Construction

41. No development shall take place on any phase/plot of the LDO site until a Construction Traffic Management Plan (CTMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authorities. Construction on that plot shall thereafter take place in accordance with the agreed CTMP for that plot, which shall be implemented in full.

REASON: To minimise impact on the local highway network

42. Unless otherwise agreed in writing, no phase/plot of development shall take place until a detailed Construction Environmental Management Plan (CEMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include information on the following:
- a. details of a telephone complaints line and the methodology to deal with any complaint;
 - b. methods of communication with local residents in the event of abnormal working;
 - c. hours of working (Monday- Friday 08:00-18:00 hours and Saturday 08.00 -13.00 and no working on Sunday or Bank Holidays unless otherwise agreed with the Local Planning Authority);
 - d. measures to control the emissions of dust, noise and vibration (as set out in British Standard BS 5228-1 Parts 1 and 2:2009 – Code of Practice for noise and vibration control on construction and open sites and IAQM ‘Guidance on the assessment of dust from demolition and construction, 2014);
 - e. measures to prevent pollution (surface water, groundwater and soils);
 - f. a scheme for artificial lighting, specifying measures to minimise the impact of lighting;
 - g. a scheme to deal with potential risks associated with contamination including unexploded ordnance; and
 - h. measures to reduce and manage construction waste.

The development of each plot shall thereafter be constructed in accordance with the approved details.

REASON: To safeguard residential amenity and minimise pollution.

INFORMATIVES

This LDO does not preclude the submission of full planning applications for development within the boundary of the Hemswell Cliff FEZ. Any such planning application shall be determined in accordance with the development plan and relevant material considerations which will include the objectives and status of the Food Enterprise Zone.

Any such application must be justified and its impact assessed in the context of the full FEZ development allowed by this LDO. Any such application must propose adequate mitigation of the impact of development over and above that of the development allowed and mitigated by the LDO.

SCHEDULE 3: INTERPRETATION

Terms used in this order have the following meanings:

Agri-Food Sector Uses	Uses specified in section 4.2, excluding those specified in section 4.4, of the Statement of Reasons.
Additional Guidance	Additional guidance relating to the physical form of development; design, appearance and materials; services and infrastructure; landscape planting; and phasing as set out in Appendix 5 of the Statement of Reasons.
Estate Road	A road sufficient to provide access to that phase/plot of development from an existing public highway.
Food Industry Processes	Processes specified in section 4.3, excluding those specified in section 4.4, of the Statement of Reasons.
Footway	A new pedestrian footpath to the north side of the A631 between the access to the Hemswell Cliff LDO site and Gibson Road.
General Conditions	The conditions identified in Schedule 2 of the Order.
GIA	'Gross Internal Area' as calculated in accordance with the RICS Code of Measuring Practice (sixth edition 2007).
Highways Agreement	An agreement with the Lincolnshire County Council pursuant to sections 38/278 of the Highways Act 1980.
Hemswell Cliff Food Enterprise Zone (FEZ)	The proposed development at the Hemswell Cliff LDO Site intended to facilitate growth in the Agri-Food Sector.
Hemswell Cliff LDO Site	The area shown edged red on the plan attached to this Order as Appendix 1 of the Statement of Reasons and being the Order area.
Parameters Plan	The plan (ref. Aecom Figure 6) attached to this Order as Appendix 2 of the Statement of Reasons.

Phase/Plot	Any defined area for a development, as submitted with a Reserved Matters application pursuant to the LDO, within the LDO site.
Reserved Matters	Details to be submitted for approval pursuant to General Condition 2 in relation to layout, scale, appearance, means of access and/hard and soft landscaping.
Right Turn Lane	A dedicated lane within the A631 to provide enhanced access to the Hemswell Cliff LDO Site at its primary access point as shown on the Parameters Plan.

DRAFT

Appendix 2 Plans of the LDO Site

- Location Plan (Aecom Figure 1)
- Red Line Boundary on Aerial Photograph (Aecom Figure 2)

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Appendix 3 Parameters Plan

- Parameters Plan (Aecom Figure 6)

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Appendix 4 Illustrative Plans

- Indicative Layout (Aecom Figure 7)

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Appendix 5 Additional Guidance

Further to the physical parameters set out under the Description of Development and controlled by condition of the LDO, the following information is provided as additional guidance to assist prospective developers and the local planning authority in proposing and approving acceptable schemes via reserved matters submissions.

Services and Infrastructure

MAIN ACCESS

The LDO site will be served by a new or enhanced access to the A631. This is proposed to be in the form of an upgraded priority junction at the location of the existing east access point, comprising of carriageway widening and a new right turn lane.

The transport assessment confirms that the LDO development may be satisfactorily accommodated by the existing priority junction proposed, both in terms of capacity and highway safety.

Whilst there is considered to be no technical or safety requirement for a new access to be created, such as a roundabout, the LDO may accommodate such a new access should details of this be submitted and approved pursuant to condition.

The existing west access point may also be used to provide a temporary access whilst any new or upgraded access point is constructed.

The delivery of the new or upgraded access infrastructure will be subject to separate technical approval via the submission of details pursuant to conditions and a section 278 agreement.

SPINE ROAD

The spine road to serve plots within the LDO site is anticipated to be provided primarily by the existing road which serves business units at the former airfield, subject to upgrade/reconstruction necessary to achieve the standard for adoption by the highways authority. This spine road is shown on the Parameters Plan as 'site access' road.

A new section of spine road may also be proposed to provide access to the plots within the southern part of the LDO site, thereby removing or reducing dependency upon the southern section of the existing access road. Such a new section of spine road will enhance accessibility to development plots, provide for provision of utilities and enhance the appearance of the development. An indicative alignment of this new spine road is shown on the Parameters Plan as 'site access - indicative'. The purpose of this parameter is to prevent the development of plots in the southern section severing access to the northern plots in the event that the use of the southern part of the existing access road is restricted.

The upgrade of this spine road will be controlled by conditions of the LDO and separate technical approval as may be required. Development of business premises pursuant to this LDO will depend upon on-site road infrastructure being in place to an extent which is sufficient to serve the scale and location of development delivered (see phasing below).

INFRASTRUCTURE CORRIDOR

An infrastructure corridor is to be maintained through the development to allow installation of services and utilities as may be required to serve all plots. The indicative alignment of this corridor is shown by the 'infrastructure zone' on the Parameters Plan. The key aspects of this are that it lies immediately adjacent to existing/proposed spine road from where it is accessible to all plots, and that it provides a continuous 'route' from the southern part of the LDO site to the northeast part where any attenuation pond (if required) will be created.

The purpose of this parameter is to prevent the development of plots severing the possible connection of services and utilities between the A631 and the northeast part of the LDO site.

SPUR ROADS

Development plots not served directly by the spine road may be accessed via spur roads from the spine road. The illustrative layout plan indicates the possible location of spur roads, although the precise location will be dependent upon the configuration of development to come forward.

The delivery of spur roads will be subject of reserved matters approval in its own right or as part of a development plot or phase proposal.

SURFACE WATER DRAINAGE

Each plot or phase of development must incorporate surface water attenuation features to control the flow of water from the site. This should be in the form of a sustainable drainage system comprising an infiltration basin providing that infiltration tests confirm this to be feasible.

Drainage design details must be submitted which demonstrate the provision for surface water attenuation storage up to and including a 1 in 100 year event plus 30% allowance for climate change. This is calculated as a volume of 625m³ per infiltration basin per hectare of hardstanding to provide adequate storage to ensure no flooding of the site or surrounding area.

Should the soakaway tests indicate that infiltration cannot be achieved at any given plot, then surface water from the site will be restricted to the equivalent greenfield run off rate for the site. This has been calculated as 93.5 l/s, based on a greenfield rate of 3.67 l/s/ha assuming a developed area of 25.5 ha.

Should infiltration not be proposed, then alternative drainage design details must be submitted of a sustainable drainage system comprising an attenuation pond and associated pipes or swales. The attenuation pond will be located within the northernmost extent of the site and will outfall, via a piped network and new outfall into Aisthorpe Springs, a watercourse located to the east of the Site.

Additional attenuation storage will be achieved using a combination of swales, balancing ponds, channels, pipe network and/or underground storage within the development plots.

Physical Form of Development

Development at Hemswell Cliff is anticipated to include, but is not limited to, the following buildings, structures and features:

- Business units including offices, laboratories and workshops etc
- Factory and food industry process buildings
- Warehouse and storage buildings including ambient, cool and frozen storage
- Grain storage facilities and infrastructure
- Commercial vehicle yards
- Ancillary infrastructure including car parks, water tanks, generators, security facilities, enclosures etc
- Sustainable drainage system (SUDS) including infiltration basins, attenuation ponds and swales and rainwater harvesting facilities
- Road network; foul water drainage; water, power and communication networks etc

Development within the site is anticipated to be of a variety of scales and formats, potentially including one, or a small number of, larger 'anchor' business developments and a greater number

of smaller inter-dependent businesses which form the cluster and provide supplies, support and services etc.

West Lindsey District Council has prepared a masterplan for Hemswell Cliff including the LDO site and wider employment use area. This masterplan provides an indication as to how development within the LDO site may be configured. This is illustrative only to allow flexibility for particular business demand and requirements to be accommodated.

Through the course of the environmental impact assessment, further potential constraints to development were identified which are reflected in the Indicative Layout (ref. Aecom Figure 7) prepared by Aecom and controlled by the Parameters Plan.

In particular, this relates to the constraint on development within the identified HSE Safeguard Zones at the northeast of the site.

In the 'purple zone', where development and use of land for employment purposes is allowed, there may be a restriction on the nature of development to ensure that buildings are not of 'vulnerable construction'. Whilst the precise definition and context of this must be discussed with the HSE, the following information is provided as guidance on the nature of the constraint and expected design limitations in this location:

- For buildings of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5 m², the glazed or frangible panels should not exceed 50% or 120 m² of the surface of any elevation;
- For buildings of more than three storeys above ground or 12 m in height with solid walls and individual glass panes or frangible panels larger than 1.5 m², the area of glass panes or frangible panels should not exceed 50% of any elevation;
- For buildings of more than 400 m² plan area with continuous or individual glazing panes larger than 1.5 m², the glazing panes should not exceed 50% or 120 m² of the plan area; or

Particular attention should be given to the design of any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse. Such structures may include the following:

- Unframed structures with limited continuity utilising non-ductile materials;
- Large-span, tension or other special structures with critical load-bearing elements;
- Unusually weak structures (typically historic or timber framed buildings);
- Buildings containing vulnerable elements such as pre-cast panel fixings or large span slender masonry panels which may be particularly susceptible to failure and lead to a falling debris hazard.

Design, Appearance and Materials

The LDO does not seek to prescribe the appearance or materials for development at the Hemswell Cliff FEZ site given the diversity in the range of uses and building types which may be proposed in the agri-food sector.

To ensure good design and the use of high quality materials, any reserved matters application must be submitted with a Design and Access Statement for approval by the local planning authority.

The Design and Access Statement must respond to the guidance of the NPPF (section 7) and the requirements of relevant local planning policy, including emerging Local Plan policy LP26 – Design and Amenity.

This policy requires all development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. The policy sets out a series of design criteria, which includes the following:

- Make efficient and effective use of land;
- Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relating to siting, height, scale, massing, form and plot widths;
- Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;
- Protect any important local views into, out of, or through the site;
- Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

Policy LP26 also sets out a series of amenity considerations, stipulating that the amenities which occupiers of neighbouring properties may reasonably expect to enjoy must not be unduly harmed by or as a result of the development. The specified considerations are as follows:

- Compatibility with neighbouring land uses;
- Overlooking;
- Overshadowing;
- Loss of light;
- Increase in artificial light or glare;
- Adverse noise and vibration;
- Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and
- Creation of safe environments.

Landscape Planting

A strategic landscape scheme for the Hemswell Cliff FEZ site will be prepared and approved pursuant to conditions of the LDO. The proposed landscape treatment will provide new woodland planting alongside the western boundary of the Hemswell Cliff FEZ site, and augment existing hedgerows and hedgerow trees along the A631.

The strategic landscape scheme shall provide details of:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/ densities;

- A programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
- A scheme for the future maintenance of the landscaped areas.

Plot development proposals made through reserved matters applications must include details of on-plot landscaping and of the boundary planting where this corresponds to the development plot. The proposals shall be guided by and conform to the strategic landscape scheme.

The details of all boundary landscape features and planting shall be approved prior to the commencement of development for the corresponding plot and shall be fully implemented in as approved.

The landscaped areas shall then be maintained in accordance with the strategic landscape scheme.

Phasing

Given the scale of development proposed, this will inherently come forward in phases according to demand for sites or premises. To maintain flexibility to meet business requirements, the phasing is not prescribed either geographically (i.e. which plots first) or in time (i.e. which phase when).

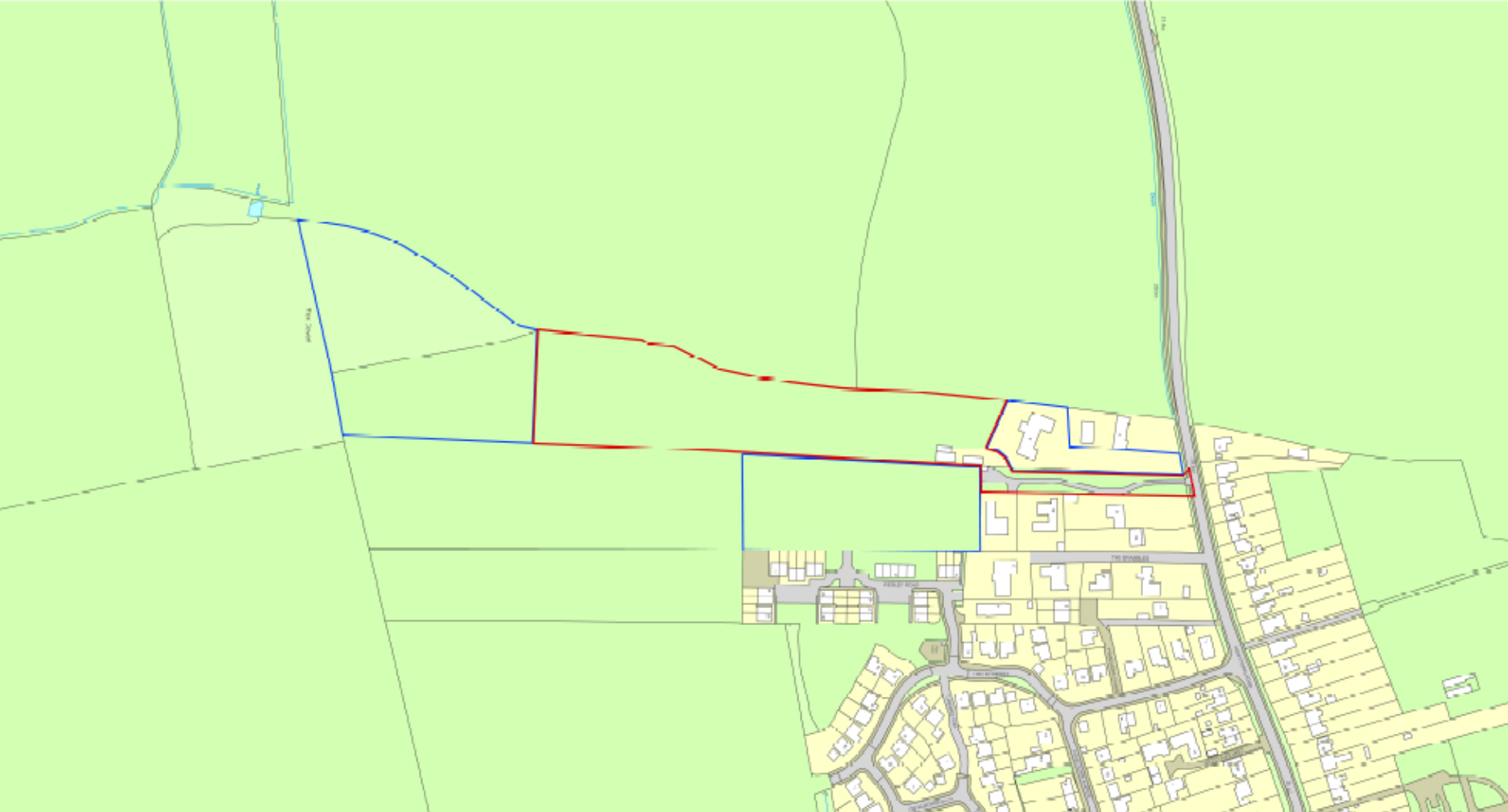
However, the phasing must ensure that the developed plots are adequately and rationally served by infrastructure. It is therefore anticipated that the southern parts of the site will form the initial phase and the development will then 'work backwards' into the site. However, development of land within the central and northern parts of the site is not restricted pending development of land to the south, provided that the development depends upon the location proposed by virtue of its scale or function, and that provision is in place for the delivery of adequate infrastructure to serve it.

A condition is attached to the LDO to ensure that development is not occupied prior to the completion of adequate infrastructure to provide access and services.

Legal Agreements

Whilst an LDO cannot incorporate an agreement under Section 106 of the Planning Act, West Lindsey Council may seek to enter into legal agreements with developers/occupiers of land at the Hemswell Cliff FEZ site in order to discharge certain aspects of the general conditions. This primarily relates to the cohesive management and operation of the FEZ, for instance requiring all occupiers to make contributions to the management and maintenance of shared infrastructure or the provision of sustainable transport initiatives.

Details of this should be discussed between prospective developers/occupiers and the Council during the site acquisition and/or reserved matters planning application stage.



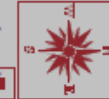
Proposed Residential Development | Hawthorn Road | Cherry Willingham | LN3 4

Proposed Phase Four Site Plan Drawing

Plot Layout
Supplied By
Client

Exclusion: Project Design Not
Principal Designer
Unless Approved Otherwise

Scale 1:500 @ A1



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E-mail info@rylanddesign.co.uk Twitter Ryland_Design	
Title	Proposed Phase Four Site Plan Drawing
Date	December 2016
Scale	1:500 @ A1
Client	Pride Homes (Lincoln) Ltd
Project	Proposed Residential Development, Hawthorn Road, Cherry Willingham
Drawing Number	RDS 11268 / 01

Officers Report

Planning Application No: 134096

PROPOSAL: Planning application for erection of 69 dwellings

LOCATION: Land off Hawthorn Road Cherry Willingham Lincoln

WARD: Cherry Willingham

WARD MEMBERS: Cllr Mrs A Welburn, Cllr C Darcel, Cllr Mrs M Palmer

APPLICANT NAME: Pride Homes (Lincoln) Ltd

TARGET DECISION DATE: 06/06/2016

DEVELOPMENT TYPE: Major – Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION:

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

- The construction of 17 affordable homes to be transferred to a registered social landlord.
- A contribution of £157,870 towards the development of local schools within Cherry Willingham.
- £29,326 towards building a notes storage facility at The Parade Surgery, Cherry Willingham to be paid on sale of the 15th dwelling. This will allow movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.
- To provide a total of at least 5% open play space on the site including a management and maintenance plan.

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

Description:

The application has been referred to the Planning Committee at the request of the Ward Member for reasons of highway impact and sustainability.

Planning permission is sought for residential development of 69 dwellings and associated works. The development is for 2 semi-detached houses (plots 5-6) and terraced housing in blocks of between 3 and 6 dwellings. The dwellings will be two and three storey high with a total of 139 parking spaces. Access to the site is in the north east corner.

The application site is a long narrow area of land (1.12ha) to the south of Hawthorn Road. The site is set behind other dwellings well back from Hawthorn Road and can be accessed via an existing road constructed in connection with other recently constructed residential housing. The northern half of the site is designated in the WLLP as residential allocation HA1 with the southern half as open countryside grassed land.

The northern half of the site is in a churned up condition including some excavation with mounds of earth and is used for vehicle and material storage. The northern half additionally includes an area of grass. The southern half of the site is set lower than the northern half and is covered by overgrown grass. It slopes gently downwards from north to south. The site is screened by fence panels to the north boundary with a mix of fencing, hedging and trees to the east boundary. The south boundary is open with a group of high trees very close by. The entire west boundary is screened by hedging and trees.

Neighbouring dwellings sit adjacent to the north and northern half of the east boundary (top half). Planning permission for housing has been granted for housing along the rest of the east boundary but these are yet to be constructed but at the site visit it appeared that this phase of housing has commenced. A small area of open land and a group of trees sit to the south with open fields to the west

To the South is the Fox Covert Site of Nature Conservation Interest (SNCI). The northern half of the site is allocated for residential development in the West Lindsey Local Plan (First Review) June 2006.

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

The development is not development falling within either schedule 1 or 2 of the Regulations and does not qualify as EIA Development under the Regulations.

Relevant history

Site

None

Other

Adjacent the site to the east:

132089 - Planning application to erect 33no. semi-detached and terraced houses with associated highway (Phase 2) – 13/07/15 - Granted time limit and other conditions

Adjacent to the east of 132089:

132090 - Planning application for erection of 26no. semi detached and terraced houses with associated highway (Phase 2) – 29/05/15 - Granted time limit and other conditions

Adjacent the site to the north east:

120493 - Planning Application to erect 31 dwellings, construction of link road and provision of public open space - 13/08/08 - Granted time limit and other conditions

124343 - Planning application to vary condition 2 of planning permission
120493 granted 13 August 2008 - 27/07/09 – Refused – Allowed on Appeal
04/02/10

128773 - Planning application to erect 37no. semi-detached, terraced and detached dwellings - 17/01/14 - Granted time limit and other conditions

132904 - Planning application for replacement of plots 17 and 18 of previously approved planning permission 128773 with 7no. two bedroom dwellings and upgrade adjacent highway - 18/01/17 - Granted time limit and other conditions

Adjacent to the south east:

133693 - Outline planning application for residential development of 29no. dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted
28/06/16

Further to the east of 133693:

133692 - Outline planning application for residential development of 19no. dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted
27/06/16

Representations

Ward member Cllr Mrs A Welburn: Comments/Objections

Please note I would like to request that the above applications are brought to planning committee and not officer determination.

It is 2.3km to the shops and 0.9m to the Community School field boundary, this is a significant development which is not sustainable given its distance from the main Cherry Willingham settlement and from Lincoln, distances which mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within the acceptable walking distance.

I would like to draw your attention to the recent appeal decision in respect of the site at Lodge Lane, Nettleham (132063), in which a maximum of 800m has been referenced as the appropriate distance for access to services etc. This application is far in excess of that. It is also noted that WLDC, in connection with the Carlton Centre application, has quoted 200 – 800m as being desirable walking distance (Ref: 'Providing for Journeys on Foot' -CIHT 2000).

The stopping of Hawthorn Road is a major issue for any development along this route, as both alternative routes have been proven to have traffic issues

already without the addition of this and other developments proposed for this area.

Of particular concern is that transport will be required to access schools and medical services. There is a disconnect from access to the village and Carlton Centre facilities as the bus services are twice a day to the village and non-existent to the Carlton Centre. There is no public transport to the Nettleham surgery, where all the local procedures take place, except by catching two buses one into Lincoln and one out to Nettleham, making a return journey time consuming and difficult to manage, so again there is a requirement for more car journeys.

You will be aware of a submission from one of our school governors re the local primary schools already having issues with lack of places, and we have evidence that residents moving into the village are being turned down at the local surgery again through a lack of availability. The surgery at Cherry Willingham is only a satellite of Nettleham and this and other proposed developments in the area are putting us at the 4000 mark, add to this the population of Reepham and Fiskerton, our very near neighbours, and it is evident that we really need a new surgery before the population of this area is allowed to rise.

Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road stopping, thus lessening the argument for this being a sustainable development.

The Hawthorn Road stopping will put even more traffic onto the existing local roads with traffic from this development (together with traffic from previous adjacent sites with existing permission) being required to pass through Cherry Willingham and Reepham to access some destinations. This was acknowledged by WLDC in the recent Draft Local Plan allocations when allocation sites adjacent to Cherry Willingham accessed from Hawthorn Road were rejected in favour of sites elsewhere in Cherry Willingham.

Evidence at the recent Lincoln Eastern Bypass Public Inquiry also showed that the left slip from Hawthorn Road (E) onto the LEB Southbound will be close to practical traffic capacity at year of opening of the LEB. This could potentially lead to delays for traffic from the area of the application site joining the LEB in order to access south Lincoln causing traffic to prefer alternative routes through Cherry Willingham village. The cumulative effects of this application and previous permissions at adjacent sites will only lead to more pressure on this slip road.

No other Ward Member representations received

Cherry Willingham Parish Council: Objections

Our principal objection is that this is a significant development which is NOT sustainable given its distance from the main Cherry Willingham settlement

and from Lincoln. The distance of the application site from the main Cherry Willingham settlement mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within acceptable walking distances. Of particular concern is that transport will be required to access regularly used facilities including schools and medical services.

