

**AGENDA**

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

**Planning Committee**

**Wednesday, 28th June, 2017 at 6.30 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

Councillor Ian Fleetwood (Chairman)  
Councillor Owen Bierley (Vice-Chairman)  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Stuart Curtis  
Councillor Michael Devine  
Councillor Hugo Marfleet  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs 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 - 12)

- i) **To Approve as a correct record the Minutes of the Meeting of the Planning Committee held on 31 May 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**

**Note** – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination** (PAGES 13 - 14)

**a)** 135013 Caistor Road, Middle Rasen

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 for Land at Caistor Road, Middle Rasen. (PAGES 15 - 72)

**b)** 136188 Gainsborough

Planning application to erect ground floor extension to the rear of the dwelling at 1 Ulster Road, Gainsborough. (PAGES 73 - 78)

7. **Determination of Appeals** (PAGES 79 - 122)

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

Tuesday, 20 June 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 31 May 2017 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Owen Bierley (Vice-Chairman)

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

**In Attendance:**  
Mark Sturgess Chief Operating Officer  
Oliver Fytche-Taylor Planning Services Manager  
Russell Clarkson Principal Development Management Officer  
Marth Rees Lincolnshire Legal Services  
Dinah Lilley Governance and Civic Officer

**Also present** 23 Members of the public

**Apologies:** Councillor Stuart Curtis  
Councillor Michael Devine (submitted retrospectively)

**Membership:** There were no substitutions

### 5 CHAIRMAN'S WELCOME AND NOTICES

The Chairman welcomed all present to the meeting and took the opportunity to send the Committee's good wishes to Councillor Stuart Curtis during his illness. The Chairman also thanked the Committee Clerk for her services over the past few years as this was to be her last meeting of the Planning Committee.

### 6 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point of the meeting.

### 7 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 5 April and 8 May 2017.

**RESOLVED** that the Minutes of the meetings of the Planning Committee held on 5 April and 8 May 2017, be confirmed and signed as a correct record.

## **8 DECLARATIONS OF INTEREST**

Councillor Smith declared a personal interest in item 6c (134096 – Cherry Willingham) as a family member worked for the Forestry Commission, but that no discussion had taken place on the application.

Councillor Smith declared an interest in item 6d (135750 – Gainsborough) as he was a Member of the Prosperous Communities Committee which had agreed the proposals, and was therefore of a pre-determined disposition, so would leave the room for that application.

Councillor McNeill declared that Sir Edward Leigh MP had commented on item 6d (135750 – Gainsborough) but although Councillor McNeill was acting as Sir Edward's election agent there had been no discussions on the application.

Councillor Fleetwood declared that he was the County Councillor for the Cherry Willingham application.

Councillor Bierley declared that whilst he was a Member of the Corporate Policy and Resources Committee which had considered the proposals in application 135750 Gainsborough, he retained an open mind as to the determination of the application.

Councillor Boles declared that whilst he was a Member of the Corporate Policy and Resources Committee which had considered the proposals in application 135750 Gainsborough, he retained an open mind as to the determination of the application.

Councillor Boles declared that he worked with one of the speakers on application 135750 – Gainsborough, but had not discussed the application.

Councillor Milne declared that she had arranged a number of meetings between Sir Edward Leigh MP and interested parties for item 6d (135750 – Gainsborough), she had not taken part in any discussions on the application.

Councillor Cotton declared that whilst he was a Member of the Corporate Policy and Resources Committee he had not been present at the meeting when the Gainsborough application had been discussed.

Councillor Fleetwood declared that he was a Member of the Corporate Policy and Resources Committee which had considered the Gainsborough application, but had not taken part in the vote at that time, and was therefore free to debate the matter at this meeting.

## **9 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Planning Services Manager echoed the Chairman's thanks to the Committee Clerk for her services to the meeting over the years, and also the good wishes to Councillor Curtis.

The Central Lincolnshire Local Plan (CLLP) had now been formally adopted, following all the Inspector's proposed modifications being accepted. This was a significant achievement and provided clarity and a robust basis for the determination of applications.