Additionally, there is a disconnect from access to the village and Carlton Centre facilities as the bus services are infrequent to the village and almost non-existent to the Carlton Centre, and cannot be relied on for year round needs.

Should all pending planning applications in the Hawthorn Avenue Satellite settlement be granted the settlement will contain over 300 houses with not even a convenience shop within walking distance?

There is a need to also take into account the impact the planned (and now confirmed) closure of Hawthorn Road to through traffic as part of the Lincoln Eastern Bypass scheme will have. Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road closure, thus lessening the argument for this being a sustainable development.

Too few car park spaces have been allocated per dwelling when many households today have more than one car, therefore the inevitable parking on the street which will ensue brings concerns about accessibility; particularly for emergency vehicles.

Local Residents: Representations received from 9 Hawthorn Road and 1 Heathcroft, Cherry Willingham (In summary:

- The junction and the link road on to Hawthorn Road is not suitable for the extra volume of traffic from this new housing estate development.
- The impact of the Hawthorn Rd closure and LEB are unknown but what is clear is that several junctions and roads in the area are already running close to if not already at capacity.
- Cherry Willingham is already a large village, busy with people and traffic and does not need the added service or infrastructure pressure of yet more residents.
- the housing type does not appear to be in keeping with the style of housing in the area.

LCC Highways/Lead Local Flood Authority:

Response received 9th March 2017:

The revised scheme appears to offer the minimum of 2 parking spaces per dwelling required although it is not possible to check the distances behind the parking spaces to ensure that they are usable spaces. There needs to be a

minimum distance of 6m behind the proposed parking spaces in order that the vehicles can get in and out of them.

There does not appear to be information on the surface water drainage. The LLFA are aware that infiltration was not possible on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne Road unless an upgrade is proposed to this system? Unless the applicants respond to this issue the original objection will still stand.

Response received 16th March 2017:

The parking situation has now been resolved. There is still an issues with the drainage to resolve, although discussions have taken place with respect to other phases of the development. It is likely that the developer will have to do further work to prove that their proposed system will work. This will include further investigation of the site and monitoring of the water table.

Response received 21st March 2017:

LCC as LLFA have real concerns with how this site will be drained. There remains outstanding issues with the drainage on phase 1 which is built and no means of the disposal of surface water. Phase 2 has already been constructed without any agreements. The LLFA are in discussions with the developer regarding the surface water but there does not appear to be any easy solution. The LLFA have been told that phase 4 is going to infiltrate when we know the other sites have very little or no infiltration and this is a concern. Ground levels would not allow for a conventional piped system so this is a further concern. Initial advice is for refusal until a suitable drainage solution can be found. HREF14 - Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework.

Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework.

However, if WLDC are mindful to approve the development then please add the following conditions to any decision notice. Conditions should be correctly worded in order that enforcement action can be taken if any development takes place prior to the conditions being discharged.

Conditions 1:

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

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

Conditions 2:

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

The scheme shall:

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

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

LCC Archaeology: No archaeological input required.

Housing Zone Programme Manager: Comments

The affordable housing requirement will be for 17 units to be delivered as affordable housing on site of which I would suggest 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership.

Local Education Authority (Lincolnshire County Council): Comments with contribution required:

This development would result in a direct impact on local Schools. In this case just the primary schools at Cherry Willingham are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. Contribution required for an additional 14 primary places (£157,870).

NHS England: Comments with contribution required

The development is proposing 69 dwellings which may result in an increased patient population of 159. The practice that is most likely to be affected by an increase in population is the Nettleham Medical Practice at Lodge Lane, Nettleham, LN2 2RS; they have a branch surgery at The Parade, Cherry Willingham, LN3 4JL. The total practice list size is circa 11,400 and has grown by 3.6% in the last two years. Any further increase and the level of patient care will be compromised. The S106 contribution would provide capital towards building a notes storage facility at Cherry Willingham along

with an extra multipurpose/clinical room. The storage facility will allow the movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there. Contribution of £425 per dwelling is sought (up to £29,326).

Tree and Landscape Officer: Comments

This application is extending new development further into the countryside and has already had a detrimental impact on hedges, trees and biodiversity value by unauthorised tree and hedge removal pre-empting planning permission.

If this application gains consent, it should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting.

Development should not take place within the footprint of the woodland and SNCI. Plots 59 and 60 are substantially within the footprint of the Fox Covert woodland, and plot 58 has a small part of its rear garden within the woodland footprint. There is a chance that trees will be required to be replanted over the footprint of the original woodland which would affect these three plots in the SW corner of the proposed development.

Forestry Commission: Comments

A Restocking Notice for the above should go out in the next few days and I will send you a copy for your records. I have also attached an old planning drawing that shows where the woodland and potential development overlap.

Natural England: No comments or objections

Lincolnshire Wildlife Trust: No objections.

Lincolnshire Police: Comments

Request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development. Properties should be orientated to face streets and public areas. Windows of routinely occupied rooms (e.g. lounge/living room/kitchen) should be positioned to provide effective overlooking of the frontage and contribute to natural surveillance.

Further advice is given on parking provision, windows, doors and a sense of ownership.

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006

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

policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

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

STRAT 2 Residential Allocations – Lincoln Policy Area

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

STRAT 3 Settlement Hierarchy

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

STRAT 8 Windfall and Infill Housing in Small Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

STRAT 19 Infrastructure requirements

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

SUS 4 Cycle and pedestrian routes in development proposals

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

RES 5 Provision of play space/recreational facilities in new residential development

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

RES 6 Affordable housing provision

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

CORE 10 Open Space and Landscaping

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

NBE 10 Protection of Landscape Character in development proposals

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

NBE 14 Waste Water Disposal

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

NBE 19 Landfill and Contaminated Land

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

NBE 20 Development on the Edge of Settlements

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

Central Lincolnshire Local Plan 2012-2036 (April 2016) (CLLP)

The submitted local plan has now been submitted to the Secretary of State for examination and the hearing stage concluded on 14th December 2016. The Central Lincolnshire Joint Strategic Planning Committee has published the final list of modifications to the plans which have been agreed with the Inspector and a 6 week public consultation ended on the 2nd March 2017. It is anticipated that the inspector will publish the final report in March-April 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:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP26 Design and Amenity

LP55 Development in Hamlets and the Countryside

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

relevant background documents include

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

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

Policy LP2 The Spatial Strategy and Settlement Hierarchy Evidence Report

Proposed Submission April 2016 (TSSSH)

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

Policy LP55 Development in Hamlets and the Countryside Evidence Report (PHCER)

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

Schedule of Proposed Post-Submission Main Modifications January 2017 (SPPMM)

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

Cherry Willingham Neighbourhood Plan

West Lindsey District Council has approved the application by Cherry Willingham to be designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood development plan.

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

National guidance

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance (PPG)

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

Other

Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)

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

Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000
Natural England's East Midlands Agricultural Land Classification Map
West Lindsey Landscape Character Assessment August 1999 (WLLCA)
West Lindsey Countryside Design Summary December 2003 (WLCDS)

Main issues

- Principle of the Development
West Lindsey Local Plan Review 2006
National Planning Policy Framework
Sustainability
Submitted Central Lincolnshire Local Plan 2012-2036
Cherry Willingham Neighbourhood Plan
Concluding Assessment
- Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Drainage
- Landscaping
- Impact on trees and the SNCI
- Open Space Provision
- Affordable Homes
- NHS and Education Contributions
- Ecology
- Flood Risk

Assessment:

Principle of the Development

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

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

The site is green field (paddock/farmland) and lies adjacent the settlement edge of Hawthorn Avenue.

West Lindsey Local Plan Review 2006:

Hawthorn Avenue is listed in local policy STRAT 3 of the WLLP as a small rural settlement. Cherry Willingham is in view from the site to the south east but is clearly separated by agricultural fields. Cherry Willingham is listed as a primary rural settlement in local policy STRAT 3 of the WLLP. Therefore

policies STRAT 2, STRAT 3, STRAT 9 and STRAT 12 of the WLLP are relevant to be considered.

The northern half of the site is allocated for residential development (WLLP policy STRAT 2) under HA1 (Hawthorn Avenue). Site allocation HA1 (which includes land east of the application site already under construction) is allocated for 38 dwellings and 10 affordable houses. The application proposes 26 dwellings within the site allocation. The southern half of the site (accounting for the remaining 43 dwellings) would be outside the site allocation. The overall proposal includes 17 affordable homes of which some are expected to be positioned within the both halves of the site.

The application site extends further south than the allocation HA1. Nonetheless, it is a significant material consideration that planning permission (132089 – see planning history) has already been granted for residential development on the eastern boundary of the site as shown on site plan RDS 11267/01 dated December 2016. The application site would extend southward in general alignment with these permissions.

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

Overall, development of the site would “square off” the Hawthorn Avenue development, already established by the permissions granted to the east and by site allocation HA1. It is therefore a rational extension to completing the development already established at Hawthorn Avenue.

The WLLP defines (paragraph A99) the open countryside ‘*as being the land that is not within the built footprint of the settlements listed in Policy STRAT 3*’

Hawthorn Avenue does not have a defined settlement boundary in the WLLP. The WLLP states (paragraph A100) that “*the assessment of what is either within the [small rural] settlement or within the open countryside is a subjective matter which needs to be considered on an individual case by case basis.*”

Whilst development would potentially be contrary to policy STRAT12, it is considered questionable as to whether this area should be considered as “open countryside” in line with paragraph A100 of the WLLP.

National Planning Policy Framework:

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

The latest Housing Land Availability Assessment for Central Lincolnshire was published in September 2016. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land

Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,092 dwellings which equates to a deliverable supply of 5.26 years in the five year period 2016/17 to 2020/2021.

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

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

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

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

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

Given the five year housing supply, the policies of the WLLP are not automatically deemed out of date and key issue is therefore whether the policies of the plan are consistent with the NPPF (paragraph 215). 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)’*.

Saved local policy STRAT 1 provides guidance for decision makers on a large number of general points which assist to determine the acceptability of planning applications. Many of these guidelines are generic in nature and accord with other policies of the plan. This policy mostly provides generic advice within it which are consistent with the provisions of the NPPF.

Saved local policy STRAT 9 seeks to promote a sequential approach to development by prioritising previously used land first before considering greenfield land. The policy also seeks to prioritise the most sustainable allocated sites first before considering other settlements. This policy is largely with the NPPF paragraph 17 and 111 which seeks:

‘Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’

Saved local policy STRAT 12 seeks to protect the open countryside from inappropriate and harmful development. 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’

In implementing this, National Planning Practice Guidance 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’.

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.

Therefore it is considered that local policies STRAT 1, STRAT 3, STRAT 9 and STRAT 12 are all consistent with the provisions of the NPPF.

Sustainability:

The Ward Member and Parish Council both question whether continued growth of Hawthorn Avenue is sustainable due to the lack of facilities within reasonable walking distance and reliance on private vehicle therefrom.

There are no facilities within the Hawthorn Avenue area itself, with the exception of bus stops within Hawthorn Road/Avenue served by the no.3A bus (Lincoln to Short Ferry). These factors are recognised in Hawthorn Avenue’s status as a “Small Rural Settlement” under policy STRAT3, listed separately from Cherry Willingham. Hawthorn Avenue is not listed as a settlement in its own right in the Submitted Central Lincolnshire Local Plan, nor is it included within the inset map for Cherry Willingham.

A Transport Statement (TS) has been submitted during consideration of the planning application. The TS puts forward that all local facilities are within 2km of the site and within “walking distance”. Whilst facilities may be within 2km of the site geographically, this does not equate to being within 2km walking distance. There are no public rights of way connecting Hawthorn Avenue to Cherry Willingham. People will therefore need to walk along Hawthorn Road. This will mean that:

- from the site entrance to the Cherry Willingham Community School (Secondary) would equate to an approximate 1.5km walk.
- from the site to the Cherry Willingham Primary School would be over 3km.
- to the nearest food convenience store and Health Centre would be an approximate 2km walk.

Planning policy encourages measures to reduce the need to travel and reliance upon private vehicles (WLLP policy STRAT1, NPPF chapter 4).

Planning policy and guidance does not set out as to what may constitute a reasonable walking distance. The Institute of Highways and Transportation suggests the following as acceptable walking distances.

	Town Centres (m)	Commuting/School (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Maximum	800	2000	1200

Table 2: Suggested Acceptable Walking Distances (IHT)

Most facilities, with the exception of the Cherry Willingham Community School, are beyond these parameters.

The Ward Member and Parish Council both note the appeal decision at Lodge Lane, Nettleham (appeal APP/N2535/W/15/3129061 against refusal of application 132063) where the Inspector found that services and bus stops more than 800m away *“is less than ideally located in terms of accessibility on foot”*, although it may be noted that the Inspector nonetheless upheld the appeal.

The Transport Statement recognises that there are bus stops within walking distance on Hawthorn Road / Hawthorn Avenue. Nonetheless, the timetable supplied in the TS suggests that the half hourly bus service 3 (Short Ferry to Lincoln) does not stop at Hawthorn Avenue. The nearest stop is at the Secondary School, approximately 1.5km away.

Service 3A does stop at Hawthorn Avenue, but is a considerably less frequent service. The timetable suggests there are only four stops (Monday to Friday) going onward to Lincoln (0756hrs; 0942hrs; 1342hrs; 1542hrs).

It is considered that the site is in an area with extremely limited sustainability credentials and most facilities are outside the accepted walking distances. Therefore the continued growth of Hawthorn Road/Avenue is not sustainable, however the northern half of the site is allocated for housing development (HA1) and the site as a whole provides a logical and acceptable conclusion to the development to the south off Hawthorn Road/Avenue.

Submitted Central Lincolnshire Local Plan 2012-2036:

The submitted Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight

that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The plan is now formally within its examination period with the Secretary of State and has been debated and considered at a hearing which concluded on 14th December 2016. The Submitted Local Plan is now at the most advanced stage possible, prior to publication of the Inspector's report which is anticipated in March-April 2017.

Submitted policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. As previously stated Hawthorn Avenue is not listed in any of the top 6 categories of LP2 therefore has to be considered as in category 7 (Hamlets and Open Countryside). Therefore Submitted local policy LP2 states that development proposals in Hawthorn Avenue '*will unless stipulated by policy LP55, development in areas not listed above will be restricted to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable generation; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents*'.

As alluded to above submitted local policy LP55 (Parts A, B, D and G) of the CLLP protect the rural character of the open countryside from inappropriate housing development.

A summary of all the keys issues raised through the consultation periods of the Draft and Further Draft Central Lincolnshire Local Plan are listed in the PSC submitted with the CLLP. The PSC summarises comments made on specific settlements, however as Hawthorn Avenue is not listed as a settlement none were made. Representations were not made to include Hawthorn avenue as a settlement. It is noted that in LP2 supportive comments were received in relation to the growth attributed to Cherry Willingham.

Accordingly, the proposed CLLP does not envisage Hawthorn Avenue as a settlement in its own right or a focus for future growth.

Cherry Willingham Neighbourhood Plan (CWNP)

The CWNP has an approved designated area and the neighbourhood plan group are working towards the production of a draft neighbourhood plan. The CWNP currently has no weight in the decision making process.

Concluding Assessment:

It is important when considering the principle of the development to weigh up the benefits of the development against any harm.

The northern half of the site is allocated for housing under HA1 of the WLLP therefore the principle for housing on this section of the site has already been established. This leaves a balancing act of assessing the acceptability of the southern half which will complete the built form of housing development to the

south of Hawthorn Road. In normal circumstances the southern half of the site would be unacceptable, however land to the south of Hawthorn Road/Avenue has been extensively developed over a number of years of which some in the WLLP is allocated for housing and some which is land with planning permission for housing. This development continues to date with the commencement of planning permission 132089. This development will therefore offer a natural conclusion to development in this location.

Any further development above and beyond this site and current permissions would not be considered as sustainable or acceptable. However, given the history and boundaries of the overall development (4-5 phases) the approval of the southern half would neatly complete the built form and not leave a southern end which looks disjointed from the rest of the overall development. The relationship with the overall development is therefore an important and relevant consideration.

Consideration has been given to the extremely limited sustainability credentials of the sites location which revolves around links to public transport and the walking distance to Cherry Willingham Community School. Therefore the residents will rely heavily on a vehicle to travel to services/facilities such as shops, medical, employment, education (primary school) and recreational (including village hall and church). The proposal is therefore considered to fail saved local policies STRAT 1, STRAT 12 of the WLLP, local policies LP2 and LP55 of the CLLP and the provisions of the NPPF with respect to flood risk.

The northern half of the site is allocated for housing under HA1 of the WLLP and the southern half will logically complete the housing development to the south of Hawthorn Road/Avenue.

Therefore the principle for housing on the northern section of the site has already been established and in this case given the circumstances the principle of the southern half of the site is acceptable given the relationship to the northern half and the rest of the overall housing development. This is subject to satisfying all other material considerations.

Visual Impact

The site according to the West Lindsey Landscape Character Assessment 1999 (WLLCA) is within the Lincoln Fringe. The WLLCA carries on to state that the Lincoln Fringe has a flat agricultural landscape with a number of expanded settlements and approaches to settlements are dominated by the built form. It is not considered to be a highly sensitive landscape.

The proposed development for 69 dwelling has a reasonably high density with a mix of housing designs and material finishes. This concept replicates the adjacent phases given permission or constructed to the east. The proposed dwellings will be screened from view to the north and east by the existing built form off Hawthorn Road/Avenue and dwellings constructed as part of the earlier phases. The proposal will only be in view from the immediate areas to the north and east.

The proposal will be more widely in view from the south east around to the north west. To the south east of the site is the main Cherry Willingham settlement (north west settlement edge). Viewpoints were visited at the north west settlement Edge of Cherry Willingham namely Green Lane and public bridleway Cher/133/1. From both these locations the proposal will be viewed in context with the housing development already constructed or to be constructed. There is some vegetation from these views but this will only screen the lower half of the proposed dwellings.

Public bridleway Cher/133/1 runs west from Green Lane connecting to Gtwl/133/1 and the Gtwl/133/2. This is one line of public footpath which terminates to the north of Greetwell Road. The section of the public bridleway to the south and south west of the site will not be able to view the proposed dwellings due to the separation distance and the high group of trees which sit close to the south boundary of the site.

The settlement boundary of Lincoln is approximately 1,000 metres from the west boundary of the site with no public rights of way in between. To the north west of the site is Hawthorn Road which has national speed (60mph) and apart from an occasional small gap is screened by roadside hedging.

The location of the proposal is not designated as an area with special landscape character or significance.

It is therefore considered that the proposal will not have a significant adverse visual impact on the site, the settlement edge or the surrounding area. The proposal will therefore conform to saved local policy STRAT 1, NBE 10 and NBE 20 of the WLLP, local policy LP17 of the CLLP and guidance contained within the NPPF.

Residential Amenity

The assessment on residential amenity will need to consider the impact of the proposed dwellings on each other, on existing adjacent dwellings and on adjacent dwellings that could be constructed in the near future.

The dwellings on site will to a degree overlook each other from first floor level which is normal for developments of this type and density. There are a number of examples due to the layout where the rear garden boundaries of a block of dwellings meets with the side boundary of another dwelling. In most cases the boundaries are separated by a footpath which terminates at the sites boundary edge. In all of these cases the separation distance between the rear elevation and side boundary is at least 9 metres to a maximum of 12 metres. Privacy at ground floor level will be maintained by boundary screening.

Again due to the density of the layout there will be some dwellings which receive more natural light than others.

Although there is an element of buyer beware on developments of this type it is not considered that the proposed dwellings on the site will have a significant adverse impact on the living conditions of the future occupants.

The adjacent dwellings whether existing or proposed (planning permission 132089) will again be adequately separated from the site and have boundary screening. Therefore the proposal will not have a significant adverse impact on the living conditions of the existing or potential future occupants.

Given the density of the development all first and second floor bathroom and ensuite windows will be conditioned to be obscurely glazed.

Overall each dwelling will have an adequate or reasonable amount of garden space for the size of dwelling. However consideration has to be given to the need to remove permitted development rights for some of the plots to ensure an adequate amount of rear amenity space is retained. After assessment of the layout it is considered necessary and reasonable to remove permitted development rights for rear extensions and outbuildings to plots 23, 44, 45, 46 and 47.

To respect the living conditions of the existing adjoining dwellings the permission will include a pre-commencement condition for a comprehensive Construction method statement to be submitted.

Archaeology

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

Highway Safety

The layout of the site has been amended due to initial verbal concerns raised by the Highways Authority at Lincolnshire County Council. The original layout did not provide sufficient car parking spaces to the amount of two per dwelling. The amended layout (RDS 11268/01 dated December 2016) has now provided two car parking spaces per dwelling which includes adjacent parking and grouped areas of parking near to the served dwellings. Where there are groups of parking there is a gap of at least 6 metres between each bank of parking which is a requirement of the Highways Authority. This is sufficient to allow a vehicle to safely reverse into and out of the parking spaces whilst turning.

The proposal will therefore not have a significant adverse impact on highway or pedestrian safety and will conform to saved local policy STRAT 1 of the WLLP, local policy LP26 of the CLLP and guidance contained within the NPPF.

Drainage

The proposal includes a Drainage Strategy (DS) dated March 2017.

Section 4.2 of the DS states that foul drainage *'will be served by a 150mm foul connection which will be installed into Anglian Water sewer on Hawthorn*

Road at the phase 1 junction into the project site'. A foul drainage connection plan has not been submitted.

Section 4.3 of the DS states that *'surface water run-off will be disposed of through infiltration systems, following the successful undertaking of percolation tests'*. The exact position, number and size of soakaways will be determined at the detailed design stage.

The Lead Local Flood Authority (LLFA) are currently in discussions with the developer in relation to an appropriate surface water disposal method for planning permission 132089 which is adjacent the southern half of this site. The Highways Officer has stated that *'We know that they are unable to provide infiltration on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne road unless they are going to upgrade this system? However, as yet they have not come back with any details as yet so our original objection will still stand'*. Therefore *'Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework'*.

Given the grounds conditions of the adjacent site it is unlikely that the grounds conditions on this site will differ. Therefore the LLFA are still recommending refusal for the site on drainage grounds due to the high water table, poor infiltration capabilities of the ground and the lack of a suitably justified method of dealing with surface water. The application has so far not submitted a suitable and sustainable method of dealing with surface water from the site.

The objection from the LLFA has been noted and the sites shortcomings in being able to provide an acceptable method of surface water drainage. It is considered that following comments from the LLFA that the site is likely to have ground conditions which are not acceptable for infiltration methods.

Guidance contained within paragraph 51 (Reference ID: 7-051-20150323) states:

'when considering major development..., sustainable drainage systems should be provided unless demonstrated to be inappropriate'.

If as it seems the site is unsuitable for soakaways then an alternative more traditional method will need to be demonstrated through a pre-commencement condition. Therefore if the use of a sustainable drainage system is proved to be inappropriate it is the applicant's responsibility to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site.

Impact on trees and the SNCI

The application site currently has no trees which will be affected by the development however a number of trees attributed to the Site of Nature Conservation Interest (Fox Covert) (SNCI) have been removed without

permission. Following discussions with the Authorities Tree Officer these trees were in the south west corner of the site and a replacement order has been placed on the developer to re-install the removed trees. This has an impact on plots 58, 59 and 60.

In an email 21st October 2016 the agent has stated that *'the applicants have had a meeting on site with the forestry commission officer and he has indicated that as long as they replant the trees in the next 5 years the forestry commission will not take any action'*.

The Forestry Commission have confirmed in an email dated 21st March 2017 that a restocking order will be issued to the site owner in the next few days.

As stated by the Authorities Tree Officer it is more accurate that the restocking of the site will have a substantial impact on 59/60 and to a lesser degree plot 58.

In an email 21st October 2016 the agent has stated further that *'it is the developers plans to create a woodland area with a new lake which will possibly be used as an attenuation lake for the drainage from this and other phases of housing together with creating woodland walks, replanting suitable trees as well as leaving areas for recreation space, public open space and further housing'*.

The removal of the trees without prior notification or consent from the required authority is regretful and will need to be replaced in line with the issued restocking order from the Forestry Commission. The Forestry Commission has stated in conversation that a planning permission will override the restocking order making some of the trees unable to be replaced as they once stood. A very high percentage of the trees will be able to be replaced as they initially stood and this will be the responsibility of the Forestry Commission to monitor.

Therefore the scale of the SNCI will be extensively replenished in accordance with the restocking order. The impact on the SNCI will therefore not be significant.

Landscaping

A landscaping plan has not been submitted to correspond with the amended site plan RDS 11268/01 dated December 2016. The Authorities Tree Officer has recommended that if approved the development *'should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting'*.

Therefore a pre-commencement condition will be attached to the permission to ensure a comprehensive landscaping plan is submitted prior to commencement. This will include:

- Scheme of planting including size, species (native) and planting formation.

- Thickening and filling in of gaps to hedging along existing external boundaries
- All Boundary treatments within the site
- Surface materials for the off street parking spaces and where applicable turning areas.

Open Space Provision

The application site is 11,234.99m² in size which equates to 1.12 hectares. Therefore to accord with local policy RES 5 of the WLLP the development must provide play space/recreational facilities of 5% of the total site area.

The site provides two area of open space totalling 845m². As a percentage this equates to 7.52% (845/11,234.99x100) of the site covered by play space. The development therefore conforms to saved local policy RES 5 of the WLLP.

The two areas of open space will need to be managed and maintained. The applicant has submitted a heads of terms document which demonstrate a commitment to providing these details through a legally binding Section 106 Agreement.

Affordable Homes

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This site for 69 dwellings is required to provide 25% affordable homes.

The Housing Officer has states that *'the affordable housing requirement will be for 17 units to be delivered as affordable housing on site of which I would suggest 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership'*.

The applicant has submitted a Heads of Terms which demonstrates a commitment to providing 17 affordable homes on the site through a legally binding Section 106 Agreement. This includes trigger points for confirming a registered social landlord and transferring the affordable housing to them. Therefore the required affordable housing contribution of 25% has been met and the proposal conforms to saved local policy RES 6 of the WLLP.

NHS and Education Contributions

The applicant has submitted a Heads of Terms document which demonstrate a commitment to providing the following contributions:

- £157,870 towards the development of local schools within Cherry Willingham
- £29,326 towards building a notes storage facility at The Parade Surgery, Cherry Willingham. This will allow movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.

This includes trigger points for paying the Education contribution on sale of the 35th dwelling and paying the NHS contribution on sale of the 15th dwelling. Therefore the proposal will conform to saved local policy STRAT 19 of the WLLP.

Ecology

Paragraph 118 of the NPPF clearly states that '*Opportunities to incorporate biodiversity in and around developments should be encouraged*'

The application has included a Preliminary Ecological Appraisal completed by Brindle and Green Ecological Consultants dated February 2016. In summary this reports suggested the following recommendations:

Wild Birds:

- Any trimming to retained hedgerows should ideally avoid the breeding bird season (March – August) or a watching brief and detailed search should be carried out by a suitably experienced ecologist 24 hours prior to removal/disturbance of the habitats on site.
- The barn owl nest box within Building 1 is to be checked by a suitably experienced ecologist prior to any disturbance to Building 1 (Building 1 has already been removed).
- Several nest boxes including at least 1 barn owl nest box are placed in a suitable place within the site.
- Gaps within the boundary hedgerows could also be planted with native hedgerow species.

Bats:

- Sympathetic lighting plan should be implemented to avoid light spill onto the bordering hedgerows and trees to avoid disturbance to foraging and commuting bats.
- Bat boxes could be erected within the new development to provide additional habitat.
- Gaps within the hedgerow boundary could be planted with native species.

Badgers:

- A precautionary check for badgers using the site should be undertaken by a suitably experienced ecologist within 1 month prior to construction works commencing.
- Any excavations left overnight are to be covered at the end of each working day, or include a means of escape for any animals.
- Any temporarily exposed open pipe systems are to be capped in such a way as to prevent badgers gaining access.
- Gaps within hedgerows could be planted with native fruit bearing shrubs to provide additional foraging opportunities.

Great Crested Newts:

- In the unlikely event that great crested newt/s are found on site during works, an ecological consultant is to be contacted immediately.

Reptiles:

- In the unlikely event that reptile/s are found on site during works, an ecological consultant is to be contacted immediately.
- Deadwood within the hedgerows should be left in situ/retained where possible.

The above recommendation in the ecology appraisal will be secured with planning conditions. This will also include the installation of 6 wild birds boxes, 1 owl box and 4 bat boxes.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Other Considerations:

NONE

Conclusion and reasons for decision:

On balance it is considered that the benefit of the development will outweigh the harm and will positively contribute 69 additional dwellings including affordable homes towards the housing supply in Central Lincolnshire. The location of the site has extremely limited sustainability credentials which revolves around links to public transport and the walking distance to Cherry Willingham Community School. The northern half of the site is allocated for housing under HA1 of the WLLP therefore the principle for housing on this section of the site has already been established. The southern half of the site is in the open countryside and would normally be unacceptable in such a location. However Given the history and boundaries of the overall development (4-5 phases) the approval of the southern half would neatly complete the built form and not leave a southern end which looks incomplete and disjointed from the overall development. The site would not have an adverse visual impact or an adverse impact on highway safety, the living conditions of existing or future residents, archaeology, drainage, trees. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

Overall Planning Balance and Conclusions:

The northern half of the site is allocated for housing under HA1 of the WLLP and the development of the southern half is a logical conclusion which will square off the overall development. The proposal will positively contribute 69 additional dwellings towards the housing supply in Central Lincolnshire including an onsite affordable homes contribution.

The site is potentially in the open countryside, however consideration has been given to paragraph A100 of the WLLP and the relationship of the site with the existing and proposed development to the south of Hawthorn Avenue/Hawthorn Road. On assessment the site has or will have built form adjacent its north and east boundaries therefore reducing its open countryside

identity. If left undeveloped the southern half of the site would appear incomplete and disjointed.

The site would not have an adverse visual impact or an adverse impact on highway safety, the living conditions of existing or future residents, archaeology, drainage and trees.

On balance it is considered that the benefits of the development will outweigh the harm. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

Human Rights Implications:

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

Legal Implications:

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

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

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

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

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

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to Greenfield run off rate litres per second;

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

The development shall be carried out in accordance with the drainage scheme approved in condition 2 and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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

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

- All trees and hedging to be retained along the boundaries
- Site boundary treatments including any infilling to the external boundaries
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments identifying plot boundaries and division to existing dwellings.
- Access road and parking spaces/turning area surface materials.
- Location of 6 bird boxes, 4 bat boxes and 1 owl box.

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

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

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;

- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Protection to boundary hedging and trees

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

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

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

- Proposed Phase 4 Site Plan RDS 11268 / 01 dated December 2016
- Proposed Elevation, Floor and Sections plans
(all dated November 2015)
- 769 (08) 009 REV A00
- 769 (08) 010 REV A00
- 769 (08) 014 REV A00
- 769 (08) 015 REV A00
- 769 (08) 016 REV A00
- 769 (08) 021 REV A00
- 769 (08) 022 REV A00
- 769 (08) 025 REV A00

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

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

6. The development shall be completed in accordance with the recommendations of the Preliminary Ecological Appraisal completed by Brindle and Green Ecological Consultants dated February 2016.

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

7. Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

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

8. Before each dwelling is occupied their parking spaces shall be completed in accordance with the details shown on drawing number RDS 11268 / 01 dated December 2016.

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

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

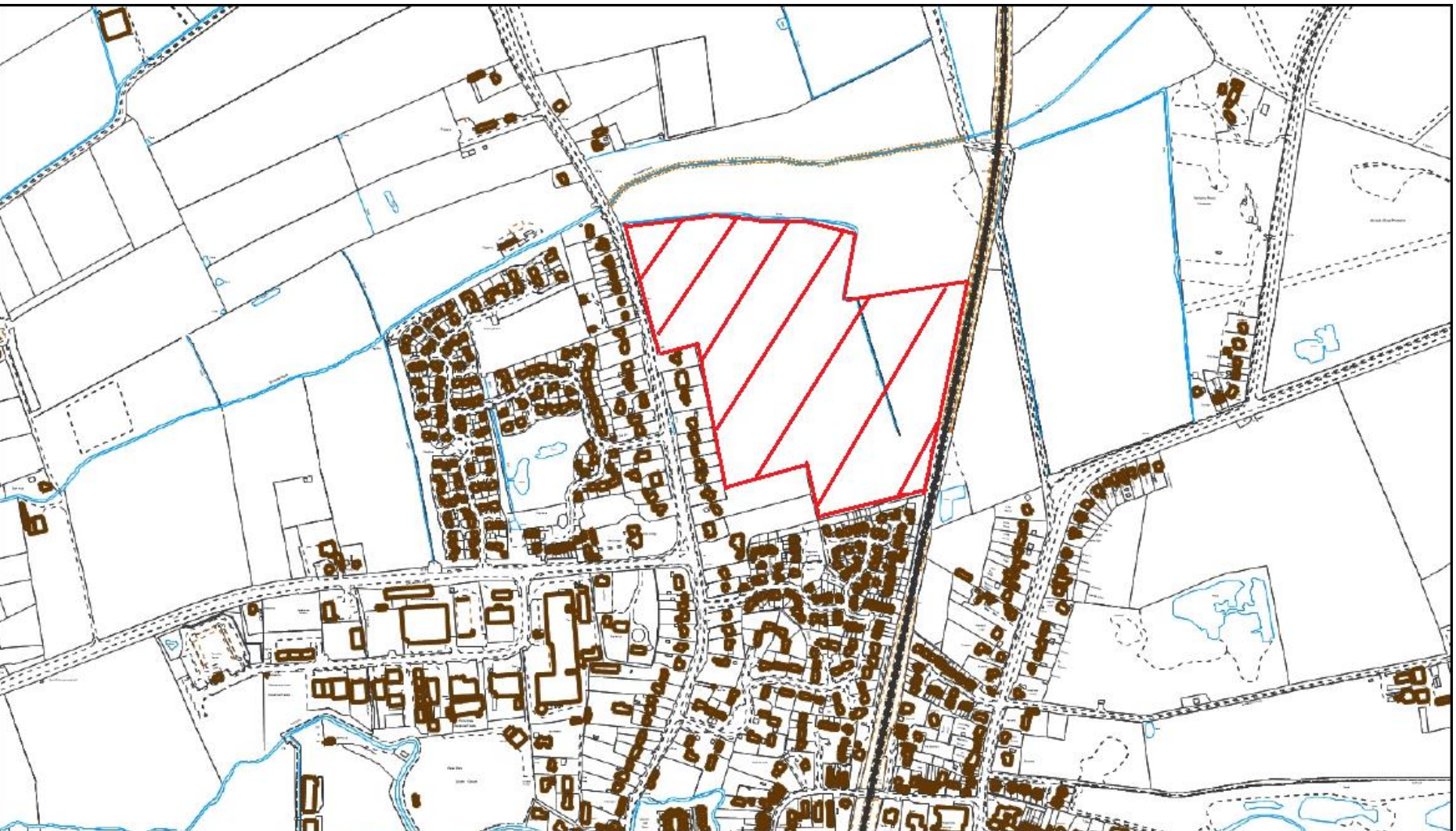
9. All planting or turfing comprised in the approved details of landscaping (condition 3) shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of 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. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and saved Policy STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 and LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

10. Notwithstanding the provisions of Schedule 2, Part 1, classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations or extensions to the dwellings on plots 23, 44, 45, 46 and 47 including the insertion of a structure or building within the curtilage and new windows other than as authorised by this permission.

Reason: To safeguard the living conditions of neighbouring dwellings and the retention of sufficient rear external amenity space as to accord with the National Planning Policy Framework and saved Policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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Officers Report

Planning Application No: 135013

PROPOSAL: Outline planning application for residential development of up to 300no. dwellings, including areas of landscaping, public open space, sustainable urban drainage scheme and associated infrastructure-access to be considered and not reserved for subsequent applications.

LOCATION: Land at Caistor Road Middle Rasen Market Rasen LN8 3FA

WARD: Market Rasen

WARD MEMBER(S): Cllr T Smith; Cllr J McNeil, Cllr H Marfleet

APPLICANT NAME: Chestnut Homes Limited

TARGET DECISION DATE: 27/12/2016

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Jonathan Cadd

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

- Capital contribution towards primary school facilities (to be calculated on the basis of the education formula but is likely to be around £676,586) in lieu of on-site provision to expand Market Rasen Primary school in the form of a 0.5 Form Entry expansion;
- On site provision of affordable housing equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (including a LAP), (equating to a minimum of 10% of the overall site) and Drainage Features;
- Capital contribution towards health facilities (amounting up to £127,500) in lieu of on-site provision, which would be spent on alterations to Market Rasen Surgery or the provision of a replacement/ additional medical facility;
- To pay for a Traffic Regulation Order and physical measures to allow the conversion of the existing footpath to a combined cycleway and footpath between the site and Church Bridge, George Street;
- Submission and implementation of Travel Plan.

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

Description:

This application seeks outline planning permission for the erection of up to 300 dwellings with all matters reserved except for access. The access proposed would connect to Caistor Road (A46) in a T junction arrangement. The estate road would be 6m in width with 2m wide pavements either side. The junction would include a widened carriageway to the A46 to accommodate a right hand turn lane within it. Also proposed is a pedestrian refuge some 92m to the south. This would line up with the pedestrian/emergency access to the side of 48 Caistor Road. Such a feature would not be used regularly by vehicles just in when emergency vehicles required access and then only when the main access was blocked. This would be approximately 3.7m wide and be protected by bollards.

The frontage footpath proposed would extend across the whole site frontage to Caistor Road and extend to the existing footpath within the highway verge forward of 46 Caistor Road

The application site is approximately 11.6 ha of arable farm land immediately adjoining the market town of Market Rasen but which falls within the parish of Middle Rasen. The site adjoins housing on two sides south and west, whilst also partially fronting Caistor Road (A46) to the west and the Cleethorpes to Newark railway line to the east. To the north is open countryside.

The site is roughly level (with a very slight fall to the north west) and is partially divided by field drains. The site is open to the north, divided from the aforementioned countryside by a field drain which runs in a dog leg fashion east to west. This runs from the railway line towards the A46 where it enters a culvert which extends a short distance northwards before entering Brimmer Beck and then under the A46. The eastern dog leg of the drain is further demarcated by line of trees and hedging which extends roughly to the rail line. In addition to this, the ditch also extends into the site running south for a distance of 190m and this is also characterised by mature trees and hedges.

The rail line to the east rises on a gradient forming an embankment whilst to the south are detached and semi-detached two storey dwellings which form part of the Furlongs Estate and houses and gardens back onto the application site. These properties have 10 – 18m long garden lengths and have a variety of boundary treatments, some of which are quite open. A shallow drainage ditch appears to run along part of the length of this properties.

To the west are a variety of properties which front onto Caistor Road and back onto the application site. Characterised by single and two storey type dwellings these are usually set forward on their plots towards Caistor Road with larger rear gardens (approx.13 - 23m) set to the east. Two properties to the south western corner of the site have particularly large rear gardens which appear as a sort of paddock.

Where the site fronts onto Caistor Road to the west the speed limit changes from 30 to 40mph at this point and has housing opposite facing the site. A footpath exists opposite the site but none along its actual frontage. A sporadic hedge forms part of the site to the road frontage. Street lighting extends along the site frontage but to the opposite side.

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

The development has been screened (133908) in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

133908 Request for a screening opinion for residential and commercial development. EIA not required.

Representations:

Chairman/Ward member(s): Cllr Smith has requested to be kept informed of progress of this application and has raised issues with respect to publicity and consultation

Sir Edward Leigh MP: Summary: The site is not allocated for housing under the current Local plan and is located in open countryside and is not in Market Rasen.

The infrastructure in Market Rasen has not been improved for many years and cannot cope with significant increase in traffic let alone this development. Given other recently completed developments it is not therefore considered sustainable contrary to advice within the NPPF.

The narrow roads and limited car parking shown on the plan would lead to considerable congestion on site.

The public open space required will actually be swales and drainage basins which are unacceptable for recreational use and should not be accepted as such.

The health centre has over 10000 patients and it is unlikely that they can take on further patients. Similarly local schools are both virtually full with no adjacent room for expansion. As such they will be unable to cope with additional numbers.

There would be a loss of good agricultural land at the site and this would have a detrimental impact on the natural environment and local biodiversity. The land is often flooded and if it is hard surfaced it would lead to greater water runoff which in turn would lead to further flooding elsewhere.

These points are not exhaustive and in summary it is recommended that the planning committee refuse this permission.

County Councillor Strange: (Summary) I am not convinced by the drainage proposals. I am told the swales drain directly into the Brimmer Beck within 24 hours

and this then flows into the Rase, which then flows into the Ancholme. This often backs up due to being full which led to flooding in 2007 and again in 2012. Nothing has changed to limit the speed the outflow as a result of the large number of new areas of tiles and tarmac.

The proposal is too dense, especially phase 1. Extra pressure if up to 600 cars are exiting and turning to the site daily on a busy road.

Support is given to the Council Leaders proposal for a roundabout and bypass from Gallamore Lane to Willingham Road. This would alleviate traffic issues in the town centre.

Anglian Water have a plan to accommodate additional development but we need to know how.

Assistance is also needed for health care, education and car parking in the town which are all at a premium.

Overall unless these issues can be resolved I cannot support the proposal.

An **additional** response has been received from the County Councillor raising concern with respect to why the Environment Agency has changed the flood risk category from 3 to 1 when the area is known to flood and has a high water table.

County Councillor Strange also raises concerns re the s106 contributions proposed and traffic levels.

In summary County Council Strange notes: it is simply the wrong development in the wrong place – I think the clue is in the name Brimmer Beck!

Parish/Town Councils:

- Middle Rasen Parish Council (Full) –

Firstly the Council request West Lindsey District Council Planning Officers to formally ask the developers to recognise that this development is within the boundaries of Middle Rasen.

References to the CLLP give rise to the notion that the development is within the Market Rasen boundary - the CLLP document has, without informing Middle Rasen Parish Council, included Middle Rasen land within the Market Rasen settlement. The Parish Council has raised a significant number of objections to this course of action in each consultation, from the time of the proposed Local Plan, to no avail. Middle Rasen as a Parish has no significant building assigned to it in the CLLP and therefore a development of this size would never be ascribed to the Parish, but for the fact that land from Middle Rasen Parish has been assigned to Market Rasen.

The Council's **objections** to the application are listed below:

Comments on the Development:

- The development of this site is wholly inappropriate.
- The Council would further comment that the Developer has stated that this estate will contain mixed housing – however there are no bungalows on the outline planning application, and the application itself is above the number of houses stated in the referred to CLLP document.
- The Developer has not been sympathetic in the design of the estate to the current residents on Caistor Road, particularly given their comments in the consultation period.
- The Phasing plan for building of the development seems entirely non-sensical.
- Building on this site will substantially alter the green space and environmental element in the locality.

Flooding –

- The neighbouring properties to the proposed site all have concerns and documented evidence of flooding on this land, which would not support a re-zoning of the area.
- Parish, District and County Councillors have all had experience of high levels of flooding both at the site and in the locality, which are documented by various external agencies.
- The Parish already experiences high volumes of flooding, and a development of this size will only exacerbate this further.
- Any further flooding into the Parish via the Beck will have a knock on effect of flooding into the next door parish of West Rasen.

Sewage –

- The Parish Council has significant concerns about the capacity of the current operational plant.
- The Council regularly makes complaints about the plant as it seems to be unable to cope with current capacity, of which the County Councillor is well aware of.

Travel/Road Development –

The Developer has stated that this development is well within walking distance of local amenities:

- The Parish School cannot be accessed by footpath; indeed both Schools in Market Rasen are of a significant distance to require children to be driven to school.
- Speeding on A46 is more controlled following a concerted effort by the Parish Council, working in conjunction with the local PCSO Team and RSP. This remains an ongoing process and the Council would have justifiable concerns about road traffic incidents when potentially 600 cars are using a one entry/exit from the proposed estate.
- Furthermore, the Parish Council agrees with the neighbouring Parish that the access into Market Rasen via George Street will become more congested than it is currently.
- The planning application refers to a bypass around Market Rasen – however to date the Parish Council are unaware of such a bypass, and indeed if such a bypass were to exist, it would more than certainly be through the land on which the developer is applying. If the development were to be granted then this would certainly block any future bypass in the locality.

Services and Facilities -

- This development will rely upon the already stretched resources of Market Rasen, as Middle Rasen has no NHS facilities of its own.

- The town of Market Rasen is already under considerable strain and given the decision by WLDC to adopt parking charges; any current “vibrancy” is likely to be short lived.
- Distance to the local supermarket would not be viable by foot, again causing congestion at the George Street Junction.

Education -

- Currently the school in the Parish is close to full capacity with very little space for expansion.
- The Primary School in Market Rasen is also at capacity. Children being driven to either school will cause significant congestion to either educational establishment.

Employment –

- There are scant employment opportunities within the locality.
- The Central Lincolnshire Plan has failed to adequately cater for additional employment with the only land allocated for employment being that of Gallamore Lane as is the case within the WLLPFR06.
- No additional land has been designated for employment purposes in Middle or Market Rasen in the CLLP. This represents at best, a total lack of foresight and strategic thinking on how to make the area economically vibrant, and have even a remote chance of fulfilling the social and economic strands of development in accordance with paragraph 7 of the NPPF which as stated above it clearly is NOT in accordance with paragraph 7 of the NPPF for the reasons outlined above in this section of the submission.
- At worst this move is intentional with the LPA seeking to turn Middle Rasen and Market Rasen into a dormitory town.
- Due to the above, the Parish Council questions the validity of the spatial strategy within the CLLP under policy LP2, and contend that it is only given minimum weight, as it has been in recent appeals, and that the application should be judged in accordance with the current development plan and therefore should be refused for the reasons given throughout this submission.

- **Market Rasen Town Council:**

The Committee had the following concerns regarding this application:

- The pressure on the Infrastructure i.e. doctors, Primary School, Health Services, Pre School Education etc. The school is already at full capacity.
- The increase and volume of traffic flow. The flow of traffic has already increased.
- The impact of the drainage. Flood area.
- The lack of job opportunities in the area.
- Poor public transport and public services

- **West Rasen Parish: (Summary)**

Significant flooding occurred in 1982 and 2007 was attributed to the Brimmer Beck flowing into the River Rase. The Rase then over topped its banks flooding properties. Nothing has been done to alleviate this issue. The Pack Horse Monument was endangered (a Scheduled Ancient Monument) and water levels were above the arch on the A631. No further development should be allowed until improvements to defences take place.

Water Recycling Centre cannot cope so any overflow would soon reach West Rasen – no surface water should be allowed in foul system.

The existing health and education services, roads and car parking cannot cope now, never mind with a further 730 houses proposed or approved.

There is no employment in Market Rasen

Public transport is virtually inaccessible meaning all travel will be by car.

Central Lincs Plan is heavy on building, light on employment

Local residents: 30, 32, 34, 36 (x2), 38, 40, 42 (x2), 44(X2), 46, 52, 55 (x2), 57(x2), 59(x3), 63, 69(x2), 77, 79, 81, 83, 87(x2) 89, 91, 97, 99, 105 and The Oaks, Caistor Road, 2, 3, 29 and 33 Foxglove Road, 2, 3, 6, 12, 15, 22, 32 (x2), 36 (x4) and 54 The Brambles, 9, 7, 10 (x2), 14, 15, 23, 27, 33(x2) and 35 Fern Drive, 1 Snowdrop Place, 10 Birchwood Close, 25 and 78 Willingham Road, 1, 3 and 4(x2) Plough Drive, 10, 14, 19, 27(x2) and 38 Furlongs, 4 (x3), 5 and 10 Acre Close, 3 Bracken Way, 5 Lily Drive, 2 Chapman Street, Willow House Legsby Road, The Hawthorns Church Street, 123 Gordon Field (x2), 23 Jameson Bridge, 21 Heron Way, Pelham Top Farm, Plantation Farm, Fox Covert Farm, Crowland house, Gallamore Lane (Including: Rasen Action Group: Representing 360 residents), and West Rasen Flood wardens :

Objections are summarised as:

- The proposal is contrary to policies STRAT1, STRAT3, STRAT19, SUS1, SUS4, RES1, RES5, NBE10 and NBE20 of the West Lindsey Local Plan and policies LP1, LP2, LP24 and LP26 of the Central Lincolnshire Local Plan.
- The proposal is located in countryside and is contrary to policy STRAT12. The site is high quality agricultural land and should not be used for housing. It is a greenfield (Green Belt) and is the lowest ranked of all land. Brownfield should be first. Should look at old airfields for housing.
- CLLP policy LP2 has objections to it at the CLLP hearing and as a result minimal weight should be given to allocation. Even if it is considered the proposal is vastly in excess of the allocation.
- Don't need more housing in Market Rasen – there are plenty of houses for sale in Market Rasen and surrounding villages. Central Lincolnshire states that it has a 5 year housing supply and therefore the additional houses are not required.
- Houses are wrong type should look to gentrify Market Rasen to bring money in not small housing.