The following hyperlinks provided access to the Plan, and hard copies would be provided to Members in due course. The new Central Lincolnshire Local Plan is available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/> . The accompanying Policies Maps are available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The Community Infrastructure Levy (CIL) public examination had taken place in March and was now progressing towards adoption and approval by Council. The proposed lower rate would have implications for infrastructure funding and a report was to be submitted to the Prosperous Communities Committee in July. No fundamental risks were anticipated and it was hoped for adoption by the end of 2017 or early 2018. The Charging schedules remained to be set.

The Chairman informed the Committee that a training session on the CLLP was to be provided, and it was verified that a range of training sessions on various aspects of Planning had been set for the year, some of which included invitations to Town and Parish Councils.

It was verified that all Councillors would receive a hard copy of the CLLP, not just the Planning Committee, and that Parish Councils could obtain a hard copy on request.

Members also requested that they continue to be notified of the adoption of any new Neighbourhood Plans and it was confirmed that a process was in place for this. All made Neighbourhood Plans and the status of each emerging plan can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/>

## **10 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in agenda item 6 (a) – (e) be dealt with as follows:-

### **10a 134096 CHERRY WILLINGHAM**

Planning application for erection of 69 dwellings on land off Hawthorn Road, Cherry Willingham.

Nick Grace of Ryland Design addressed the Committee raising the concerns that had been set out in the report – highways and sustainability, and questioned the fact that when the application had previously been considered by the Committee it had been deemed sustainable, but was now stated as not being so. The proposals were to be adjacent an existing construction site and would be 100% deliverable. A refusal would mean the loss of much needed affordable housing. The centre of Cherry Willingham was accessible by walking, cycling and public transport, and the school was also walking distance. The site was not remote like much of Lincolnshire and was a logical location for housing. Forty two

houses had already been sold in phase 1 and another 18 under construction in phase 2. It was questionable as to whether the site was in the open countryside, and felt that it would be pragmatic and sensible to approve the application.

Members discussed the application and questioned the distances into the town centre, feeling that most facilities were not within walking distance, and that public transport was not frequent. Whilst Cherry Willingham was a major settlement with facilities, the site was not close to the village centre and was recognised as being distinctly separate from it.

Councillors asked the question as to why the application had been deemed sustainable when previously considered, but was now not so. It was clarified that since being before the Committee previously the Central Lincolnshire Local Plan had been adopted and the site was not allocated for housing in the new Plan. There had been the opportunity for the site to be included as a housing allocation in the Local Plan but it had not been selected and other sites had been selected. Hawthorn Avenue was now designated as a hamlet and was remote from both Cherry Willingham and also Nettleham, and was more linked to Lincoln. It was confirmed that development in hamlets was permitted for single infill plots, and that 15% was for small and medium sized settlements and did not apply in this case.

It was also considered that the proposals were of a high density for a rural area, and although modifications had been made to accommodate additional parking there were still problems of overlooking of properties.

Reservations were also expressed regarding the proposed provision of additional consulting rooms for the doctors' surgery at Nettleham and how this would not benefit Cherry Willingham.

The recommendation in the report to refuse the application was moved and seconded and upon being voted upon it was **AGREED** that the application be **REFUSED**.

#### **10b 134553 TORKSEY**

Planning application for use of land for the siting of holiday accommodation units with an associated building to provide restaurant, village shop and tackle shop, with associated access, parking and landscaping on land adjacent Locklands Lake, Lincoln Road, Torksey Lock.

The Development Management Officer informed the Committee that as had been requested, a management evacuation plan as part of the flood risk assessment, had been provided, and that if approved, a condition should be included for the proposal to be in accordance with the Flood Risk Assessment.

George Martin, agent for the applicant, addressed the meeting and thanked the Development Management Officer for her assistance and support in the preparation of the application. Mr Martin noted with disappointment, the comments from Fenton Parish Council, as it was felt that the application was more relevant to Torksey than Fenton, and that Torksey Parish Council had not objected. This was proposed to be a unique development of attractive shepherds' huts, with associated landscaping and the provision of local facilities, which were currently lacking in the area. The proposals complied with all

relevant policies.