- With alternative executive housing and the pedestrianisation of King and Queen Street, following construction of the bypass, this would be sufficient to regenerate Market Rasen. Additional car parking spaces would also be useful.
- There is insufficient land allocated for employment purposes in Market Rasen. There is no work to co-ordinate housing growth with employment. This proposal will equate to a 20% growth in Gainsborough but with no corresponding growth in employment land. Milton Keynes has grown in lesser terms than what is proposed in Market Rasen. Most of the existing employment sites are now at or close to capacity or are inappropriate for further growth. The proposal originally had employment facilities but this has been dropped. New industries are housing friendly and could be accommodated. This removal of employment uses is a mistake and is short sighted. There are no jobs in Market Rasen – people will commute to Grimsby, Lincoln or Scunthorpe causing chaos. Few jobs in Grimsby as its depressed. It is the same in Hull.
- If growth at these levels are accepted, it should at least be phased across the whole plan period to give the town's facilities and services chance to catch up.
- In the same way infrastructure has not kept up so that even with CIL/S106 money it will not be sufficient to create a sustainable settlement.
- Most young people leave the town to work in Lincoln or Grimsby and do nothing to assist the towns shopping or social life as they socialise/ shop in these locations.
- The all facilities in town will be put under extreme pressure by this proposal. How are schools going to cope with extra pupils and patients? Children in the town have to travel to primary and secondary schools in the surrounding area as there is no room for them in local schools. The schools have no capacity and Market Rasen Primary School has no room to grow. Middle Rasen is closer and this school is also at capacity. Nurseries are full too. The current school is of an average size and to let it grow to a large one (by Lincolnshire standards) would be detrimental to its ethos (from an ex head master of the school). There is significant traffic and congestion in areas surrounding them at school drop off and picking up times.
- How will the health service in Market Rasen cope? There is no room for any expansion. The health centre has 10000 patients on its list for 5 doctors. Always struggle to get and appointment. For a number of years some residents have had to rely on Nottinghamshire GP's after moving to Rasen as couldn't get in at a local surgery. There is a shortfall of doctors in Lincolnshire – currently at 76 vacancies. Health Visitors are also in short supply and the ambulance service has been underperforming for a number of years. There has been a noticeable decline in service, which corresponds to the level of growth that Market Rasen has experienced. The dentist is not taking new patients. Neither doctors nor dentist premises can physically expand. An additional chemist is required.

- The social club has closed and the sports centre at De Aston School is part time and will close in 2018. The swimming pool proposed has evaporated. No gyms are proposed. The same concerns are also raised with respect to public services, police, fire rubbish collections, water board and highway services. There are no, or few recreational/ cultural venues in the town. The town is a dead dormitory town not even the Portus Project has had little or no lasting impact. No further development should be allowed until more commerce and banks are returned to the town. Another three shops have already closed down.
- Any monies received through this applications will be used for Gainsborough. There will be nothing for a leisure centre or a gym which are needed.
- Residents have returned home to find thugs measuring up their car for stealing. This proposal will make things worse.
- Traffic levels have increased substantially over the period, planned improvement such as a roundabout at the Gallamore Lane junction have not been implemented. The proposal would lead to 600 – 1000 extra cars each day on the road which will increase congestion and reduce safety.
- There will be too many vehicles entering the A46 which is already too busy. Police obtained data shows an average of 4163 vehicles using the road per day. The A46 is already a red route this will make it worse. The access is close to a blind bend on the A46 reducing safety. Camera vans continuously monitor speeds and catch many exceeding the limits. Of the average number of vehicles using the Caistor Road (4163) 1883 were found to be travelling over the speed limit.
- It will make it more difficult for existing residents to access/ leave Caistor Road from their driveways and cross the road to bus stops opposite. Some people rely on taxis for health reasons and reversing into driveways is very difficult when looking to dodge traffic.
- A ghost lane (right hand turn) will lead to traffic congestion and increase the likelihood for collisions. There are already many near misses on this stretch of road. A signalised junction should be proposed as otherwise people have to chance it by speeding out. It is made worse by having only one access. There was one fatality not too far away on the road.
- Why not use The Furlongs entrance which is quieter and safer rather than the proposed Caistor Road access?
- The road within The Furlongs is not yet completed and adopted, County Council should have greater control over development.
- The streets of Market Rasen town centre are very narrow and there are no possibilities for improvements. The narrow roads cannot cope with existing traffic. There is always a bottleneck of traffic at rush hour each day with existing traffic turning into Gallamore Lane and George Street. George Street, Queen

Street are very narrow and there are often large vehicles turning into them making it impossible to pass when an oncoming bus or lorry without climbing a pavement. Union Street, Caistor Road and Union Street are all bottlenecks. Queen Street can back up along King Street to the Red Lion. This is significantly worse on race days and public holidays with traffic to the coast. The situation is made worse by illegal parking, and goods drop offs on George Street and High Street, The resulting queues from additional traffic generated from this proposals will significantly worsen the situation.

- There is a need for a bypass linking the A46 to Horncastle Road to stop town grinding to a halt during peak hours and on race days and summer Saturdays. The development would contribute to the increasing congestion and should not be allowed. There are two separate 300 house estates within 1 mile of each other. Land should be left for a bypass here. If the proposal goes ahead then the land for any potential bypass is lost. Other large developments are proposed in Middle Rasen and it will gridlock the town.
- The access proposed (along with estate roads) are too narrow and houses only have two car parking spaces this will create significant congestion as many households have more than two cars and also have visitors.
- Traffic assessments provided are inaccurate and were undertaken on the wrong days and times. The situation is much worse. It should have been done to reflect HGV traffic, agricultural vehicles, horse race days and motor cycle traffic.
- There are not any car parking spaces in the centre, particularly around the doctors' surgery and on market days this will only get worse.
- Public transport (trains and buses) are not user friendly and timings are not ideal to get to a person's place of employment or education. Buses also get caught up in congestion just like cars. Services are poor without evening or Sunday services. Not even a service to Gainsborough. Network Rail have stated that they have no plans to increase rail services, and local parking charges will stop people using such facilities. A single carriage train with people left standing and 60 others not been allowed on (March 2016) is appalling. The station car park is also limited so would put commuters off.
- There is no evidence of the developer talking to transport providers to improve their services, why?
- Most schools are a considerable distance from the site (2.9km to Middle Rasen School) Market Rasen Primary School is 900m from site entrance. There is no footpath, no street lighting from the site to Middle Rasen School reducing safety and Gallamore Lane is far too busy to safely cycle or walk along. The route to the primary school and secondary school are poor with narrow pathways and busy roads to cross. How people will walk their children to school...they won't they will drive. Similarly, Tesco is 1km away and will only be accessed by car via George Street.

- Putting cycle lanes on busy roads is not a good idea and is unsafe and unattractive to users. Local cycle guides say to avoid the A46. Any off road cycle lanes will have to stop at George Street Bridge so that will increase danger. Footpaths on Caistor Road are too narrow at the 30mph sign can't even get a pram past. The proposals are therefore contrary to LP13 and LP18 of the CLLP and SUS1 and SUS4 of WLLP.
- The density of the proposal is too great and too many properties back onto existing houses and the proximity is unacceptable. You can fit two houses in the proposed scheme to the same plot width of one dwelling. It will look like a continuous wall to residents. A 1.8m high fence whilst welcomed is scant recompense for such a development to existing residents.
- The current area is one of larger houses, the nature of the proposal would destroy this character. The character of the market town will be lost to suburbia. Caistor Road is characterised by bungalows not houses so will be out of character. The need for all the drainage leads to houses being grouped together at an unacceptable density. This is out of character with the town at this point. In addition to this, the garden areas are very short and narrow which will detract from the amenities of existing and future occupiers alike.
- Parking courts are a bad idea as they aid crime which is a known fact and underlined by police advice. Also there is insufficient car parking shown. Increased crime and trespass – the designs show cul-de-sacs immediately behind existing gardens reducing security and the boundary will be open to public.
- More bungalows would be nice to assist those who cannot deal with stairs.
- What are the plans for the remaining LP allocation, more houses? It was originally proposed to have 325 houses then 350 and now 300. Scope for more no doubt. Submission draft of CLLP has the allocation at 200 houses this is significantly greater.
- The Edwardian character of the town will be ruined by traffic levels generated by a 25% increase in the town's scale.
- It will lead to significant levels of noise and nuisance both from the day to day activity when the estate is finished but also years of disruption and nuisance from constructing these houses (until 2026). This will be contrary to the NPPF which seeks to maintain health, well-being and the quality of life. Heras wire fencing on the site boundaries during this time will do little to reduce impacts.
- There will be significant vibration from heavy rail freight traffic and this should be taken into account for future home owners.
- The adjoining properties have created significant gardens areas which are landscaped creating a haven for wildlife and birds. All will be lost if adjoining field is developed. One of the adjoining gardens is working garden where power

tools are utilised. If the boundary is not carefully maintained it will lead to children/ animals could coming in and potentially being injured. This needs careful consideration. It is recommended that a 10/15m landscaped 'no mans land' be created adjoining existing houses to protect neighbours from development.

- The site is home to a variety of wildlife and this should be protected. Further mitigation is required for bats, badgers and Great Crested Newts during construction phases is required. Greater Crested Newts, deer's, bats, owls and pheasants have been seen on land adjoining Plough Drive.
- There should be a tree belt constricted to the eastern, western and southern boundaries for wildlife as required by previous developments. This would link up with that on the Furlongs and allow it to work for wildlife like it was designed to do.
- The density is so great that the applicant has to use swales for open space areas to meet standards in plan. Such areas will be wet and unusable for significant periods of the year.
- Drainage appears to be poor. Ponding often occurs to rear of 42 – 44 Caistor Road for long periods and water table is found at only about 1m down below the surface. The Furlongs often have surface water drainage problems and a pumping station has been built to deal with this. Even so houses close to Hoe Drive and 20, 22, 25, 27, 29 and 31 the Furlongs have surface water flooding. French drains have had to be installed. Why are no ponds to the southern end of the site where the drainage concerns are?
- Given proximity of proposed dwellings to trees we have planted we are concerned that there will be a reduction in light and pressure for us to remove these trees which were planted to soak up water.
- Concerns as the site is in flood zone 3 and Brimmer Beck often floods. The proposal will lead to flooding of adjoining properties. Additional hard surfacing will lead to greater runoff and this will increase flooding. As zone 3 land it fails the NPPF sequential test as other less vulnerable sites are available.
- It is not clear why the Environment Agency changed its classification, can this be investigated further...it seems strange? This is a significant uncertainty in the application.
- The sewerage system is not sufficient to meet demand, the sewage treatment works was constructed in 1970's and Market Rasen has grown significantly since then. Water pressure is often low. There is poor internet connection too so new houses will impact on this as well as water pressure.
- Concern that the development will increase trespass across the rail line and this should be considered fully as an additional 300 dwellings will increase people will be living close to the crossing. A footpath should be opened up to access the crossing to aid access to Willingham Woods.

- Social housing would be as low as 25% not the 40% shown in the application
- There should be a breakdown of housing types proposed.
- Pre application consultation did not invite people from the housing estates opposite the site which is why there was little objection. Few staff available to talk to so no wonder no one went.
- Value of properties would fall.
- Loss of view across fields
- Market Rasen wants to grow but in the realms of sustainability

Lincolnshire Wildlife Trust: (Summary) The Trust are satisfied with the recommendations of the ecological report as long as they are followed.

Support is given to the indicative levels of open space and SUDs areas within the development. It is not clear whether any of these will be designed to hold water permanently or whether they will be more ephemeral in nature. The trust suggests that to provide the maximum biodiversity gains and with the hope of benefiting the existing Great Crested Newt population which is present in nearby ponds, a mixture of ephemeral and permanent water bodies should be created. It is also recommended that consideration is given to the provision of hibernacula within terrestrial habitat adjacent to waterbodies is created to attract amphibians and reptiles.

Further support is given to swales created and recommend species rich grassland is created in association with the SUDs features, particularly on grass verges.

Further recommendations are given with respect to provision of features to support bats, hedgehogs and nesting birds.

LCC Highways: Requests that any permission given by the Local Planning Authority be subject to conditions.

Comments on the scheme, however, are noted below in summary:

Overall the Transport Assessment is a reasonable assessment of the impact this development will have on the local network in the critical AM and PM peak hours. The Trip Generation has been calculated from similar developments in the TRICS database and they are average trip rates therefore they could be higher or lower in reality. (They are normally within a 15% range of the average).

The trip distribution has been calculated from Census data and the proposed development trips have been allocated according to these percentages.

In general the junctions assessed will operate below the 0.85RFC threshold with moderate delays in the AM and PM peak hours in 2026 with the development (and cumulatively with other committed developments).

The main issue in Market Rasen for traffic congestion is the 4 arm signalised junction at Queen Street/Willingham Road/Jameson Bridge Street/Oxford Street. The LINSIG included in the Transport Assessment appears to underestimate the operation of the junction in the peak hours (did not include all red pedestrian phase) and therefore Highways Authority utilised the approved LINSIG from 'The Ridings' development that was checked by our Traffic Signals Section and includes the all red pedestrian phase. To reflect on site usage it has been modelled with the all red called every other cycle. Using this model and the 2015 counts from the Transport Assessment the junction is shown to operate with PRC's around -10% and average queues on Queen Street and Willingham Road of around 20 vehicles.

The junction operates MOVA, which LINSIG has difficulty in modelling, and the junction operates slightly better which from on-site observations during the PM peak hour shows significantly more green time being provided to the main West/East and East/West flows. In general the traffic gets through the junction in one cycle on the main road, although at times it can take two cycles. Traffic turning right towards Tesco's causes blocking back waiting for the traffic coming from Willingham Road to clear before turning. However, it was observed that the green time from the Market Place direction does allow the remaining queue to get through the junction generally in one cycle. (But as stated sometimes it can be two). The all red pedestrian phase is probably called on average every 3 cycles rather than two. On race days the queues at the junction will be and are currently very extensive.

Using the model and the predicted traffic flows (including growth to 2026, committed development flows and the proposed development flows) from the Transport Assessment the junction is shown to operate with PRC's in excess of -30% PRC and significant queuing on Queen Street and Willingham Road (in excess of 50 vehicles). This however will be an over exaggeration of queued vehicles because the junction operates with MOVA (MOVA is designed to cater for the full range of traffic conditions, from very low flows through to a junction that is overloaded. For the major part of the range - before congestion occurs, MOVA operates in a delay minimising mode; if any approach becomes overloaded, the system switches to a capacity maximising procedure. MOVA is also able to operate at a wide range of junctions, from the very simple 'shuttle-working', to large, multi-phase multi-lane sites).

The development is predicted to add approximate 35 movements through the junction in the AM peak and PM peak periods which on their own should not have a significant impact.

Lead Local Flood Authority

Having looked at the FRA and Drainage strategies and also comments from the Environment Agency which confirms that the site is within flood zone 1 the surface water system has been designed to control the run off from this site using various Sustainable Urban Drainage techniques.

Through the use of SUD's the water is managed rather than just free flowing from the site and attenuated before its final discharge in to the nearby water course at a rate of no more than established greenfield rate, which is a betterment of the present situation whereby the surface water is free to flow uncontrolled at the greenfield run-off rate.

The SUD's feature within the site will add to the biodiversity and amenity values of the site as well as cleansing the water prior to its eventual discharge point.

Public Transport: A contribution of £1000 per dwelling has been requested to support local bus services.

A **further** response has been received from the **Highways Authority** following review of objections to the scheme.

LCC has been supporting WLDC along with North Kesteven and the City of Lincoln Council in the development of the Central Lincolnshire Local Plan. This document, which is currently the subject of a public examination, identifies suitable areas for development, and WLDC proposed some growth in Market Rasen.

As individual planning applications come forward, we will look at the transport issues in detail and provide an assessment to the district council so they can consider them when making their decision.

At present there is no protected line for a bypass or indeed any mention within the Local Plan for providing one within Market Rasen or Middle Rasen.

Environment Agency: Does not object to the proposal subject to imposition of condition in relation to concerns over the capacity of the drainage system.

- Foul drainage

The Drainage Statement, dated September 2016 states that there is capacity to connect to the existing Anglian Water foul sewer at a manhole in Caistor Road. However, the Agency note that no information has been provided that considers the capacity downstream in the sewerage system or the potential impact on existing foul sewer overflows.

The Agency notes recent flow data shows that Market Rasen Sewage Treatment works does not have sufficient permitted headroom to accommodate flows from this development, and improvements would be required in order for the proposed development to be acceptable. It is also noted that the recently updated Central Lincolnshire Water Cycle Study also highlights capacity issues at Market Rasen.

Environment Agency position:

The proposed development will be acceptable to us if the following condition is attached to any planning permission:

Condition

No development approved by this permission shall be commenced until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewerage system has been completed.

Reasons: To prevent environmental deterioration of the River Rase.

- Flows at the receiving water recycling centre (sewage treatment works) exceeded the dry weather flow specified in the Environmental Permit in 2015. Additional capacity, a variation to the Environmental Permit and potentially improved effluent quality would be required for the works to accommodate the proposed development.
- Insufficient information has been provided with regard to potential impacts on downstream overflows within the sewerage network. We are aware of previous problems relating to a Combined Sewer Overflows (CSO) on Caistor Road, and the improvement scheme should consider capacity issues in the sewerage network, and any necessary improvements to the CSO.
- The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class in the 'Rase from Market Rasen to Bishopbridge' water body, as it would further increase the volume of sewage effluent discharged to the watercourse, and potentially increase intermittent discharges from combined sewer overflows.

• **Flooding**

As discussed in the Flood Risk Assessment (BWB Consulting Ltd, September 2016), the Environment Agency has been undertaking revisions to the Flood Map for Planning around the area of the proposed development site. Ahead of these revisions being published, we can confirm that the proposed development site will be located in Flood Zone 1 (low probability of flooding). Therefore we do not have any further comments in relation to flood risk.

With regard to the surface water element of this application, surface water flood risk is now the responsibility of the Lead Local Flood Authority (LLFA). Lincolnshire County Council will therefore advise on the proposed surface water mitigation for this planning application, in particular the submitted Drainage Strategy.

LCC Education: The Education Authority make the following comments: A part education contribution is sought from the proposal. The contribution relative to the proposed number of dwellings, the type of dwellings proposed and the current projected position in both local primary and secondary schools and school based sixth forms, has been considered as the authority has a statutory duty to ensure sufficiency of provision.

This development would result in a direct impact on local Schools. In this case just the Primary Schools that serve Market Rasen are projected, notwithstanding the proposed

development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2012) and fully complies with CIL regulations, we feel it is necessary, directly related, fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case equates to £676,586.00. This is on the basis of recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR) and then that is multiplied by the number of homes proposed to calculate the number of pupils generated. This is then multiplied by the prevailing cost multiplier per pupil place to give the mitigation cost request. The PPR calculation illustrates that some 60 primary places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity. (It should be noted that this is an indicative figure rather than a maximum threshold as it relies on assumptions in relation to house types which are not specified on outline application)

At present projections show that, excluding the effect of the development in question, Market Rasen Primary School will have no permanent surplus places by 2019 when it is reasonable to presume this development would be complete or well on the way.

The funding could be held by the County Council and only spent by The County Council on:

- Primary - 0.5FE extension of Market Rasen Primary School to 2FE (£676,586)
- Secondary - N/A
- School-based Sixth Form - N/A

It is recommended that the S.106 contribution are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developer's viability.

Archaeology: No archaeological input required.

NHS: (Summary) The proposal is for 300 dwellings which based on 2.3 persons per dwelling (2011 census) would be likely to generate a patient population of 690.

The Market Rasen Surgery is the only one in Market Rasen so will be directly affected by the proposal. It has a patient population of just above 10,000 and the practise is currently up to capacity with the ratio of GP's to patients above the national average. The potential to gain a further 690 new patients means the level of patient care may be compromised and can become unsafe for the patient.

All practices with a General Medical Services contract are obliged to accept patients who choose to register. There are no patient waiting lists.

The contracted time for one session for a GP recommended by the BMA is 4hrs 10 minutes this allows time for administration (referrals, pathology etc.'). The increase in patients' shows that this could lead to 22.9 hrs of extra GP consulting hours; a

substantial increase. The extra nursing hours can vary depending on the age of the patient. To mitigate the impact of any increase to clinical hours and in order to make the development acceptable it would be necessary to increase the number of clinical rooms to provide for extra clinical hours.

The current practise premise itself is a combination of buildings of different build dates and it no longer lends itself to further expansion. The practice does not have any further rooms that it can convert into clinical space but there is a potential for some internal reconfiguration by reducing the main waiting room area to accommodate extra consulting and treatment rooms. To be able to carry out this alteration s106 funds could be used as capital to enable these alterations and fit out the rooms to NHS standard, however, with an increase of this size this would need further review.

The Clinical Commissioning Group have recently consulted with Healthcare Planners to look into the longer term future of healthcare in Lincolnshire. The findings of this consultancy may also provide solutions to the provision of healthcare to the expected population increase of 690 and therefore an alternative, yet equally appropriate funding avenue. We currently await the findings of this consultancy.

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

The contribution required to support NHS services is therefore £425 x 300 which = £127,500.

Lincolnshire Police: Raise no objections in principle but provide detailed advice on design and reducing crime. Of note, however, rear garage courts are noted as having high crime rates which will be relevant for any future reserved matters applications.

Natural England: No comments to make on this application

Lincolnshire Fire and Rescue: Make no objections subject to advice notes being attached any permission relating to access to the buildings for fire fighters, access for fire appliances of a certain weight and above, and the provision of additional fire hydrants.

Network Rail: With reference to the protection of the railway, Network Rail must place a holding **objection** on these proposals due to the proximity of the site to a railway level crossing (Maypole Rasen user worked crossing). We understand that the proposed site includes a right of way which if fully established, would create a pedestrian link between the proposed housing and the level crossing.

The safety of level crossings and crossing users is of paramount importance to us and we would have serious concerns over any development that would result in an increase in crossing usage and therefore affect the risk of the crossing. If the connection is to be made from the development, it will have a significant impact on this level crossing. We therefore require clarification in relation to this right of way and its

relationship with this development in order that we may fully consider the impact of these proposals upon the railway.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on Market Rasen railway station as indicated in the documentation provided. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include improvements to the car park and cycling facilities. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

Further detailed information is also provided for reserved matters stage.

Environmental Protection: Summary of comments:

- Noise

The proximity of a number of proposed houses to the main A46 to the west and the railway line to the east along with proposed distancing of facades nearest to the road at 12m which I find concerning with noise monitoring indicative of 63dB at 10m and perhaps unwarranted in view of the size of the site. Noise from trains is indicated as being up to 94dB

I do however additionally note at 2.07 and 2.08 of the report: 2.07 The master plan is reproduced in Appendix 2 and illustrates that the development footprint in the north western part of the application site 'fronts-onto' the A46 Caistor Road (such that gardens are screened from the road by the proposed dwellings themselves) with the dwelling facades circa 12 metres from the (realigned) nearside kerb. The master plan illustrates that the development footprint in the eastern part of the application site 'backs-onto' the railway line.

2.08 The master plan is, of course, illustrative only. The detailed layout would be subject to subsequent approval as part of Reserved Matters. At this stage, the scheme of sound attenuation works can be further assessed against the detailed layout and would suggest a need for further assessment at an appropriate time with a view to obtaining best outcomes by appropriate distancing, orientation and other mitigation as may be warranted.

- Contamination

I note proximity to the railway line and recommend that a basic contaminated land condition, as a minimum, is attached to any permission granted

Trees & Woodlands Officer: I have no objections to the potential development of this site, providing the large oak in the southerly end of the field is given appropriate space in any new development layout. A tree survey should be required in any subsequent application to identify trees of good enough quality and stability to be retained, provide calculated RPA's and details on tree protection measures.

LCC Rights of Way Officer: An application has been made to record a public footpath across the site and this would conflict with the proposed development requiring either a diversion of the path or alteration of the estate layout to accommodate the line of the footpath as shown on the 1905 Ordnance Survey plan.

Objection must therefore be raised until such time as the applicant confirms their adoption of either course of action. The applicant's failure to follow either of these recommendations would see affected homes unmarketable as any competent Local authority Search would reveal the existence of the claimed path. The county council has reviewed the merits of the application and has determined to make an order to add the route to the definitive map and statement as a public footpath on the basis that such a right of way exists, or is reasonably alleged to subsist.

Middle Rasen Bridleway No. 514 runs to the north of the site and would be an obvious amenity in any event for casual exercise, especially the walking of dogs.

Comments;

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/ If the public footpath is eventually held to exist, then the provision of up to 300 homes would place considerable demand on this. I would ask that if proven, such a footpath be metalled within the development site and metalled beyond this to link to the Caistor Road. The section to Caistor Road should also be lit if deemed appropriate by the Police.

v/ The provision of these homes would significantly alter the use of the level crossing(s) to the north of the site. Planners are requested to consider securing an appropriate contribution towards any project Network rail may propose to increase crossing safety on Middle Rasen Bridleway No. 514. It is anticipated that £300,000 could represent a 50% contribution towards the provision of a basic pedestrian bridge.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission

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

STRAT3 – Settlement hierarchy

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

STRAT12 – Development in the open countryside

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

SUS1 – Development proposals and transport choice

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

SUS4 – Cycle and pedestrian routes in development proposals

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

MT1 – Market Towns

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

RES1 – Housing layout and design

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

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

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

RES6 – Affordable housing

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

CORE10 – Open space and landscaping within developments

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

CRT2 – Standards for open space provision

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm#crt2>

NBE 14 – Waste water disposal

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

NBE20 – Developments on the edge of settlements

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

Submitted Central Lincolnshire Local Plan

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

The Submission CLLP, has now completed the examination in public and the Planning Inspectors' Report is anticipated around March/April 2017. Given the advanced stage of the CLLP and indeed the limited levels of objection overall to its policies it is considered that the weight to be given to this emerging Local Plan will be more substantial than for previous stages, although each individual policy has to be assessed as to the level of objection to it before weight is assigned. It is accepted that there were objections specifically in relation to Market Rasen and its allocations and these will be considered below in the assessment section.