Councillor Stuart Kinch, spoke as local Ward Member, noting that many years ago Torksey was a very popular tourist location with many camping and caravan sites, with full, well used pitches, which supported local shops and businesses. As many of these sites had been lost to residential development local businesses had suffered and closed. Residents did not eat out with the same frequency as holiday makers. The current proposals would assist to regenerate the tourist industry and benefit the local economy.

Members commended the proposals and felt that the development would assist with employment and transformation of the area. It was hoped that visitors would be directed to the facilities in Torksey and Gainsborough.

It was agreed that the Parish Council comments were not considered relevant to the planning case before the committee.

On seeing photographs of the proposed huts, the Committee agreed that it was to be an attractive site. The question of the eastern access restriction was raised, and it was affirmed that this could be controlled by condition. It was noted that the shop would be constructed prior to siting of the huts.

It was moved and seconded that the recommendation in the report be **AGREED** and that permission be **GRANTED** with the additional condition as noted.

#### Additional Condition

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by R M Associates, dated 1 July 2013, including the following mitigation measures detailed within the FRA:

- The internal finished floor levels to be set no lower than 5.6mAOD (above ordnance datum) i.e. at least 600mm above the adjacent external ground level.
- The proposed developments to incorporate appropriate flood resistant and resilient measures, giving consideration to the recommendations of the Environment Agency and DEFRA report, 'Improving the flood performance of New Buildings – Flood Resilient Construction' (ISBN 9781859462874).
- In the event of a "Flood Warning" for the area being issued by the Environment Agency, the site to be evacuated and closed down and remain closed until the flood warning is no longer in force.

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

**Reasons:** To reduce the risk of flooding to the proposed development and future occupants, to reduce the consequence of flooding and to facilitate a quicker recovery in the event of a flood and to ensure the safety of the occupants of the site and to ensure that there is no additional burden placed on the emergency services during times of flooding.

## 10c 134332 GAINSBOROUGH

Planning application to erect a four storey block of 17 apartments with associated access and car parking-resubmission of 131913 on land on corner of North Street. Gainsborough.

John Bayley, of Keystone Architecture spoke in support of the application, describing how proposals for the site had been ongoing for a long time. He had worked with planning officers and amended the design through pre-application advice, and also had discussion with other departments, such as the Conservation officer, and their predecessor. Two areas of concern had been raised, conservation area and waste collections, both of which had been addressed. The highways department had raised no objections and the plans accorded with all requirements and the proposals would tidy a derelict site in the town centre.

Members noted that the site had a long history of applications, and previous permissions had been granted, none of which had materialised. Concerns were expressed regarding the lack of parking provision (eight spaces for 17 flats), as even though in the town centre, should require at least one per dwelling. It was felt that there was insufficient space in the public car parks nearby, which could often be full on Market days. The traffic on the roundabout was felt to be a problem with motorists entering the roundabout when they were not able to exit it, thereby causing a backlog of traffic. This could cause problems for emergency vehicles.

The Principal Development Management Officer pointed out that the Central Lincolnshire Local Plan did not include parking standards, so no requirement was set, and also the NPPF guidance was that in a town centre with access to public transport, there would be no requirement to set a minimum number of spaces.

Whilst it was agreed that the derelict site was an eyesore at the entrance to the town centre, concerns were raised whether the proposed development was appropriate. One Member noted the development of the flats on Church Street, and how this had become a mess, and whilst applications had to be determined on their own merits, it was important to learn lessons from previous developments.

Several Members of the Committee, whilst acknowledging all the concerns and potential problems, felt that there were no justifiable planning reasons to refuse the application. Further clarification was sought on the lack of developer contributions due to viability implications.

The recommendation to approve the application was moved and seconded, and on being voted upon the votes were equal at four votes for and four against. The Chairman then used his casting vote to **AGREE** that permission be **GRANTED** subject to the conditions as set out in the report.