The plan is available to view here:

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

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP9: Health and wellbeing

LP10: Meeting accommodation needs

LP11: Affordable housing

LP12: Infrastructure to support growth
LP13: Accessibility and transport
LP14: Managing water resources and flood risk
LP17: Landscape, townscape and views
LP21: Biodiversity and geodiversity
LP24: Creation of new open space, sports and recreation facilities
LP26: Design and amenity
LP51: Residential allocations - market towns

Main issues

- *Principle of housing in this location and policy issues (STRAT1, STRAT3 & STRAT12)*
- *Sustainability (STRAT1, SUS1 & SUS4)*
- *Drainage & Flooding (STRAT1)*
- *Highways safety and congestion (STRAT1, RES1)*
- *Sustainability and impact on services and facilities (STRAT1, STRAT3)*
- *Design and character (STRAT1, RES1 & RES5)*
- *Residential amenity (existing and future occupiers) (STRAT1)*

Assessment:

- *Principle of housing in this location and policy issues (STRAT1, STRAT3 & STRAT12)*

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

i) West Lindsey Local Plan (WLLP)

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

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

Although the site is located outside of the town boundary, it is worth noting that Market Rasen is designated within saved policy STRAT3 as a Town, the first tier settlement out of five. This hierarchy was constructed on the basis of facilities and services within the town and public transport connections to other settlements. Market Rasen has an almost full range of services, including primary and secondary schools, multiple shops

including a, supermarket, local medical services, employment and social facilities. It also has good public transport (bus and rail) links with Grimsby and Lincoln where top level facilities such as hospitals, significant employment opportunities and further/ higher education institutions are available. In support of such an assessment the WLLP outlined a number of allocated housing sites under STRAT2, equating to 494 dwellings. Despite the age of the WLLP, whilst the allocated sites have been built out, the level of services, connections and facilities within and to and from Market Rasen remain good despite some turn down in the High Street. It is considered therefore that Market Rasen remains sustainable.

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

The development is, therefore, and despite its connection with Market Rasen contrary to the development plan and falls to be refused unless there are material considerations to indicate otherwise.

ii) National Planning Policy Framework

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

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

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

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

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

It is acknowledged that the methodology employed has only recently been tested at the CLLP Local Plan examination and the Inspectors' report is not expected until March/ April 2017. Substantial evidence reports, however, have been published, including sustainability appraisal of all such sites, which intend to justify the selection of such sites. In addition to this, despite some objections at the Local Plan Hearings

significant dissent was not displayed at the public hearings as to the validity of the 5 year housing supply. In assessing this, the Inspector has recommended that the 5 Year Supply figure be calculated via a number of commonly accepted methods and in all cases the 5 years supply has been justified. Full weight cannot however be given, before the Report from the Planning Inspectorate is received.

It is important to note that 67% of the 5 year land supply would now constructed through schemes with planning permission, a further 14% is made up of allocations with no objection with windfall allowance making up 6% of the supply. Of the remaining 13% of allocated sites with objections a number have only limited concerns remaining. Of those which have attracted written objection, submission allocation CL1364 (Caistor Road, Market Rasen) is one. It is considered therefore that a substantial weight of evidence supports the assertion that Central Lincolnshire has a 5 year supply of housing land. As will be noted below, the application site is allocated within the emerging Central Lincolnshire Local Plan, and as such forms an integral part of the 5 year supply, albeit with objections to it.

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

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

STRAT3

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

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

It is accepted, however, that an up to date assessment of a settlement with respect to its facilities, services and connections will be required. Nevertheless, it is considered that Market Rasen remains a town within the parameters of policy STRAT3.

STRAT9

This policy seeks to promote a sequential approach to development by prioritising previously used land first before considering greenfield land. The policy also seeks to prioritise the most sustainable allocated sites first before considering other settlements. This policy largely accords with the NPPF para 17 and 111 which seeks: *‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.’* It should be noted, however, that as the policy seeks to

control the release of land in accordance with the Council's management of land strategy as advocated above this element is not deemed to be up to date and in accordance with the NPPF. This reduces the weight to be accorded to the policy. It is recommended therefore that such weight to this policy be assessed therefore as moderate.

STRAT12

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

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

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

Para 216 of the NPPF also indicates that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

In the emerging CLLP, policy LP2 allocates Market Rasen as a 'Market Town'. Such a settlement is the third tier of hierarchy of seven settlement types. The policy indicates that such settlements will be the focus for significant, but proportionate growth in housing, employment, retail and wider service provision. Most of this growth, it indicates, will be via *allocated sites*, or appropriate infill, intensification or renewal within existing developed footprint of ...Market Rasen.

There were no specific policy objections to this policy with respect to Market Rasen position's with the hierarchy nor the overall amount of growth proposed.

Policy LP51, residential allocations – market towns, indicates that the application site falls within allocation CL1364 which provides an indicative no. of 200 dwellings. The site was allocated following a number of assessments including various SHLAA and SHELAA reports. The report submitted as evidence in support of policy LP51 indicated that the site was a natural extension to the town. It was surrounded on three sides by either housing development or the rail line. It was generally flat with good access to

facilities within the town centre. It was also located on a main road which would aid access to the wider area. The main concerns for the site was the issue of flooding from the Brimmer Brook but that the scale of the site was such that mitigation would be possible. This was the main reason limiting housing unit numbers to 200. The assessment accepted impacts on services would occur but that contributions could assist to mitigate these measures.

The allocation has received a number of objections to it, not least concerns over flooding, traffic generation, location and isolation from facilities and services and the impact on local facilities and the highway network. Equally, other objections received considered that the allocation was too low and that 400 dwellings could be accommodated on the site. At the Local Plan hearings the CLLP Joint Planning Committee indicated that no objections to the allocation had been received by statutory consultees to the allocation. This included the Local Highway Authority, Lead Flood Authority, the Local Education Authority, Anglian Water and the NHS. It is considered therefore that whilst objections remain, the allocation is considered to be justified and as a result moderate to substantial weight can be given to it.

The application seeks permission for up to 300 dwellings which is a third above that noted within the submission edition of the CLLP. The previous iteration of the plan, the Further Draft CLLP, however, recommended 300 dwellings on this site. Between the two editions of the plans it was noted that there was a flood risk that could not be fully quantified. As a result of this a precautionary approach was outlined recognising this as the main constraint to the allocation. It notes in the submission draft that flood risk could recede and indeed the latest Environment Agency maps now show the majority of the site falling within the Flood Zone 1 (the lowest risk zone). This followed detailed modelling of the site and submission of accurate topographical data. This has allowed a greater area to be provided for development and this provides the justification for the increase in housing numbers.

In addition to this, it is noted that CLLP policy LP2 indicates additional development of up to 50 dwellings could be suitable on non-allocated sites in appropriate locations outside of, but immediately adjacent to the developed footprint. Given the allocation of the site for housing and given the reasons why such numbers were limited to 200 in the last draft, it is considered that the supporting information overcoming the sites constraints would be sufficient to support the additional scale of the current proposal. It is accepted that objections remain to the allocation and the level of development proposed for this site but it is considered that in principle the proposal would be supported by policies LP2 and LP51.

It is also worth noting that the site plays an important role in the provision of new housing to meet the 5 year housing supply within Central Lincolnshire. In this instance, the application has been submitted by a local housing developer bringing the likelihood of development, at least in part, within the first 5 years of the Plan period highly likely. This is a significant material consideration.

The proposal, in principle, appears to be contrary to the West Lindsey Local Plan, being located in open countryside and a greenfield site, although accepting that it directly adjoins Market Rasen which is at the top of the WLLP sustainability hierarchy where existing housing allocations have already been built out. Balanced against this,

the proposal appears, in principle, to accord with the emerging CLLP. Given the housing need identified within Central Lincolnshire and the application sites inclusion within the Central Lincolnshire 5 year housing supply, it is considered that the policies of the CLLP would take precedence over policies STRAT9 and STRAT12 of the WLLP. Similarly, it is considered that when the history of the CLLP is taken into account, the additional 100 units proposed above that indicated in current edition of policy LP51 of the CLLP would not be detrimental to the strategy for the town of Market Rasen.

- *Sustainability (STRAT1, SUS1 & SUS4)*

Both WLLP policy STRAT3 and CLLP policy LP2 recognise that Market Rasen has a good range of facilities, retail outlets, employment and connections to the wider area to create a sustainable location for growth. In accepting this point, the current application site and the scale of development has to be assessed with respect to its sustainability particular its connections to the very facilities and services which give the town its sustainable credentials.

The site in general has been assessed through the Local Plan allocations process as being sustainably located with access to all services within reasonable distances. The table below provides an approximate distance from the centre of the site to the facilities:

Facility	Distance in km
Bus Stops	0.231 southbound 0.245 northbound
High Street	1,037
Rail Station	1,500
TESCO	1,625
Primary School	1,312
De-Aston School	1,837
Gallamore Industrial Estate	0.680
Mill Road Surgery	1.325

Whilst the distances quoted appear substantial it is worth noting that the ideal comfortable walk is 10 minute (800m) which is deemed to fall with a walkable neighbourhood. This is not an upper limit as walking 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. When this is taken into account all the facilities fall within the required distances. It is also worth noting, that similar distances (1 – 1.5km) were deemed in recent appeals at Saxilby to be acceptable for walking to facilities.

The application, whilst in outline form also includes a children's play area within the site increasing facilities without having to resort to the use of a motor vehicle.

Market Rasen is well served by bus routes and these are considered to provide a sustainable method of connecting to the services and facilities in Lincoln, Grimsby and Caistor. The bus stop closest to the site is approximately 231m from the centre of the site on Caistor Road. The 53/53A/53B service to Lincoln – Market Rasen runs every 60 minutes (and every 120 minutes to Grimsby). The service runs Monday to Saturday

but there are no services on Sunday or in an evening after 18:45. The service to Scunthorpe Lakeside also runs once a week. There are also services to Louth

In addition to this, Market Rasen has a rail station which serves Lincoln, Barnetby, Grimsby, Newark with connections to London, the north and the west. Services begin at 06:32 and are *roughly* two hourly until 19:04 although the last train calls at 10pm. Services also run on Saturdays but are slightly less frequent with services ending at 8.20pm. There are no Sunday services.

The Highway Authority have considering the sustainability of the site and as a result of any approval a conditions/s106 agreement would be required to support a scheme of works to improve accessibility. This would include the creation of a footpath to connect the site to the existing network and the town centre. Proposals are also recommended to include changing footpaths to shared cycle/pedestrian ways. The applicant has agreed to such measures and this would form part of a legal agreement.

It is also noted that the applicant has agreed through the submission of draft travel plan that a number of measures will be implemented to promote sustainable travel, this includes the employment of a travel plan officer, the provision of up to date travel information to new households and then at set intervals afterwards until the site is complete, a £50 voucher (for use to assist to purchase a bicycle, bicycle equipment, one week bus taster ticket, waterproof clothing/ cycle clothing, an umbrella), information on Lincolnshire car sharing pool, and regular assessments/ surveys of travel pattern. Targets for modal shift away from single occupancy car use will be agreed with Lincolnshire County Council. If these are not met further measures will be invoked including personal Travel Planning.

LCC has requested that support be given to the subsidised bus services as funding may not available in future years. The Community Infrastructure Levy Regulations 2010 provides guidance as to the acceptability of contributions to support the approval of planning permission. Para. 122 of the regulations states: (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Whilst this is understandable and laudable and in many ways sustainable the rules attached to s106 legal agreements require a contribution to be essential and reasonably related to the development. Given there is rail service for occupiers of the estate to access Cleethorpes/Grimsby and Lincoln/Newark it is not considered that the contribution to support an existing bus service meets the three tests above. Indeed, it could also be argued that this is a commercial service that would benefit from additional passengers from a 300 dwelling estate being constructed along its route. The fact that subsidies may be running low is not an impact of this development and should not be levied on the developer in this instance. Such a stance has been agreed with Lincolnshire County Council's Legal Section.

In a similar way, whilst Network Rail's request for funding of improvements to the car park and cycle parking is understandable, a car park, albeit a small one, is available

at the station and it is not considered that the acceptability of this housing scheme is directly related to improvements to the car park or cycle parking.

Other services and facilities will be impacted upon including the health and education establishments. NHS England advise that a financial contribution would be required to contribute to the capital cost of health care infrastructure. It is noted that the increase in population would add significantly to the workloads of the surgery to the extent that it would compromise the level of care given. To mitigate this impact a S106 Planning Obligation is sought to secure £127,500. This could be used to extend or reconfigure the surgery to allow further consulting rooms to be created increasing the ability to see patients in a timely manner, but further consultations are also ongoing with the commissioning group to consider further options, given the pressure for services and the expansion of the town. Such negotiations are unlikely to be completed before the determination of the application and as a result any s106 should reflect this. NHS England has not, however, objected to the proposal. It is therefore recommended that any s106 contributions should cover either alterations and, expansions or the creation of a new surgery.

The Education Authority have stated that the development would result in a direct impact on local schools. In this case only the primary schools serving Market Rasen are projected to be full by 2019 when this development, if approved will be in its early stages in construction terms. A contribution is therefore requested to mitigate against the impact of the development at local level. As a result of the impact an indicative figure of £676,586 has been requested. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation. Given the outline nature of the proposal it is recommended that the formulae be utilised to accurately assess the actual need when housing numbers and types are known.

Both of these contributions are deemed to accord with the CIL Regulations 2010 para 122 and 123.

In balancing the completing considerations it is accepted that the development is at the edge of the town and walking distances to some of the key facilities are at the higher end of the spectrum for walking. This is not particularly different for people living in the Fern Drive estate whom have similar walking distances to access the main town facilities. This could lead to some additional car use within the town. This is balanced, however, by the range of facilities within the settlement, the good transport links and the play areas proposed on the development itself. This together with additional contributions for the NHS and Education.

Other matters are noted by objectors including the limited sports and social facilities within the town and the retail vacancies in the town centre. Whilst the limitations of services within Market Rasen are noted, there are currently no mechanisms or identified plans which could be utilised to achieve the understandable aspirations of the community and indeed the test of whether a contributions from this scheme would be appropriate/ lawful would also have to be completed.

Other concerns include the limited rail and bus services through the town, particularly in the evening and at weekends. Such facilities are important considerations but these are existing commercial services and will not be negatively impacted upon by this

development. It could also be argued that the addition of 300 houses is likely to positively impact on bus and rail services by increasing passenger numbers, and whilst in the short term may not automatically lead to improvements in services it could make existing services more viable. It is not therefore considered that this development would have a detrimental impact on sustainability of the settlement.

- Highway Safety and congestion

WLLP policy STRAT1 requires development to be satisfactory in regard to: *“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.”*

Policy LP13 offers similar guidance within the CLLP where it states that developments should c) provide well designed, safe and convenient access for all... Nevertheless, the policy ends on a note of caution stating that; ‘Any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

Town/Parish Councils and local residents have raised significant concerns with respect to the amount of traffic generated by this proposal and impact on the existing highway network which is considered to be particularly congested particularly on race and market days. There is particular concern re the impact on the levels of traffic congestion, the substandard nature of the road network through the town centre leading to a reduction in highway safety and increasing congestion in general with specific concerns relating to junctions within the town centre and at Caistor Road where only one vehicular access is proposed.

The main access to the site would be from Caistor Road and this would generally be the only access to the site for vehicles. A secondary access, however, is also proposed to Caistor Road although this would only be available to emergency services if the main access was blocked.

The main new access would be include a 6m wide carriage way which includes two 2m over rideable verges and two 2m wide footpaths. Such an access is suitable for a main access road and could amply accommodate two HGV vehicles passing each other (Manual for Streets 2007). The junction would have suitable sight lines for a 40mph roadway and incorporate a right had turn lane. This would be achieved through widening the road at this point. In addition to this, conditions are recommended to create linkages from the site frontage to join the existing footpath at Caistor Road and a pedestrian refuge to the centre of the road. Such details are deemed acceptable by the Highways Authority.

In addition to this, a 3.7m wide emergency access would also be provided to Caistor Road. This would allow emergency vehicles (only) to access the site if the main access

was blocked. Such an arrangement, would accord with the requirement for two access points to the estate.

A number of objections have been received with respect to the suitability of the internal estate roads to accommodate traffic and parking. Such matters are important but will be formally considered at reserved matters stage if the principle of housing on this site is established through an outline permission.

The development anticipates the following trip generation for a 300 dwelling estate as:

Traffic Generation (no. of vehicles)	Arrive	Depart	Two-way
0800-0900	43	113	156
1645-1745	99	55	154

In terms of traffic flows from the development, and in consultation with LCC Highways the distribution of the traffic indicates that:

- 35.5% of traffic movements are A46 Caistor Road to the north of the site
- 33.7% of traffic movements are via Caistor Road to the south of the site and Gallamore Road
- 30.8% of traffic movements are via Caistor Road to the south of the site to and from the town centre direction

The applicant has provided a Transport Assessment (TA) that identifies that there is sufficient capacity on the surrounding roads to both the north, south and west of the access to accommodate such vehicle numbers. The report is based on traffic counts within the affected streets but also predicted traffic levels generated by the development (based on a similar scale developments elsewhere). The assessment also takes into account natural predicted growth levels in vehicle traffic by 2026 (when the anticipated development would be completed) and committed developments approved at Glebe Farm (48 dwellings) and Willingham Road (150 dwellings). Such methodology is often used to assess the impacts of development on the highway network.

It is clear from the report that the further away the highway is from the site traffic flows reduce, particularly south of the Gallamore Lane junction. Perhaps more important, however, is the operation of key junctions deemed to be most impacted upon by this proposal. This includes the following junctions:

- A46 Caistor Road/Gallamore Lane,
- A631 Queen Street /B1202 George Street,
- A631 Willingham Rd/Queen Street with B1202 Oxford Street and B1203 Jameson Bridge Street and;
- A46 Caistor Road with A1103 Top Road/Gypsy Lane

Of these junctions when the additional traffic levels generated by the proposal were factored into the assessment the TA picks up that the A631 Willingham Road / B1202 Oxford Street, Jameson Bridge Street traffic signal controlled crossroads will operate

over capacity. Nevertheless the report identifies that with or without the proposed development this junction would operate over capacity. The TA determines that the remaining junctions would operate within capacity again with or without the additional traffic generated by the proposed development.

The specific assessment of such figures is identified in the tables below:

Traffic movement	Without Development				With Development			
	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)
Gallamore Lane left turn to Caistor Road	0.43	0.76	0.48	0.91	0.46	0.83	0.54	1.14
Gallamore Lane right turn to Caistor Road	0.24	0.31	0.34	0.51	0.25	0.33	0.36	0.55
Caistor Road right turn to Gallamore Lane	0.51	1.01	0.43	0.75	0.58	1.34	0.47	0.87

Table 5.8 Operation Assessment – Junction of Caistor Road and Gallamore Lane (2026)

Traffic movement	Without Development				With Development			
	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)
George Street	0.62	1.55	0.67	1.89	0.67	1.94	0.73	2.41
Queen Street East	0.68	2.70	0.68	2.72	0.69	2.92	0.75	3.88

Table 5.9 Operation Assessment – Junction of Queen Street and George Street (2026)

Traffic movement	Without Development				With Development			
	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (vehicles)
Queen Street Ahead Left Right	102.7%	27.4	96.2%	18.6	103.7%	30.5	98.3%	21.2
Willingham Road Ahead Right Left	100.1%	22.2	96.5%	15.6	101.6%	24.4	100.5%	19.4
Jameson Bridge Street	100.0%	14.4	76.8	4.4	100.0%	13.4	76.8%	4.4

Left Right Ahead								
Oxford Street Right Left Ahead	95.3%	13.2	82.9%	9.8	102.8%	18.6	89.2%	11.3

Table 5.10 Operational Assessment – Junction of Queen Street and Willingham Road with Jameson Bridge Street and Oxford Street (2026)

NB. Junction operation is modelled without the all red pedestrian stage as on site experience is that most people cross in between traffic rather than using the button.

In assessing the travel data the Highways Authority has indicated that in general the Transport Assessment is a reasonable assessment of the likely impacts of the development and that the majority of the junctions identified would operate within acceptable tolerances, even if delays would increase. They also note that the network has been assessed as part of the Central Lincolnshire Local Plan process, sites and junctions have been visited and traffic data has been utilised from previous development proposals which help to gain an understanding of the network.

Both the applicant and the Highways Authority note that A631 Willingham Road / B1202 Oxford Street, Jameson Bridge Street traffic signal controlled crossroads will operate above capacity in 2026 when the development is proposed to be completed. The applicant and Highways Authority differ however, on the likely extent to which delays would occur. The applicant stating that queue lengths could reach a maximum of 30.5 vehicle lengths whereas the Highways Authority models indicate this could be as high as 50 in peak hours although this is likely to be slightly over estimated. The difference in impact is due to the type of signal system utilised at the junction (which recognises differing flows of traffic to change priorities) and the difficulty some computer models have with assessing the system. The Highway Authority also notes that the junction is modelled by the applicant without an all red pedestrian phase which is included in their assessment. It is accepted therefore that this junction operates will operate significantly above its capacity.

Such congestion will occur, ***whether or not*** this development proceeds and the requirement of the NPPF is that: *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*” In terms of the impact of *additional* cars generated by this proposal on the road junction, both the applicant and Highway Authority agree, that this would be limited. It is accepted that the materiality threshold for traffic impacting upon a highway is 30 additional movements. The junction of A631 Willingham Rd/Queen Street with B1202 Oxford Street and B1203 Jameson Bridge Street would only see 35 additional movements at peak hours as a result of this development which is only marginally above the materiality threshold and would equate to just over 1 additional vehicle every 2 minutes. Therefore, whilst recognising that the proposal would increase congestion at this junction it is deemed that the cumulative impact of such traffic would be very limited compared to the predicted levels of traffic (without the development) by 2026. As such the impact of such traffic levels would not meet the severe criteria required by the NPPF to resist development.

The Local Highways Authority have previously reviewed proposals to assist capacity at this junction and advise that a dedicated right turn lane would not be feasible due

to restricted widths, and that the right-hand turn ban would not be practical. The traffic junction currently operates MOVA¹ to manage capacity and queuing. Whilst the additional traffic generated by the development will have an additional impact, the cumulative impact of development would not be severe under NPPF paragraph 32. No mitigation measures will be required at the junction.

Whilst the Town Council and residents have raised concerns with additional traffic on race days, these events are infrequent and do not typically clash with peak travel hours.

Significant concern has been raised with respect to traffic levels within the town centre and the historic environment which limits options to mitigate flow. One proposal which has gained prominence is the Market Rasen bypass. It has been suggested that such a road could run from Willingham Road, across the railway to the A46 Caistor Road. This would be likely to require a significant proportion the northern part of the applicant's site. Whilst there may well be valid arguments for and against such a proposal, in terms of material planning considerations, there has been no such route designated or protected as part of the West Lindsey Local Plan, nor the Central Lincolnshire Local Plan. Similarly, the County Council Highways Authority has not identified a bypass as a project to progress at this time. Finally, it should also be noted that the applicant is unwilling to leave aside land for such a road. Given the lack of any defined plans or the protection of such a route it is considered unlikely the Local Planning Authority could defend a reason for refusal on this basis.

Safety is also a key concern for residents and the developer has obtained accident statistics for the area where traffic is most likely to increase. This shows that there have been no accidents on the road frontage to the site in the last 5 years and there have only been two recorded incidents of slight severity on Caistor Road in the last 5 years. In addition to this vehicles speeds generally accord with the 40 mph speed limit in this location. This indicates that Caistor Road is not considered to be dangerous and subject to the access being of the correct design should not represent a danger. It also falls within the design criteria for the pedestrian crossing proposed. The Local Highways Authority has raised no objections on highway safety grounds nor capacity grounds to this application.

Residents have requested that an alternative, or second access is sought to serve the development. The applicant has liaised with the Local Highway Authority, and as a result an emergency access is proposed to ensure that in the unlikely event that the main access was blocked access could still be gained to the site by rescue services.

Whilst it is accepted that the development will increase traffic levels within Market Rasen and reduce the capacity of certain junctions. The data, also indicates that the local network will remain safe and with the exception of just one junction (which will operate over capacity whether the proposal goes ahead or not) will operate within design capacity or would not be severely impacted upon in line with advice within the NPPF.

- *Drainage & Flooding (STRAT1)*

¹ Microprocessor Optimised Vehicle Actuation (MOVA)

Saved policy STRAT1 indicates that developments must reflect the need to safeguard and improve the quality of life for residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to: iv) flood risk. The CLLP takes such an approach further in policy LP14 by indicating that in respect of flood risk all development proposals will be subject to the application of the sequential and exceptions test as required by the NPPF.

The Environment Agency categorises flood risk from zone 1 to 3 with zone 1 being having a less than 1 in 1000 annual probability of river and sea flooding and is generally considered as being safe for development of houses.

For some time the Environment Agency's flood maps, have shown a significant proportion of the site to fall within Flood Zone 3, the category which indicates that land is at a greater than 1 in 200 year risk from tidal flooding or 1 in 100 year risk of flooding from a river. Such a site should only be considered for housing if there are no other readily available lower risk sites at lower risk from flooding available. In such circumstances, unless there are exceptional overriding reasons to locate housing on such a site development should be resisted.

The site is some 450m from a main river, the River Rase, but the site does directly adjoin an unnamed water course to the north which includes a small tributary running from the east. These are linked to Brimmer Beck an ordinary water course 100m to the north of the site. It is the proximity of Brimmer Beck and these other water courses which led to the zone 3 categorisation.

Given the Environment Agency's maps cover the whole of the country, they are re-assessed periodically or specifically if detailed site specific information is made available, particularly relating to ground levels for sites around water courses. The Agency then rerun their flooding models taking account of site specific data. Such remodelling exercise has occurred with respect to Caistor Road. Here the detailed topographical information, not previously available, to the Agency was submitted allowing them to remodel the impact of flooding from the water courses noted. As a result of this, a significant proportion of the site was reclassified into Flood Risk Zone 1 suitable for housing development. These maps are now published on the Environment Agency's web site.

It is recognised that the northern boundary of the site is close to the remaining areas of flood zones 2 and 3 but none of the site falls into this classification. In addition to this, those areas closest to such zones are given over to amenity open space which is deemed acceptable as any flooding of such areas will have limited impact.

It is recognised that certain parts of the site do flood as a result of heavy rainfall. This is mainly due to the clay type sub soils found in some areas of the site. Such areas are not extensive, however, and can be addressed by being built up as long as mitigation is proposed to ensure that the issue is not re-directed onto adjoining land. This is particularly important to the west of the site near Caistor Road. Should the committee seek to support this proposal it is recommended that conditions be placed on any permission granted with advice notes on the need to design this particular issue into any drainage solution.

It is considered therefore that the site is not at significant risk from flooding, and is located within flood zone 1 in accordance with advice within the NPPF and National Planning Practice Guidance (NPPG).

Concerned neighbours of the site, the Parish and Town Councils, the MP and the County Ward Councillor have indicated that the development would introduce significant areas of hard surfacing which could lead to increased run off due to the inability of the site to soak up excess water. Such water would then run off through roofs, gutters and then roads increasing flooding elsewhere. The applicant accepts that without full consideration flooding could occur elsewhere as a result of the loss of this green field. As a result of this a drainage statement for the development has been submitted to address these concerns. This has been assessed by the Lead Flood Authority.

This application is in outline form only and therefore the any drainage design shown is indicative and will need further detailed plans and details to be submitted and agreed at reserved matters stage.

The current site is wholly undeveloped and includes no significant impermeable areas. There is no positive drainage infrastructure on site, other than the drainage ditches noted and as result green runoff rates are calculated at 41.6 l/s. Although there are no impermeable areas on site, tests have shown that infiltration rates are poor on site and that standing ground water was found at relatively shallow depths of 1.05 and 1.85m below ground levels. With the exception of some low spots the site topography generally falls from the south east to the north west and overland flows follow this to the drainage ditches.

Based on indicative layout provided the development, it is calculated that 58% of the site will be developed and should be considered as impermeable. It has been calculated therefore that without mitigation run off rates would increase to 1701 l/s in a 100 year storm event plus 30% for climate change. Such levels are clearly substantially above existing green field rates and would leave areas downstream from the site liable to flooding during extreme events. The applicant has therefore sought to mitigate such flows in a manner to reduce levels to accord with current greenfield rates. The indicative drainage strategy recommends that drainage infrastructure should ensure that no building, utility plant nor neighbouring property should flood in the event of a 100 year (+ 30% for climate change) storm event.

To achieve this the applicant is proposing a scheme of localised regrading to ensure drainage infrastructure can operate where appropriate under gravity, neighbouring properties will not be flooded by overland flows and local ponding is removed. As noted above soakaways are not an option suitable for this site. Discussions with the Ancholme IDB which manages Brimmer Beck has led to an agreement that water discharge into the beck will be allowed at existing greenfield rates. This is on the basis that a management agreement is in place for any infrastructure to ensure it is maintained to keep water flows to this limit.

To maintain the 41.6 l/s runoff rate calculated for the current greenfield site, a series of attenuation basins are required to hold water at times of extreme storm events. To

accommodate surface water from 58% of the site area to be covered with impermeable surface requires 3801 cubic metres of storage, this equates to a 6335m area of basin at 600mm depth. Such an area is considerable but is expected to reduce at detailed stage when swales serving the site and leading to the basins are themselves equipped with flow rate mechanisms allowing storage within such areas.

The applicant currently proposed three drainage basins capable of accommodating 3802 cubic metres of water (600mm deep). These would be fed by a series of swales alongside the main estate roads. These swales will include filter drains to convey and clean water from private residential curtilages. These swales could also be designed to control water flows themselves. Given the high water table in places, the applicant proposes either localised ground raising for potential tanking. Private drives and or even adoptable carriageways would also be considered to include porous features to limit flows into swales and then the drainage basins at the site. Additionally, filter drains could also be provided to rear gardens to ensure any excess flows do not flow into adjoining properties.

Maintenance of such a system cannot be certain at this stage but the designs are such that elements would be suitable for adoption by the Highway Authority (road side swales, porous roads) and/or Anglian Water. It is also likely that a private management company would be utilised to continue management of infrastructure.

The application has been subject to a pre-application multi agency group meeting with the Lead Flood Authority, and no formal objections to the scheme has been received from the LFA nor the Environment Agency. Given the outline nature of the application, however, conditions are recommended to agree a detailed scheme to limit discharge to 41.6 l/s to the existing drainage network and then hence into Brimmer Beck. Such details will also require a scheme for the long term maintenance of the infrastructure.

Discussions with Anglian Water has identified that connection with the foul main can be achieved within Caistor Road. Works will be required within the road with the agreement of the Highways Authority and Anglian Water. Due to the ground levels a pumping station is required and is currently shown within the lower part of phase 1 of the development. Anglian Water has confirmed that the sewerage network has capacity for the flows at this connection.

The Environment Agency does not object to the proposals but has raised issues re the capacity of the drainage network to deal with the flows identified. There has also been a number of objections related to the capacity of the foul sewer network. As a result of this the Environment Agency has sought to impose a condition requiring a full assessment of the foul drainage network to be undertaken and agreed before work commences and implemented before any dwellings is first occupied. Anglian Water has also confirmed that the Market Rasen Sewerage Treatment Works is at capacity but it has a duty to accept flows. Whilst not ideal, Anglian Water has the power to ensure that such a facility is upgraded.

- *Design and character (STRAT1, RES1 & RES5)*

Saved policy STRAT1 requires that development must reflect the need to safeguard and improve the quality of life of residents, conserve energy, resources and protect the Plan area's character and be satisfactory with regard to:

- i) The number, size, layout, siting, design and external appearance of buildings and structures;
- vi) the impact on the character, appearance and amenities of neighbouring, and where relevant, other land including visual encroachment into the countryside;
- x) The retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment...

In addition to this, policy NBE20 states: 'Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond. Where development on the edge of settlements is permitted the Council will require:

- i) Design proposals will respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;
- ii) An agreed scheme of landscape treatment and/or open space provision.

The CLLP also include design policies LP17 and LP26. Policy LP17 notes that 'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area...

Similarly, the policy states that: 'All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and designs) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive indivisibility from various viewpoints.

The policy also requires any proposal's potential to impact on the Lincolnshire Wolds ANOB to be assessed.

LP26 provides more detailed principle guidance noting that all developments should be required to demonstrate...that they:

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

- f) incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings and structures;
- g) incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- j) duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which are sympathetically complement or contrast with the local architectural style...

The site is located within the open countryside but is surrounded by housing to the south and west. To the east is the railway line which is positioned on a raised embankment. To the north, however, is open countryside.

The site is described within the West Lindsey Character Assessment as part of Heathland Belt. Within such areas the assessment indicates that development should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees. Linear development it notes should be avoided, whilst in material terms dark bricks with pantile or slate roofs; would be acceptable although many buildings are rendered white within Market Rasen.

The site does not form part of any national or local landscape character designations but is part of the open countryside outside the settlement boundary, albeit adjoining it on two sides.

The site is visible from a number of public vantage points and this includes Caistor Road, the Public Bridleway no. 514 and Maypole pedestrian rail crossing and the from actual passenger trains passing the site to/from Market Rasen.

Perhaps the most important view point of the site is from the A46 Caistor Road. Here views of the site are clear and from directly outside the site, the view can be considered very pleasant and rural when looking east. The open nature of the site is broken up in the distance by the boundary hedgerows and trees before the railway embankment forms the back drop to the site. Any medium distance views are made, however, with the awareness of the residential fringe to Market Rasen either to the south or west. Whilst not detracting from such views it does add to the visual context to the area.

Generally, when travelling northwards along Caistor Road, it can be considered as a landscaped suburban character. Dwellings are a variety of inter/ post war designs and situated fronting the wide A46 with attractive grass verges either side of the road in a linear fashion. A significant proportion of the development would be positioned to the rear of existing houses/ bungalows to the eastern side of Caistor Road whereby retaining the character of the street. The remaining housing would be seen, however, and whilst the layout plan submitted is indicative it does show that properties would also front onto the road. Densities as noted by objectors would be quite high compared to surroundings. The appearance of such a development seeks to replicate more traditional areas within Market Rasen and to indicate that significant landscaped areas would also be provided to soften and allow an attractive entrance to the village to be

created. Such a development could also be considered to round off the town at this point.

The proposal would adjoin open countryside to the north and the applicants have sought to follow the advice of the West Lindsey Countryside Design Summary (adopted SPG) with significant areas of land adjoining the countryside being landscaped. Given the outline nature of the scheme, significant additional planting could be added to these areas. In addition, the strong mature line of trees to the north eastern section of the site would also be retained along with the existing tree line that extends southwards into the site to maintain the existing field boundaries.

The nature of the A46 Caistor Road at this point is such that views of the site from the north are relatively short distance due to the sharp bends to the road, the topography and trees/ hedges which prevent views until the final bend before entering Market Rasen. The longer distance impact of the proposal on the character of the area would therefore be limited.

From the public bridleway/ railway the impact would be greater but the site is already viewed in the context of the existing housing in the area, albeit at a distance. In addition, the proposed and existing landscaped areas to the northern edge of the site would assist to soften the change from open countryside to town. It should also be noted that compared to the A46/ Caistor Road the levels of use of such viewpoints are much more limited.

The Lincolnshire Wolds AONB is located to the east of the site some 3.750km away. Whilst the scale proposal is significant in localised terms the intervening distance to the AONB, Willingham Woods and the scale and proximity of the existing built up area of Market Rasen would limit any significant impact from this proposal on views to or from the Wolds.

- *Residential amenity (existing and future occupiers) (STRAT1 & LP26)*

The outline nature of the proposal makes detailed assessment on residential amenity difficult at this stage and would be more appropriate at a reserved matters stage. Nevertheless, the indicative plan, the scale of the proposal and the nature of the surrounding areas provide guidance as to the potential impacts on residential amenity both in terms of existing neighbouring properties and future occupiers of the estate.

Saved WLLP policy STRAT1 and LP26 of the CLLP both seek to protect residential amenity and proposals should demonstrate such matters have been considered in terms of both the construction of the development and throughout its life.

The access to the site is a matter under consideration and will be opposite 89/91 Caistor Road. Whilst such properties would be subject to further nuisance from additional vehicles, noise and headlights shining into their properties, such a situation is not unusual and can be found in any number of situations including on Caistor Road (The Ferns and 40/42 Caistor Road or The Furlongs and 49 Caistor Road). To gain access to sites it is therefore unlikely that such situations could be avoided. Nevertheless, Caistor Road is already a well-used road and any increase in nuisance from the estimated 160 (approx.) vehicle movements within each the peak hour period

would not represent a demonstrable increase in nuisance levels already experienced (two way peak period flow 750 – 800 pcus) (PCU = passenger car units).

In addition to this, the main access is well away from adjoining houses to the south, whilst the emergency access shown would only be used in emergencies for vehicular traffic reducing any impact on the 48 Caistor Road. Such an access will be conditioned as such and additional landscaping/boundary treatments can be required at reserved matters stage to ensure residential amenity is adequately protected.

The remaining impacts of the proposal on existing properties will be detailed and assessed at reserved matters stage if outline permission is granted. Nevertheless in principle the indicative layout shows that 300 dwellings could be accommodated on site without significant impact on residential amenity either for existing neighbours or future occupants of the area. Most properties are shown to back onto existing dwellings with sufficient garden area, or if additional space is required the layout is of sufficiently low density in places to allow amendments to ease relationships. It is accepted that in a number of places, houses would side on to existing properties, but again this is a matter to be assessed at reserved matters stage.

The other significant impact in terms of residential amenity is the impact from the rail line to the east. This is a significant heavy freight line with trains emanating from the Port of Immingham and petrol refineries on the Humber bank. Trains can also run overnight. The applicant has undertaken a noise impact assessment which indicates that subject to the correct insulation, noise levels within houses would not be unacceptable. The Council's Environmental Protection team have not disagreed with such an assessment but note that an assessment will be required once a definite layout has been agreed. Similarly, Network Rail have not objected on such grounds. Given that the actual layout is to be agreed at reserved matters stage it is considered more appropriate to assess and condition any such insulation at that stage rather than at outline. An advice note to this effect should, however, be placed on any approval to give fair warning that such measures will need to be evaluated at that stage.

It is also important to ensure that future occupants have sufficient amenity outdoor space. Saved policy RES5 of the WLLP indicates that new residential proposals will be permitted as long as informal recreation land or play space and/or associated equipment and/or built facilities are provided conforming to the minimum requirement for recreational land:

- 10% of the total site for development of over 5 hectares

The indicative layout provided is simply that but shows that the 300 dwelling design could include approximately 14% open space. In addition the estate includes an LAP Local Play Area. Such a provision would form part of an s106 legal agreement.

It is noted in a number of objection letters that much of the open space forms part of the drainage system for the site. This is indeed correct and at time of extreme rainfall such areas could be utilised for the storage of water. The basins, however, are particularly shallow being only 600mm deep and would for substantial periods be dry and available for use. Given the prevalence of Sustainable Urban Drainage Systems this is not unusual and is found in many estates and represents a more appropriate use of land than smaller deep retention basins which require fencing off and still have

limited water within them. It is accepted that at times such areas would be flooded but this does not reduce their amenity value as footpaths around such areas would represent an attractive walk. The value of open space is not just that which is available to the public but also that which provides visual value, this is underlined within the NPPG para. 017 Id: 37-017-20140306. Should a basin be full of water therefore it will still have amenity value and be capable of being considered as open space.

Equally, as noted below in the ecology section, the plans are still at an indicative stage whereby the detail will be agreed at reserved matters stage. To promote ecology it is also *possible* that a future design will be agreed to allow one of these areas to be permanently flooded which could be designed to reduce the potential number of times the remaining areas flood. This is something which the applicant has utilised on a number of its sites including at Lincoln and Boston.

- *Ecology*

The site is an arable field which is currently in use for cropping. The site is generally clear of features and where hedges and ditches occur these are located to the edge of the site or along the drainage ditch which extends into the site southwards. Within 500m of the site there have been 17 ponds identified some of which are known to have been used by Great Crested Newts although none have been found on the site and it's attractiveness to such species is limited due to the nature of the agricultural environment for wildlife and a number of minor dispersal barriers. Nevertheless there remains potential that newts could access the site and as a result there will need to be mitigation measures in place to limit this potential. In future, however, if some permanent water features could be created this would enhance biodiversity.

Similarly, the site is not known for its general ecology but an extended phase 1 habitat survey has been undertaken. The trees and hedgerows are such that they are used by birds for nesting whilst some of the larger trees have the potential for bat roosts. Similarly there is also a low possibility of reptiles within the hedgerows and field ditches and again mitigation is required. Finally, a badger sett is known within the area and will need to be protected to ensure that no animals are harmed.

Finally, on a different tact, within 70m of the site an invasive species is known to exist which could extend into the site over time. It is therefore recommended mitigation measures are implemented to prevent spread and checks to ascertain whether such species have spread to the site before and during works.

In conclusion therefore, the site as it is today, is of limited wildlife value due to its agricultural use. Nevertheless there are a number of features which could be of value and these will be retained. Mitigation measures should be utilised for number of species and with the amount of open space, swales and verges there are significant options for enhancement. Such matters can be conditioned with further detail possible at reserved matters stage. It is considered therefore that the proposals would protect and enhance wildlife on the site and as a result the proposal would accord with Saved policies STRAT1 of the WLLP and NP21 of the CLLP.

- Other matters

Agricultural Land Classification: The site is located on open agricultural farm land which is shown as being grade 3 agricultural land. The applicant has not undertaken invasive investigations as to whether this would be grade 3a or 3b land. Grade 3 land is deemed good to moderate land within the overall classification. Given the allocation of the site within the CLLP for housing it is considered that such a use is deemed acceptable in this instance, despite the agricultural grade of the land. It should also be noted that all the land surrounding Market Rasen is all marked as grade 3 land.

Contamination: The potential for contamination from the railway line is noted but it is deemed that this can be dealt with adequately through appropriate conditions.

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

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

Lincolnshire County Council Rights of Way team has requested that a potential footpath across the site be incorporated into the estate. The footpath has not been adopted but an application has been made to establish it formally. It would run from Caistor Road to Bridleway No. 514 at the Maypole railway crossing. The application was made in 2006 but has not been processed until now. The process is likely to take 12 – 18 months and if objections are received this will potentially include an appeal to the Planning Inspectorate. It should be noted that the footpath was identified on a 1905 OS map but would run through an existing garden at 26 Caistor Road. The applicant has indicated that they are likely to object to the establishment of this pathway as the land has been in private ownership for considerable time without access. Despite this, given the outline nature of the proposal should the footpath be formally established then the applicant would amend any layout to accommodate it.

Network Rail has, however, noted that the footpath would establish a direct link to Maypole Crossing and the development would increase usage of this user operated crossing. Such a route would provide an amenity route which could be used by dog walkers, runners etc., increasing usage and increasing danger. Network Rail and Lincolnshire County Council have requested that a contribution be requested to enhance this crossing to maintain safety in the face of the increased usage. Such contributions would be substantial to support the construction of a bridge or enhanced foot crossing with warning lights and sirens.

The applicant has indicated an unwillingness to support such a request indicating that there is no current direct link (formal or informal) from the application site to the crossing. If the route of the proposed footpath is considered it would require the crossing of a field ditch and the crossing of further private land beyond the application site for a distance of 227m (175m from the closest point of the application site to the crossing). Given no footpath link has been established and no current direct link to the crossing is available without trespass they argue that request for such a contribution would not need the tests under CIL Regulations 122 for contributions. The contribution would not be: a) be necessary to make the development acceptable in planning terms as the site is not currently connected to the crossing and the day to day requirements of residents would not require its use, (b) directly related to the development: again

due to the lack of current access from the site to the crossing it is not considered directly related and (c) fairly and reasonably related in scale and kind to the development. This final point requires an assessment of the reasonableness of the contributions. Given the lack of need for such a crossing to allow the development to proceed (i.e. access to the town and facilities is in the opposite direction, it is considered that the request to fund major improvements to the crossing cannot be justified. It is the County Council which is seeking the footpath link and as a result they should be the funder for any improvements requested.

This issue is a balanced one, as recreational use could increase the use of the crossing but nonetheless the arguments of the applicant have weight, the access to the crossing from the site would currently require trespass, the services, work and education facilities required by residents are in the town in the opposite direction from the crossing and it is only through the potential footpath application by the County Council that there would be a direct access created, which is something the applicant is objecting too. It is therefore considered unreasonable for the applicant to be required to support such a contribution.

Planning Balance

The site is located within the open countryside outside of Market Rasen and would result in the loss of Grade 3: Good to Moderate Agricultural Land. Development of any agricultural land is usually seen as being the lowest priority for development to protect the countryside in its own right, to maintain land for food production and to focus development in built areas. The development of this site on these grounds should, therefore, be attached negative weight within the planning balance. It is not, however, grade one or two agricultural land which is generally deemed to be the most fertile land. Similarly, all sites immediately adjoining Market Rasen are Grade 3 agricultural land. Given the CCLP's focus for development at Market Rasen, and the allocation of this site for housing it is considered that the loss of such land does not justify a refusal on these grounds.

Market Rasen is noted within the WLLP (STRAT3) as a 'Town' at the top of the sustainability hierarchy. These settlements will be the main focus for new development and indeed a number of sites are allocated (and since built out) for housing. The categorisation of Market Rasen as a town is due to the level of services and public transport connections available within the settlement. The site is, however, located outside the development boundary in the open countryside although it does adjoin the town's development boundary on two sides. As the site is within the open countryside (STRAT12) and does not accord with the exceptions criteria the proposal is contrary to the West Lindsey Local Plan and this would weight against any proposal.

Policy LP2 of the CLLP also outlines a hierarchy of settlements with respect to sustainability. Market Rasen falls with the 'Market Town' classification the third tier of the hierarchy. The policy seeks to maintain and enhance the role of Market Rasen as a market town and notes it should be the focus for significant but proportionate growth in housing, retail and wider service provision. To underline this growth, policy LP51 allocates the application site for housing. Although the number of houses quoted equals 200 houses, this has been shown to relate to initial flooding concerns which can be overcome and previous editions of the plan indicated a capacity of 300 houses.

The weight to be attached to new CLLP policies is to be assessed with respect to the level of objection to the policy with the Local Plan adoption process. Whilst it is clear a number of written objections were received and time allotted with the CLLP Hearings no arguments were progressed at the hearing against the allocation policy. Whilst it is accepted that the CLLP has not yet been adopted and the Inspector's comments are awaited (it is anticipated that these will be received in April 2017) the Plan is at an advanced stage and the lack of objection presented at the hearings leads officers to recommend that moderate to substantial positive weight should be given to policies LP2 and LP51 within this application determination.

It should also be noted that the allocation of housing in this location is also a key part of the overall Central Lincolnshire 5 year housing land supply. Approval of such a site for housing would assist the Council to resist unacceptable unallocated development within the area and indeed across Central Lincolnshire. This is an important consideration and should be given positive weight.

The proposal also includes 25% affordable housing, some 75 units. There is a significant need within the district for affordable housing. The applicant is willing to provide such homes and this should be given significant positive weight within the planning balance.

The applicant has stated that the proposal would have a number of benefits to the town increasing population which could utilise local shops and services assisting their vibrancy and viability. This includes bus and rail services which are commercially run operations which would benefit from additional customers. This should be given positive weight within the planning balance. Nevertheless the applicant, has also recognised that the development would increase pressure on other public services such as education and health facilities. As a result of this, the applicant has agreed to provide a contribution to these services to mitigate these impacts. Such contributions accord with the required contributions requested by health and education providers and would mitigate the impact and should be attributed a moderate positive weight in the planning balance.

It is accepted that the development would involve the loss of pleasant open countryside. The site includes significant indicative areas of open space, whilst these would also likely to be used as part of the surface water drainage system, they would nevertheless provide an attractive frontage to the development which would soften its appearance in the open countryside. Similarly, the impact of the proposal would be limited by existing residential development to the south and west of the site and the raised railway embankment to the east. It is considered therefore that the impact on the character of the area would be limited and this should therefore be given positive weight.

The site is considered to be of low ecological importance and is not designated as being important. Nevertheless there are areas of ecological value which need protection. This can be achieved through conditions. Similarly, the site is close to ponds and features which support species of national importance. To ensure these species are protected conditions are recommended to agree mitigation measures to ensure such species are not harmed. It is considered that this can be adequately done through conditions. In addition to this, the significant areas of open space, swales and

drainage basins proposed would, subject to appropriate design be a significant benefit to wildlife. It is considered therefore that this should be given positive weight also within the planning balance.

The site will generate significant traffic which will increase the use of surrounding streets and at certain junctions reduce capacity. In addition, the proposal will generate additional traffic using the Willingham Road/Queen Street/Jameson Bridge Street and Oxford Street which by 2026 will be operating over capacity. Whilst it is clear that the proposal will generate significant traffic levels a significant proportion of the traffic is likely to travel towards Caistor and the North and Lincoln to the south west avoiding the congested town centre. Nevertheless a significant number of vehicles will travel through the centre increasing traffic in this area. The traffic assessment undertaken has shown that despite increasing traffic levels the majority of junctions effected would operate within capacity at peak periods. The exception to this would be the Willingham Road/ Queen Street/ Jameson Bridge Street/ Oxford Street junction which would operate above capacity leading to significant queues. The NPPF seeks the decision maker to assess the impact of a proposal and that 'Development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe. In this instance, the level of congestion at the junction by 2026 (without this development) will be significant leading to extensive queuing. Importantly, however, the additional levels of traffic generated by this proposal over and above that which would use the junction without the proposal in 2026 would be limited (35 vehicles an hour) which is only just above the threshold for materiality in highway terms (30 additional vehicles an hour). Such an additional impact should not be considered as severe and as such a reason for refusal on highway grounds could not be justified. Given some increase traffic levels will occur it is considered that this issue should be given moderately negative weight within the planning balance.

The application site has in the past being placed within the Environment Agency's Flood Zone 3 category which is generally considered to be unsuitable for housing development unless there are no other readily available site at less flood risk vulnerability available. Following detailed topographical, and water level assessment the Agency has up graded the site to zone 1 which is deemed suitable for housing. This should be given positive weight within the planning balance.

Despite significant and understandable concerns of residents about flooding and the increased risks as a result of the development of the site, the applicant has provided a draft drainage strategy which would mitigate and attenuate surface flows to ensure that existing properties would be protected and flows into the existing field drainage system and hence to Brimmer Beck would be limited to existing greenfield rates to ensure that the level risk from flood would remain as existing. The Local Lead Flood Authority has assessed this scheme and subject to detailed designs deems the proposals acceptable. It is considered therefore that this should be given positive weight within the planning balance.

Concerns have been raised with respect to the capacity of the existing foul drainage network to accommodate the additional flows from the development. Anglian Water has confirmed within a letter that it has an obligation to accept flows into its system and that whilst the sewerage treatment plant at Market Rasen is at capacity it will deal with these flows and if improvements are necessary it will deal with these issues

accordingly. The Environment Agency has, however, questioned the capacity of the network as well as the sewerage treatment works due to pollution incidents effecting the Rase. It is therefore recommending a Grampian condition to ascertain the capacity of the network and any improvements required be actioned before the first dwelling is occupied. Whilst Anglian Water consider that the system is capable of accommodating flows and can mitigate the lack of capacity at their treatment works this condition is deemed reasonable in light of pollution incidents and the lack of capacity. Given the condition, it is deemed that this is a neutral impact.

In conclusion therefore whilst it is accepted that the proposal would lead to the loss of agricultural fields, would have some detrimental impacts on the highway network, foul drainage system and public services, it is considered that these impacts could be suitably mitigated or that the harm would not be severe harm as required by the NPPF to resist proposals. In addition to this, the proposal would provide an additional 300 houses to assist to meet Central Lincolnshire's 5 year housing need in a sustainable location, with limited impacts on the character of the area, residential amenity, highway safety, ecology, flooding and would support the growth of Market Rasen as a Market Town as proposed within the Submitted Draft of the Central Lincolnshire Local Plan. On balance therefore it is considered that the proposal should be supported subject to the signing of a s106 planning legal agreement and the imposition of conditions.

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

- Capital contribution towards primary school facilities (to be calculated on the basis of the education formula but is likely to be around £676, 586) in lieu of on-site provision to expand Market Rasen Primary school in the form of a 0.5 Form Entry expansion;
- On site provision of affordable housing equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (including a LAP), (equating to a minimum of 10% of the overall site area) and Drainage Features;
- Capital contribution towards health facilities (amounting up to £127,500) in lieu of on-site provision, which would be spent on alterations to Market Rasen Surgery or the provision of a replacement/ additional medical facility;
- To pay for a Traffic Regulation Order and physical measures to allow the conversion of the existing footpath to a combined cycleway and footpath between the site and Church Bridge, George Street.
- Submission and implementation of Travel Plan

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

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority for each phase of development. Application for approval of the reserved matters for the first phase shall be made to the Local Planning Authority before the expiration of 24 months from the date of this permission. Application for approval of reserved matters for the last phase shall be made no later than 8 years from the date of this permission. No development shall commence on each phase unless approval of the reserved matters for that phase has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: This element of the development is in outline only and the local planning authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and to accord with the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters for the first phase of development, whichever is the later.

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

3. The development shall be undertaken in accordance with the phasing plan ref MI1028/003B. Any variation to this shall be submitted to, and agreed in writing with, the local planning authority. Development shall proceed in accordance with the approved details.

Reason: To ensure the development proceeds in a managed and coordinated way and maximise its contribution towards an assessed housing need.

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to the existing greenfield run off rate (41.6l/s maximum)
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

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

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

5. No development shall take place in any phase of the development until details of a surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how it complies with the surface water drainage scheme for the whole site approved pursuant to Condition 4) above. The surface water drainage scheme for each phase shall be implemented and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

- 6 No development shall take place on any phase until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate foul water drainage disposal scheme is provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy NBE14.

- 7 The details to be submitted in accordance with condition no. 1 above shall include a) a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches/ swales and balancing ponds/ drainage basins; and b) a Biodiversity Enhancement Scheme setting out including measures for dry and wetland habitat creation and management, including (but not exclusively) the provision of bat roosts, bird boxes and amphibian hibernaculum.

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

- 8 No development on any phase shall take place, until a Construction Method Statement for that phase has been submitted to, and approved in writing by,

the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) no construction works (including use of machinery and vehicles entering and/or leaving the site) shall take place outside of the hours of 7.30am – 6pm Monday to Friday and 8am to 1pm on Saturdays and at no time on Sundays or Public Holidays unless agreed with the LPA
- (xi) mammal ramps to be installed in any uncovered trenches overnight
- (xii) precautionary approach to be adopted during construction works to minimise the spread of Himalayan Balsam
- (xiii) a treatment plan for Horsetail shall be implemented during all construction works

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

- 9 No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 2 metre wide footway along the sites frontage to connect with the existing footway on the eastern side of Caistor Road, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied, or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

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

- 10 No development approved by this permission shall be commenced until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reasons

To prevent environmental deterioration of the River Rase.

- Flows at the receiving water recycling centre (sewage treatment works) exceeded the dry weather flow specified in the Environmental Permit in 2015. Additional capacity, a variation to the Environmental Permit and potentially improved effluent quality would be required for the works to accommodate the proposed development.
- Insufficient information has been provided with regard to potential impacts on downstream overflows within the sewerage network. We are aware of previous problems relating to a CSO on Caistor Road, and the improvement scheme should consider capacity issues in the sewerage network, and any necessary improvements to the CSO.
- The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class in the 'Rase from Market Rasen to Bishopbridge' water body, as it would further increase the volume of sewage effluent discharged to the watercourse, and potentially increase intermittent discharges from combined sewer overflows.

- 11** The details to be submitted in accordance with condition no. 1 above shall include a noise impact assessment (based on the Noise Impact Assessment submitted under planning permission 135013) to assess the suitability of the siting, layout and design of the dwellings proposed with respect to the railway line to the west of the site and the A46 Caistor Road to the east of the site and if necessary identify attenuation measures required to limit impact on residential amenity. The submitted details shall be approved in writing by the Local Planning Authority and implemented in strict accordance with the approved details and retained as such thereafter.

Reason: To protect residential amenity and to protect the operation of the existing transport infrastructure and in accordance with STRAT1 and RES1 of the West Lindsey Local Plan.

- 12** No development shall take place until, details of all slab levels and any land level regrading proposed to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties, surface water flooding would not occur and the character or appearance of the area are protected in accordance with West Lindsey Local Plan Policies STRAT1, NBE20, and RES1.

- 13** No development shall commence on a phase until a scheme of, protection and mitigation (in respect of reptiles, badgers, and great crested newts) as recommended within the Extended Phase 1 Habitat Survey by Delta – Simons Project No. 90-3241.05 has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include any phasing and timetable for implementation of the works. The development shall thereafter be developed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and promote ecological diversity, protected species and prevent the spread of invasive features in accordance with saved policy STRAT1 of the West Lindsey Local Plan and the provisions of the NPPF.

- 14 Notwithstanding any indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include a minimum of an aggregate of 10% of the site area to be used as public open space. Any details provided shall include a timetable for the provision of such space. These details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans and scheme.

Reason: To ensure sufficient open amenity space is available for recreation, surface water drainage and wildlife promotion and in accordance with saved policy STRAT1, RES1 and RES5 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

- 15 No dwelling shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority and the provisions of the plan relevant to the occupation of that dwelling have been implemented.

Reason: To promote sustainable development and limit the use of motor vehicles and in accordance with STRAT1 of the West Lindsey Local Plan and the provisions of the NPPF.

- 16 The emergency access shall be not be used for general motor vehicle access and only be accessible to emergency vehicles. Details of measures to be prevent access by general motor vehicles (but allow access by emergency vehicles) shall be submitted to and agreed in writing by the Local Planning Authority and be implemented before the first dwelling is occupied on any part of the site and be retained as such thereafter.

Reason: To protect residential amenity and highway safety and in accordance with saved policy STRAT1 of the West Lindsey Local Plan

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

- 17 Irrespective of the number of dwellings in any particular phase the total number of dwellings to be developed on the site shall not exceed 300.

Reason: To maintain the character of the area, highway safety and capacity, residential amenity and drainage and in accordance with policies: STRAT1 and RES1 of the West Lindsey Local Plan.

- 18 No tree(s) or hedges on the site shall be felled or removed without the prior written agreement of the Local Planning Authority.

Reason: In the interest of visual amenity and the protection of wildlife in accordance with saved policy STRAT 1 of the West Lindsey Local Plan 2006 and the National Planning Policy Framework.

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

Reason: To protect the wildlife using the hedge in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework

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

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

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

- 21 Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

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

- 22 None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the details required by condition 4. The approved system shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

- 23 Prior to the first occupation of any dwelling the works to improve the public highway (by means of ghost island right hand turn facility and pedestrian refuge as indicated on drawing number M11028/002B) shall be certified complete by the local planning authority.

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

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

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

- 25 With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: CRM/05 rev A, MI1028/002B and reports: Drainage Statement Ref P16-140/LDS/DS/C, Proposed Drainage Strategy P16-140-1001 P2, Planning Statement Draft Travel Plan, Bat Roosting Survey, Extended Habitat Survey, Geoenvironmental Report, Geophysical Report, Badger Survey, Noise Impact Assessment and Transport Assessment & Technical Appendices. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

None

Human Rights Implications:

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

Legal Implications:

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

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Planning Committee

5 April 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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mrs M.E. Stuffins against the decision of West Lindsey District Council to refuse planning permission for the erection of thirty-eight dwellings on land off Scothern Road, Nettleham

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr Dave Allen against the decision of West Lindsey District Council to refuse planning permission for change of use and alterations to existing outbuilding to form new dwelling at Crossing Cottage, West Bank, Saxilby.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr J Colley against the decision of West Lindsey District Council to apply condition 6 (a scheme of passing places along Sykes Lane) to change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit' at Orange Farm, Sykes Lane, Saxilby.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Permission granted subject to conditions.

- iv) Appeal by Mr G and Mrs P Kealey against the decision of West Lindsey District Council to refuse Planning permission for the development of 7 sustainable homes at Church Farm, Church Lane, Harpswell, Gainsborough.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission.

Appeal Decision

Site visit made on 28 November 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/N2535/W/16/3154773

Land off Scothern Road, Nettleham, Lincoln, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs M.E. Stuffins against the decision of West Lindsey District Council.
- The application Ref 133926, dated 19 January 2016, was refused by notice dated 12 May 2016.
- The development proposed is the erection of thirty-eight dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters relating to layout, scale, appearance, access and landscaping reserved for subsequent approval. A proposed site layout plan was submitted with the application. However, the Design and Access Statement confirms this is indicative to support the case for the number of dwellings proposed. I have dealt with the appeal on this basis.

Development Plan context and Main Issue

3. The development plan relevant to this appeal comprises the 'saved' policies of the adopted West Lindsey Local Plan First Review (2006) (the WLLPR) and the made Nettleham Neighbourhood Plan (2015) (the NNP). There is also an emerging Central Lincolnshire Local Plan (CLLP), covering the City of Lincoln, West Lindsey and North Kesteven districts, which was submitted for examination in June 2016. Although the CLLP and the examination have reached an advanced stage, with main modifications published for consultation following the examination hearings, the spatial strategy, policies and site allocations of the CLLP remain subject to the outcome of this consultation and the Inspector's report. Therefore, the weight to be afforded the CLLP in this appeal is limited accordingly.
4. The Council maintains that a 5 year supply of deliverable housing land can be demonstrated against the current objectively assessed housing requirement for the Central Lincolnshire Housing Market Area (HMA). However, this relies on allocated sites in the emerging CCLP which have not yet been adopted. The Council acknowledges that it does not have sufficient allocations remaining in the adopted WLLPR to meet the 5 year supply. Accordingly, under paragraph 49 of the National Planning Policy Framework (the Framework), I agree that the relevant policies for the supply of housing in the WLLPR cannot be considered up to date.

5. With regard to the NNP, the Written Ministerial Statement (WMS) published on 12 December 2016, established that the relevant policies for the supply of housing in made neighbourhood plans should not be deemed to be out of date under paragraph 49 of the Framework, where specific circumstances can be satisfied. Given the Council's reliance on the policies of the NNP in determining the application the subject of this appeal, I sought the views of the main parties on whether the NNP met the criteria in the WMS. Against the first two, it is evident that the NNP was made less than 2 years ago in December 2015 and allocates sites for housing. However, whether the Council can demonstrate a 3 year supply of deliverable housing sites is disputed.
6. I have considered the evidence submitted on housing land supply. The latest position for the period April 2017 to March 2022 is set out in the Central Lincolnshire Five Year Land Supply Report, published in September 2016. Table 4 of the report confirms that the 5 year requirement for the HMA is 12,092 additional dwellings, at an average of 2,418 dwellings per year. On this basis the 3 year requirement is 7,254 dwellings. Against this Table 5 of the report confirms that the supply for the next 3 years (2017/18 to 2019/20), including sites allocated in the emerging CLLP, is 6,414 dwellings. Therefore, based on this evidence, a 3 year supply of deliverable housing sites cannot be demonstrated within Central Lincolnshire. Accordingly, under the WMS as it applies to paragraph 49 of the Framework, the policies relevant to the supply of housing in the NNP should not be considered up to date.
7. Consequently, it is appropriate to consider this appeal in the light of the fourth bullet point of paragraph 14 of the Framework. In view of this and having regard to all of the evidence before me, the main issue in this appeal is whether or not any harm which may be caused by the proposal would significantly and demonstrably outweigh its benefits, having particular regard to:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding countryside and on the setting of Nettleham;
 - the contribution of the proposal to meeting any shortfall in housing land supply and affordable housing needs.

Reasons

Character and Appearance

8. The appeal site is located on the northern edge of Nettleham to the west of Scothern Road. It occupies the southern half of a large field, which forms part of the countryside surrounding the northern side of Nettleham. The field is flat, laid to crops and bounded by hedgerows. Together with the adjacent fields to the north, east and west it contributes to an attractive, open rural landscape on edge of the village. The landscape affords long distance views to and from Nettleham, which form part of the setting of the village. The open, undeveloped nature of the site also adds to the tranquillity of the environment surrounding Nettleham.
9. One of the core planning principles in paragraph 17 of the Framework is that planning should take account of the character of different areas, recognising the intrinsic character and beauty of the countryside. Saved Policy STRAT 12 of the WLLPR also seeks to protect the open countryside from development.

10. The appeal proposal would extend the built up area of Nettleham into land which is currently part of the open countryside. I acknowledge that the development could create a new northern boundary to the village. However, it would harm the intrinsic beauty and tranquillity of the appeal site and its contribution to the surrounding countryside to the north of the village. It would lead to the loss of open land which defines the rural character of the parish and of the setting to Nettleham, as described in the Nettleham Village Design Statement (2010).
11. I recognise that the proposal would conform with Policy D-5 of the NNP in that it would be adjacent to the existing built form of Nettleham, would not be isolated in the countryside and would not extend the linear format of the village, given the presence of houses on the opposite side of Scothern Road. However, the proposed development would conflict with saved Policy STRAT 12 and paragraph 17 of the Framework.
12. I have considered the respective arguments of the main parties on the weight to be accorded to saved Policy STRAT 12. In so far as it is a relevant policy for the supply of housing by restricting development outside of the settlements listed in saved Policy STRAT 3 of the WLLPR, the Council confirms that Policy STRAT 12 is out of date and should be afforded little weight. However, Policy STRAT 12 also has a role in conserving the countryside for the sake of its beauty, the diversity of its landscape and its undeveloped character, as explained in the justification to the policy in paragraph A96 of the WLLPR.
13. The Court of Appeal in *Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG* [2016] established that paragraphs 14 and 49 of the Framework do not say out of date policies should be ignored. Rather, it confirmed that weight can be attached to such policies by the decision maker and that the particular purpose of the policy could influence the weight to be accorded to it. The judgement found that there will be cases in which restrictive policies are given sufficient weight to justify the refusal of planning permission, despite not being up to date under paragraph 49.
14. Saved Policy STRAT 12 is consistent with paragraph 17 of the Framework in seeking to protect the countryside for the sake of its natural beauty and undeveloped character. Therefore, whilst I accord little weight to the policy in restricting housing land supply, I do attach significant weight to Policy STRAT 12 in conserving the character and appearance of the countryside.
15. On this basis, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the appeal site and the surrounding countryside and to the setting of Nettleham. As such it would conflict with the aim and purpose of saved Policy STRAT 12 of the WLLPR in seeking to conserve the countryside for the sake of its beauty and undeveloped character. Consequently, the proposal would also fail to comply with paragraph 17 of the Framework.

Housing Land Supply and Need

16. The Council states that there is a supply of 12,712 additional dwellings on deliverable sites, amounting to a total of 5.26 years of housing land supply within the HMA. However, this is dependent on sites allocated in the emerging CLLP. The appellant maintains that 5,201 dwellings (41%) of the housing land supply is predicated on draft CLLP allocations without planning permission and

points to persistent under delivery of housing within the HMA against the annual requirement. Although I have been given little firm evidence to prove that the emerging allocations are unlikely to be delivered in the next 5 years, given that they are not yet adopted, I recognise that they are at greater risk of not coming forward within that period. Therefore, taking 5,201 dwellings as a worst case proxy for the shortfall in housing land supply, the 38 dwellings proposed on the appeal site would make up less than 1% of that shortfall. Paragraph 47 of the Framework emphasises the need to boost significantly the supply of housing. The appeal proposal would make a small contribution to this objective and accordingly, I attach a limited amount of weight to this as a benefit of the proposal.

17. In terms of affordable housing, the Central Lincolnshire Strategic Housing Market Assessment (SHMA) identifies a need for 911 affordable homes per year across the HMA, with a shortfall in provision of around 200 dwellings per year. The NNP confirms a need for 34 affordable and sheltered homes within Nettleham parish. The appeal scheme proposes 10 affordable dwellings on-site, secured through a planning obligation within a unilateral undertaking. This would meet the expectation in saved Policy RES 6 of the WLLPR for a 25% contribution to affordable housing on sites of 15 dwellings or more in settlements with populations of over 3,000 people. It would also satisfy the provisions of Policy H-4 of the NNP in respect of on-site affordable housing.
18. A signed, dated and completed legal undertaking under S106 of the 1990 Act has been provided by the appellant, which would secure the provision of the 10 dwellings with nomination rights to ensure they would meet local needs. The undertaking satisfies the tests for planning obligations contained in paragraph 204 of the Framework and CIL Regulation 122.
19. Although there is a need for affordable homes within Nettleham parish, the NNP already allocates four housing sites from which the affordable housing needs of the parish would be met. Whilst none of the NNP sites have commenced development, I have seen little evidence to suggest that they would not come forward in the next few years. Beyond the parish needs the proposed development would help to address the overall housing needs of the HMA. The provision of 10 affordable dwellings would make a small contribution to addressing the annual HMA shortfall of 200 affordable homes. Accordingly, I attach a limited amount of weight to this as a benefit in favour of the proposal.

Other Considerations

20. The proposed development would be well located in relation to village facilities and adequately served by public transport. The site lies approximately 800 metres from the centre of Nettleham where most of the shops and services are located. There is a pavement alongside Scothern Road providing access on foot from the indicative site entrance to the village centre. A playing field is located within 500 metres of the site again accessible on foot via Scothern Road. I also noted bus stops on Scothern Road with regular services to and from Lincoln. Accordingly, the appeal site is accessible to nearby facilities and by sustainable modes of transport. I attach moderate weight to this in favour of the proposal.
21. I also recognise that the development of new homes would help to sustain village shops, local businesses and services. This would be a benefit to the

economy of Nettleham, albeit the value deriving from 38 dwellings and therefore the weight to be accorded to it would be limited.

22. Under the terms of the unilateral undertaking submitted by the appellant, the proposed development would make an education contribution of £45,105. This would fund 4 primary school places at Nettleham junior school, to meet the needs arising from the development when the school reaches capacity in 2018. The undertaking would also secure the transfer of an area of land on the appeal site for public open space, together with a contribution of £15,000 towards open space improvements. Whilst on the one hand these contributions would benefit the area in the form of new and enhanced local facilities, on the other hand it must be recognised that the proposed development would also place additional pressure on the use of local facilities. The purpose of these S106 contributions is to mitigate those impacts. Accordingly, their overall effect on local facilities and infrastructure would be neutral.
23. The planning application was in part refused on the grounds of insufficient information on flooding and drainage. However, a Flood Risk Assessment (FRA) and a Drainage Strategy were submitted with the application, supported by trial hole surveys. The FRA confirms that the site lies within Flood Zone 1 as defined on the Environment Agency's (EA) Flood Zone Maps, which is an area at low risk of flooding. It appears that the Council's remaining concern centres on whether the geology of the site would allow an adequate infiltration rate to prevent flooding from surface water. Whilst I understand that historically the site drains poorly, I have seen little evidence to suggest that with suitable on-site filtration measures, the development could not be drained adequately without increasing flooding on surrounding land and property. The application has been made in outline and I am satisfied based on the evidence before me that a suitable drainage strategy and measures, evidenced by further ground investigations, could be secured by condition, were I minded to allow this appeal. Accordingly I find no harm arising from flood risk or drainage which would weigh against the proposal.
24. I note the concerns about additional traffic generated by the proposed development on roads within the village. However, the increase in the number of car journeys arising from 38 dwellings would not be significant, particularly given the accessibility of the site by more sustainable modes of travel. I recognise the cumulative effect of journeys from this site in addition to the housing sites identified in the NNP. Nevertheless, there is little evidence that the appeal proposal would give rise to unacceptable levels of traffic or that it would cause harm to highway safety.

Planning Balance

25. I have established that it is appropriate to consider this appeal in the light of the fourth bullet point of paragraph 14 of the Framework under the presumption in favour of sustainable development. This means granting permission for the appeal proposal unless the adverse impacts of doing so would significantly outweigh the benefits.
26. In terms of benefits, the appeal site is well located within walking distance of a range of facilities and services in Nettleham and served by public transport. As such the proposed development would support village shops, businesses and services and enable the use of sustainable modes of travel. Together these benefits offer moderate weight in favour of the proposal. The proposal would

also make a small contribution to the overall supply of housing in the HMA and to meeting the need for affordable housing. The benefit arising from this would be limited given the number of dwellings proposed compared to the size of the overall shortfall in supply and the level of housing need in the area.

27. In terms of its impact, the development of part of the open countryside surrounding Nettleham would cause significant harm to both the intrinsic character and beauty of the countryside and to the rural setting of Nettleham. Accordingly, I attach significant weight to this as an adverse impact. The absence of harm to traffic, drainage and flood risk and the impact on community facilities and infrastructure attract neutral weight in the planning balance.
28. Overall, I conclude that the harm the proposal would cause to the character and appearance of the countryside and to the setting of Nettleham would significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal does not constitute sustainable development.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that I determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal conflicts with the development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan.

Conclusion

30. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR

Appeal Decision

Site visit made on 7 February 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/N2535/W/16/3164131

Crossing Cottage, West Bank, Saxilby, Lincoln LN1 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dave Allen against the decision of West Lindsey District Council.
- The application Ref 134872, dated 17 August 2016, was refused by notice dated 10 October 2016.
- The development proposed is change of use and alterations to existing outbuilding to form new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring occupiers with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is located on the north bank of the Fossey Navigation on the southern edge of Saxilby. It is adjacent to a level crossing and is situated within the garden area of Crossing Cottage. The character and appearance of area consists of a mix of large one and two storey detached properties built in brickwork with tiled, pitched roofs. These properties are positioned comfortably on spacious plots with good sized front gardens and, as a result, are set back from the public highway known as West Bank. The Fossey Navigation flows to the south of the public highway and the appeal site. This results in an open southerly aspect for the properties located along West Bank. Therefore, the immediate area surrounding the appeal site has a substantially spacious character and appearance.
4. The appellant states that the streetscene is of little merit. However, I find the area to have a spacious character and appearance which has a strong spatial quality that is enhanced by the presence of the Fossey Navigation and riverbank close to the appeal site. The proposed building would be of brick construction which would be evident at ground floor level. However, this would

not be visible in the wider area as a result of the boundary fencing to the site. At first floor level, the proposal would have timber cladding on all four sides. This would be visible in the wider area and would be in stark contrast to the prevailing materials used in the surrounding buildings.

5. Having viewed the existing building at the appeal site, I note that it is visible in longer views from the east, at the junction between West Bank and Bridge Street, and particularly so from the west along West Bank. From the evidence before me, the proposal would project further forward than the existing structure towards the front boundary of the site. As a result, it would have a greater visual impact on the streetscene and increase its prominence in longer views from the wider area.
6. The proposal would be of a style and appearance which differs significantly from the traditional architectural style of the surrounding buildings. As such, it would appear as an incongruous addition to the streetscene. Whilst the proposed building would be of brick construction, it would mostly appear as a timber structure due to the cladding at first floor level. Furthermore its mono-pitched roof would be out of keeping with the traditional pitched and tiled roofs of the surrounding buildings.
7. I note that the proposal would use materials to match the existing building and that the appellant argues that the scheme would not differ in size by a huge amount. However, I find that it would significantly increase in size. Moreover, the overall style, appearance and increase in size and mass of the appeal property would have a detrimental effect on the quality, character and appearance of the streetscene and surrounding area. In addition, its prominent and visible position forward of the prevailing building line of nearby properties along West Bank would only exacerbate the adverse visual impact on the area.
8. The appellant refers to a recent development across the watercourse and opposite the appeal site which, it is argued, uses modern materials to create an enhanced link between the host building and the river. I have had due regard to that proposal. Whilst the materials may be more modern, the scheme opposite the appeal site is of a more traditional style and design which is in keeping with the adjoining buildings and the wider character and appearance of the area. Notwithstanding this, I must assess the appeal scheme on its own merits and in its own circumstances.
9. I appreciate that the appellant is seeking to provide more suitable accommodation in order to meet their future needs. However, from the evidence before me, I find that the benefits put forward in support of the proposed scheme would not outweigh the significant harm I have identified.
10. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. Therefore, it would be contrary to Policies STRAT1 and RES1 of the West Lindsay Local Plan First Review 2006 (the Local Plan). Amongst other matters, these policies seek to ensure that development has a satisfactory regard to the nature, character and appearance of the local environment in terms of siting, layout, scale, massing, materials, design and detailing.

Living conditions: outlook and privacy

11. The substantial increase in size and mass of the appeal building would have a particularly detrimental effect at first floor level as this is the element of the scheme which would be most visible to neighbouring occupiers and in the surrounding area. The west elevation of the appeal property, which faces the front garden of 1A West Bank (1A), would extend towards the front boundary of the appeal site. This would approximately double the length of that elevation which would be visible at first floor level. Furthermore, given that this increase would be along the shared boundary with 1A, I find that the proposal would have an overbearing and materially adverse impact on the outlook of the occupiers of 1A from the front window of the property.
12. The Council has stated that the proposed dwelling would have a detrimental effect on the privacy of the occupiers of the host property Crossing Cottage due to the windows serving the proposed bedroom directly overlooking the garden of Crossing Cottage. Whilst this may be the case, I note that the proposed windows serving the bedroom would be at a high level. Therefore, it would be unlikely to result in any significant direct overlooking of the garden area of Crossing Cottage. As such, I am satisfied that the proposal would have no materially adverse effect in terms of overlooking or loss of privacy.
13. The proposed development would have no material impact on the privacy of neighbouring occupiers at Crossing Cottage. It would also make a modest contribution towards housing supply in the area. Notwithstanding this, I find that the scheme would have a significant adverse effect on the outlook of neighbouring occupiers at 1A with regard to outlook due to its scale, position and height. Having considered the evidence before me, I find that the benefits of the scheme would not outweigh the harm I have found in relation to the outlook of neighbouring occupiers.
14. Furthermore, I note that there are no objections to the scheme from neighbouring occupiers. Whilst this may be so, a lack of objection does not necessarily result in an automatic grant of planning permission. Moreover, as I have stated, I must assess this case on its merits rather than on any lack of local objection.
15. Consequently, I conclude that the proposed development would have a materially harmful effect on the outlook of neighbouring occupiers at 1A West Bank. Therefore, it would be contrary to Policies STRAT1 and RES1 of the Local Plan. Amongst other matters, these policies seek to ensure that development has a satisfactory regard to and no significant adverse effect on neighbouring uses and neighbouring occupiers.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 7 February 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 8 March 2017

Appeal Ref: APP/N2535/W/16/3163778

Orange Farm, Sykes Lane, Saxilby, Lincoln LN1 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr J Colley against the decision of West Lindsey District Council.
- The application Ref 133568, dated 3 October 2015, was approved on 17 November 2016 and planning permission was granted subject to conditions.
- The development permitted is *'change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit'*.
- The condition in dispute is No 6 which states that: *'Within 6 weeks of the date of this permission a scheme of passing places along Sykes Lane (between the site and the Saxilby settlement boundary) shall be submitted to, and approved by, the local planning authority. The approved scheme of passing places shall be implemented within 2 months of the date of the written approval and retained in good condition thereafter.'*
- The reason given for the condition is: *'In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and STRAT 1 of the West Lindsay Local Plan Review 2006 and Policy LP1 of the Submitted Central Lincolnshire Local Plan 2012-2036.'*

Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The original application Ref: 133568 sought retrospective planning permission for application for the proposed development. This was granted on 17 November 2016. This appeal relates to the imposition of Condition 6 attached to the approved scheme which requires the submission of a scheme to the local planning authority for approval to provide passing places along Sykes Lane between the appeal site and the settlement boundary of Saxilby in the interests of the safety of all road users.
3. The Council has stated that the condition is required to address the deterioration of the roadside verges of Sykes Lane due to its narrowness and lack of capability for vehicles to pass each other at certain points. The appellant argues that a similar condition was not deemed necessary in relation to a previously approved scheme at the site which, it is claimed, did not materially differ in terms of the level of vehicle movements proposed from that in relation to this appeal. As a result, in the appellant's view the condition is not necessary or reasonable.

4. This appeal therefore seeks the removal of Condition 6 attached to planning permission Ref: 133567 relating to the requirement for a scheme of passing places to be submitted to, and approved by, the local planning authority.

Main Issue

5. The main issue is whether the condition is necessary and reasonable having regard to the safety of all road users using Sykes Lane.

Reasons

6. The appeal site is in open countryside approximately one mile to the north west of Saxilby. It is accessed by Sykes Lane, a narrow lane which also serves a number of other properties. The site itself has a wide access and sufficient parking area to ensure that all vehicles visiting the site for deliveries or other purposes can be accommodated off the public highway. Furthermore, all visiting vehicles, including heavy goods vehicles (HGV) appear to be able to enter and exit the site in forward gear. To the east of the site is Willow Tree Farm which is also accessed from Sykes Lane. I am led to understand that the property is used for the transfer and treatment of recyclable domestic and light industrial waste.
7. The approved scheme for the appeal site was granted by the Council subject to a number of conditions as set out in the Officer Report. A suggested condition was submitted by the highway authority during the application process. However, the Officer Report indicates that such a condition would not be reasonable as the amount of HGV deliveries and traffic generated by the scheme would not differ significantly from the previous approved scheme.
8. Notwithstanding this, the Council's planning committee, having based their assessment on personal experience and the expertise of the highway authority, chose to impose the condition. The required scheme of passing points to be provided was identified as providing necessary improvements to the highway and verges of Sykes Lane as a result of, amongst other matters, damage being caused by vehicles passing each other at narrow points along the lane.
9. The appellant argues that the condition is unjust and unfair as the number of heavy goods vehicles travelling to and from the appeal site is negligible, with regard to that identified in relation to the previously approved scheme. However, I note that application Ref: 133568 was retrospective and sought approval for alterations already made on site to facilitate a change of use, including the installation of a Biomass boiler. Whilst the appellant states that there are no changes to the operations on the site and minimal changes to vehicle movements, I find that the approved change of use and the potential for an, on average, increase in HGV trips along Sykes Lane would justify improvements to the public highway along Sykes Lane to be secured.
10. Furthermore, I note that it is indicated that the operations requiring HGV trips to and from the site would be seasonal. As a result, it is reasonable to consider that there would be periods when the number of HGV trips along Sykes Lane would be much higher to meet the needs of the approved site operations. Therefore, the business could increase its production to meet market needs and this would result in a substantial increase given that there is no cap on production. In my view, this would be likely to result in a significant intensification of vehicle movements on Sykes Lane which would be over and

above previous activity. In addition, I must have regard to the activities and uses at other nearby properties which also generate a level of traffic already experienced along Sykes Lane, such as at Willow Tree Farm.

11. The appellant states that they could find no evidence of damage to the roadside verges. In its appeal statement, the Council has provided photographs of the damaged verges along Sykes Lane which indicate that vehicles are necessarily driving over verges in order to avoid oncoming traffic. This was confirmed during my visit where I observed such damage at the points identified by the Council along the lane and in other areas. Furthermore, I observed such damage taking place as two large vehicles passed each other at a particularly narrow point along Sykes Lane.
12. From all I have seen and read, I find that the required scheme set out in Condition 6 would involve relatively minor improvements to Sykes Lane. In achieving those improvements, safe passing places for vehicles and all road users would be provided and this would improve the overall condition of the public highway. The potential for more vehicle trips to and from the appeal site, including HGVs, as a result of the approved scheme would, in my view, justify the improvements requested under Condition 6.
13. Consequently, I conclude that Condition 6, as imposed and attached to planning permission Ref: 133568, is necessary and reasonable with regard to highway safety and the safety of all road users.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 17 February 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 16 March 2017

Appeal Ref: APP/N2535/W/16/3164065

Church Farm, Church Lane, Harpswell, Gainsborough DN21 5UY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G and Mrs P Kealey against the decision of West Lindsey District Council.
- The application Ref: 134170, dated 16 March 2016, was refused by notice dated 27 May 2016.
- The development proposed is described as the development of 7 sustainable homes.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal process a unilateral undertaking (UU) under s.106 was submitted by the appellants. This provides for a minimum Standard Assessment Procedure rating of 90 as established in the Government's Standard Assessment for Energy Rating of Dwellings Published on behalf of DECC by the Building Research Establishment (BRE).
3. The s.106 UU also requires that each dwelling shall be constructed so that, other than from renewable and low carbon energy sources, the maximum energy demand for each dwelling shall be no more than 5,000kw hours per annum. It sets out that for 10 years following completion the owner shall provide evidence that this 5,000kw hours per annum target is met. If the target is not achieved then, within 3 months, the owner will submit details of remedial measures to ensure that the target will be met in successive years. The owner shall, at its own cost, use reasonable endeavours to implement such measures within 3 months of submission of the details.
4. The s.106 UU also requires that within 12 months of fibre optic broadband being made available to the boundary of the property it will be made available in each house. In addition, the undertaking would not allow occupation of a dwelling unless it has at least one electric vehicle charging point.

Main Issue

5. The main issue in this case is whether or not the proposal would represent sustainable development, having regard to local and national planning policy and legislative requirements; and,

- (a) the fall-back position for the site;
- (b) the accessibility of the site; and,
- (c) the setting of St Chad a grade I listed building and the setting of Harpswell Hall, a Scheduled Ancient Monument (SAM).

Reasons

The Fall-back Position and Accessibility of the Site

6. The West Lindsey Local Plan Review (2006) (the Local Plan) is the current development plan. Policy STRAT 12 seeks to resist open market housing in the countryside. However, policy STRAT 14 makes a specific allocation for much of the appeal site. This policy under allocation Hp(M)1 makes provision for 0.70ha at Church Farm, Harpswell for a 'Bio-mass Renewable Energy Demonstration Project with the Conversion of Existing Buildings & Limited New Build into Live / Work Units'. This type of development, and hence the policy, appears to broadly accord with the Framework which seeks to support small-scale rural offices and facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
7. Indeed, the appellants set out that the site has planning permission for 7 live/work units (mixed B1/C3 uses) and a biomass boiler with associated infrastructure to provide heating and hot water to these units following appeal APP/N2535/A/09/2103793/NWF (this related to planning application Ref: 121144 and was dated 2 September 2009).
8. The Council claims in its Appeal Statement that this '*decision had lapsed*'. However, the appellants take the view that this is an extant permission and refer to a letter from the Council dated 12 September 2012, which confirms that there has been '*a material start to planning permission 121184 and appeal APP/N2535/A/09/2103793/NWF in line with condition 1*'. The situation is not entirely clear, and not simply because of the different reference numbers and disagreement between the parties. I also note that conditions 5 and 14 are not claimed as discharged and are not referred to in the letter of 12 September 2012 – both conditions relate to the bio-mass boiler and the latter required actions '*prior to the commencement of development*'.
9. However, it is clear that this earlier scheme was for a materially different proposal than that before me. The Appeal Decision sets out that '*The site is in a rural area, poorly related to services and facilities, where new residential development would not normally be accepted in terms of national guidance and development plan policy. However, the majority of the site is specifically designated in the West Lindsey Local Plan Review under policy STRAT14 for mixed use.*' It goes on to explain that specific allocated mixed use as I have set out at paragraph 6 above.
10. Even if I take the earlier scheme to represent a fall-back position, that permission has not been built out and notwithstanding the appellants' assertion that it could be built out and the B1 element subsequently altered under permitted development rights, it seems there is limited likelihood of its implementation. This is particularly the case having regard to the s.106 Obligation and renewable energy associated with the 2009 permission which, as noted in paragraph 12 below, seems to directly link the energy scheme and housing. The appellants, in their Design and Access Statement, explain that

there are some difficulties associated with the biomass boiler, not least related to obtaining the bio-mass fuel. Further, it seems that the appellants are concerned that there are issues relating to financing the live/work units.

11. In this respect, I have considered the appellants point that in, terms of renewable energy, technology has moved on. I have some concerns regarding the implementation of the s.106 UU for this appeal proposal, for instance the installation of fibre optic broadband to each dwelling once it has been provided to the site boundary relies on another organisation's actions and there could be dispute about what is meant by site boundary. Moreover, the energy consumption arrangement relies on monitoring and enforcement which would place a heavy burden on the Local Planning Authority. Notwithstanding those matters, it seems likely that for each of the proposed dwellings alternative renewable energy sources might well be more cost effective and result in the buildings being similarly heat efficient as those in the 2009 scheme.
12. That said, the STRAT 14 Hp(M)1 allocation description and what appears to have been the content of the s.106 Obligation, goes significantly beyond creating energy efficient homes. Indeed the s.106 Obligation referred to in the earlier appeal decision, is said to require '*the setting up of a management company to deal with the renewable energy demonstration project, the supply of energy, the management of the estate and the supply of fuel*¹'. Although the appellants state that the s.106 Obligation did not require supply of energy to local properties (as suggested by the Council), it seems to me likely that the s.106 Obligation bio-mass boiler was not a simple undertaking in respect of the new dwellings only. Whilst neither side has furnished me with the s.106 Obligation document, I consider one of the key reasons in terms of both policy requirements and the previous Appeal Decision, would be lost were I to allow this appeal, a situation which would not be the case were the earlier permission implemented.
13. The second strand of the Policy STRAT 14 designation relates to live/work units. The main Policy STRAT 14 text is clear that it relates to mixed-use allocations. Although the current proposal for seven residential properties is proposed to be served by fibre optic broadband, facilitating some home working, this relies on such a service being brought to the site boundary which, aside from the concerns mentioned above, may be some time off and act as a disincentive to homeworkers from the outset. In any event, as the appellants note homeworking is an increasing phenomenon, but can take place in accessible locations and does not, on its own, justify use of less accessible locations as homeworkers still need to access services and facilities. Moreover, it is clear that mixed B1 use is not being sought.
14. I agree with the Council that the site is not accessibly located. In fact little seems to have changed since the earlier appeal decision where the Inspector stated '*the site is in a rural area, poorly related to services and facilities, where new residential development would not normally be accepted in terms of national guidance and development plan policy*'. I saw that Harpswell is a modest hamlet with few houses and limited facilities, those primarily being the church and open access land associated with the Scheduled Ancient Monument.
15. The site is in reasonably close proximity (the appellants indicate 1.3 km) to Hemswell Cliff where there are a greater number of facilities and employment

¹ Paragraph 7 of APP/N2535/A/09/2103793/NWF

opportunities, such that some trips could be made by bicycle or bus. However, the likelihood is that future occupiers of the proposed dwellings, which would not have the benefit of being mixed live/work units, would have a heavy reliance on the use of the private car for transport. I appreciate that business areas such as Hemswell Cliff require housing, but note that the Council has explained that it has recently allowed a large housing site of up to 170 dwellings in that location.

16. The STRAT 14 policy designation refers to conversion of existing buildings. However, given the earlier permission did not provide for converted buildings I have not attached material weight to this discrepancy. Thus, the lack of conversion elements does not count against the current proposal.
17. Having assessed the proposal, and having particular regard to the whole of the description of the allocation, I am not satisfied that the proposal would accord with Policy STRAT 14. As such, this is not a case where, for decision-taking, paragraph 14 of the National Planning Policy Framework (the Framework), would require approval without delay because of accord with the development plan. The proposal, because it is for open market housing would also fail to accord with policy STRAT 12.
18. In this case the location of the proposed housing would result in the need for future occupiers to travel by private car for services and facilities. I do not consider that installing electric car charging facilities would overcome this concern. There is no mechanism to ensure that future occupiers would use such vehicles. The poor accessibility of the site is such that I do not consider that it would be environmentally sustainable despite the measures aimed at improving the environmental efficiency of the proposed dwellings. Whilst future occupiers might assist in keeping the local church open, it seems to me that a development of the size proposed is not likely to be significant in sustaining this type of facility. Thus, I do not attach much weight in this regard.
19. In addition to the Local Plan, the Council refers to the emerging Central Lincolnshire Plan (emerging CLP). This is a joint authority plan, which includes the West Lindsey District area.
20. The emerging CLP has been through three rounds of consultation and is awaiting examination by an Inspector. Whilst I appreciate that more weight can be afforded to this document than when my colleague considered the previous appeal, because of the consultation processes it has been through, it remains the case that the emerging CLP may still be altered and particularly so in terms of allocations and housing. Thus, I can only attach a little weight to its policies.
21. In terms of this appeal the Council draws attention to the fact that this site would no longer have a specific allocation in the emerging CLP. The Council therefore draws attention to policies LP2 and LP55 which establish a settlement hierarchy and limit development in hamlets, the hierarchy category for Harpswell, to uses which would not include open market housing.
22. I have not accorded significant weight to the emerging CLP, but it does nothing in terms of adding positive weight in the planning balance for this proposal. However, I have considered the appeal in respect of the current Local Plan. In so doing, and having regard to the possible fall-back position and the

Framework, I conclude that the lack of accessibility is not sustainable and counts against the scheme. The scheme is not policy compliant and has no benefit of being live/work units nor does it offer a special green energy project beyond the requirements of the site.

The Setting of St. Chad and the SAM

23. St. Chad is a grade I listed church. It dates from the late C11th, with subsequent phases of work in the C13th and C14th and restoration in C19th. It is constructed of limestone which, in part, is coursed. The roof has plain tiles and stone coped gables. There is a west tower and the nave has a south aisle and porch. The windows vary in date and detail but each demonstrates high quality and detail, with tracery and hood moulds. Its special architectural and historic interest is in its great age, high quality craftsmanship, social value as a place of celebratory and commemorative events, and as a focal point for the community and parish which it serves. The setting of the church is established by its relationship to the churchyard, circulatory routes, the village and, given the respective dates, associative links to the SAM which is Harpswell Hall to which I turn next.
24. Harpswell Hall is a post-medieval house and gardens overlying medieval remains. The monument includes the earthwork and surviving extent of the buried remains of Harpswell Hall. The most notable feature of the site at present is the ornamental water-filled moat which encloses three sides of a rectangular island. The house and garden features are also significant. From the sunken garden area there is a broad avenue of some 250m, which the list entry record explains was originally lined with trees along the south side. This avenue provided a vista of the village church beyond its eastern end.
25. I am mindful that the information I have before me is largely that of the SAM list description which has been expanded upon a little more in the appellants' appeal statement. However, having regard to the consultation response from Historic England, it appears further information may be available given that works were undertaken in 2013 relating to new foul drainage for which consented excavations took place, the details of which were awaiting publication at the time of the Historic England letter. Whilst I appreciate that permission was granted for dwellings on the appeal site, that approval clearly predates the most recent investigations and, indeed, the advice of the Framework.
26. The Framework makes it clear that an applicant is required to describe the significance of any heritage asset affected, including the contribution made to their setting. In this case I am not satisfied that adequate assessment has taken place such that the impact can be properly assessed. Indeed Historic England notes that the originally-provided Design and Access Statement failed to consider the potential impact on the nationally important SAM. It goes on to make it clear that any non-designated remains of historic settlement preserved within the development site would make a positive contribution to the significance of both this nationally important SAM and the grade I listed church, and the understanding of settlement in Harpswell.
27. In particular, there is limited evidence relating to the SAM, and significantly to the relationship between the SAM and the listed church. For instance, no cartographic evidence is provided and there is limited specialist assessment. In this regard I note that the Parish Council draws attention to *'old maps which*

identify ancient trackways from Middle Street, that would likely have run near & through the site' and I saw walling to the rear of the church which may well have a relationship to the site. As such, I am not satisfied that there is adequate information upon which to assess the scheme before me and its impact on the setting of the heritage assets identified. Therefore, I find that, in the absence of adequate assessment, I cannot conclude that the proposal would not harm the setting of the SAM and/or the church of St. Chad, a grade I listed building. I note that a better assessment of the heritage assets need not preclude development but might inform how it should be designed.

28. In terms of the assessment of the impact of the proposed development, the levels significantly change within the site (and are noted on plan with sections within the site) but there is no contextual 'streetscene' information to include areas beyond the site or the listed church. Further, the design approach seems to largely relate to the environmental efficiency of the buildings and former layout, with little to explain the how the design would relate to the setting and thus significance of the heritage assets.
29. Whilst I appreciate that some of the farm buildings are not particularly attractive they are subservient because of their subdued colour and utilitarian form when seen in views from the SAM. I do not share the appellants' view that it is necessary to remove the agricultural buildings and replace them with housing so as to improve the setting of the heritage assets.
30. In this regard I find that the proposal fails to accord with national advice contained within the Framework. Moreover, I cannot satisfactorily address my statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I have special regard to the desirability of preserving the setting of the listed building. The proposal also fails to accord with policy LP25 of the emerging CLP and whilst this is only afforded limited weight it follows the Framework in setting out the information needed to make an assessment of development proposals.

Conclusion on the Main Issue

31. I have concluded that the fall-back position does not attract significant weight, the site is not readily accessible such that future occupiers would be reliant on private vehicles, and I have inadequate evidence regarding the setting of heritage assets on which to make an informed decision. I have found that the proposal fails to accord with the provisions of the development plan and the Framework and conclude that, on the basis of the evidence before me, the development of seven dwellings on the site, even constructed to high energy efficiency standards, would not amount to sustainable development.

Other Matters

Other Policies

32. The appellants refer to other policies within the Local Plan. Policy STRAT 3 classifies Harpswell as a Small Rural Settlement where Policy STRAT 8 allows for windfall and infill housing. However, this only supports rural affordable housing, housing for essential agricultural need or a single dwelling none of which apply in this case. The appellants also draw attention to Policy STRAT 9 which relates to previously-developed sites. However, this is not applicable

here as the Framework makes it clear that land that is or has been occupied by agricultural buildings is excluded from being considered as such.

Housing Land Supply

33. I note that the Council maintains it has a 5 year housing land supply and yet the appellants maintain that the Council cannot demonstrate a robust 5 year supply because the supply relies on draft local plan allocations. However, the appellants do not base their case upon this matter, as confirmed in their final comments. Even if I were to assume that the Council could not demonstrate a 5 year housing land supply, I would still not be able to properly assess the effect on the setting of the heritage assets in this case. As such, being clear about the 5 year housing land supply situation would not alter the outcome of this appeal.
34. Rather in such circumstances I would have to conclude that, for the purposes of the Framework, the adverse effect of not being able to properly assess the impacts on the heritage assets cited would significantly and demonstrably outweigh the benefits of providing seven dwellings, having assessed the proposals against the Framework as a whole because heritage assets are a finite resource and the scheme proposed might well be irreversible in terms of the harm that could arise. I note that even with the benefit of a more rigorous assessment it might be that the paragraph 14 test contained within the Framework is not the 'significantly and demonstrably outweighs' test because the designated heritage assets are included within 'footnote 9' such that specific policies in the Framework indicate that, in certain circumstances, development should be restricted.

Final Conclusion

35. Having had regard to all matters raised, I conclude that the appeal should fail.

Zoë H R Hill

Inspector