**Note** Councillor Cotton had abstained from voting, and Councillor Smith requested that his vote against the approval be recorded.



**10d 135750 + 51 GAINSBOROUGH**

**Note** Councillor Smith left the meeting for consideration of the following item.

Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works.

The Principal Development Management Officer updated the Committee that Historic England and also the Victorian Society had maintained their previously notified objections, having been consulted on revised drawings. Condition 9 would require updating to reflect the revised plans submitted, and also an additional condition on the planning application to secure the recording of archaeological finds, as recommended by LCC Archaeology.

It was clarified that the Listed Building Consent was a separate application and would require to be determined individually, for referral to the Secretary of State, if agreed.

Clarification was also given on the relationship between North Street (Gainsborough) Limited and WLDC and it was confirmed that WLDC did not have an interest in the company making the application

Three people were in attendance to speak in support of the application. Dave Hale of Dransfield Properties gave assurance of the commitment to Gainsborough and described the work over many years to redevelop the site to a hotel, an Italian restaurant, with improvements to the car park and shops. This was a key site and a gateway to the town centre, and the proposals were supported by local businesses and residents, with a potential economic benefit to the town.

Richard Kane, Chairman of Gainsborough Trinity FC, which played in the Conference North league, described the need for a hotel to accommodate visiting teams and supporters, instead of having to direct visitors to Lincoln or Scunthorpe. The site was currently an eyesore and the proposed development for a high quality scheme was welcomed, and would benefit the visitor economy.

David Milles, Director of Hexadex, a subsidiary of Eminox, a multi-national company, also welcomed the creation of a hotel to accommodate visitors and business colleagues from overseas.

Members debated the application and agreed that the proposals would be of major significance in their benefit to Gainsborough and the wider economy, improving what was currently a derelict and unattractive site. The development would create 72 jobs and avoid directing visitors and losing local investment to Scunthorpe and Lincoln. There was a need to reinforce the message that Gainsborough was 'Open for Business'. It was generally felt that the scheme would provide for a much improved development over the planning permission that is already in place (also for a hotel) and that the public merits were such that

they outweighed the current Sun Inn's worth as a heritage asset worthy of preserving. It was also felt that the proposals would complement the Court Building opposite and provide significant improvements to a key gateway to the town centre. It was agreed that the revised design was even better than that previously approved.

The recommendation to approve the planning application was moved, seconded and voted upon and it was **AGREED** that planning permission be **GRANTED** with the additional conditions as noted earlier and set out below.

Condition 9 to read:

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

- 8315s/101L – Proposed Site Layout;
- 8315s/102K – Proposed Ground & First Floor Plans;
- 8315s/103E – Proposed Second & Third Floor Plans;
- 8315s/104E – Fourth Floor Plan / Roof Plan;
- 8315s/105N – Proposed Elevations;
- 8315s/108A – Proposed Boundary Wall;
- 8315s/109A – Proposed Demolition Plan;
- 8315s/111 – Proposed Wall Setting Out Plan;
- 8315s/128A – Proposed Street Elevations;
- 8315s/sk113K – 27 Market Street Proposed Ground & First Floor Plans;
- 8315s/sk115J – 27 Market Street Proposed Elevations;
- 8315s/sk123J – 35 Market Street Proposed Floor Plans and Elevations;
- 8315s/sk138H – 29 Market Street Proposed Ground & First Floor Plans;
- 8315s/sk140F – 29 Market Street Proposed Elevations;
- 0620-1 REV D Indicative Landscape Plan.

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 in order to accord with the provisions of the Central Lincolnshire Local Plan.

**Insert new Conditions (on the planning permission only):**

**Condition [X]:** No development (other than demolition) shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

- i. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- ii. A methodology and timetable of site investigation and recording.
- iii. Provision for site analysis.
- iv. Provision for publication and dissemination of analysis and records.
- v. Provision for archive deposition.
- vi. Nomination of a competent person/organisation to undertake the work.
- vii. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall be undertaken only in full accordance with the written scheme. Following the archaeological site work a written report of the findings of the work

shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National

**Condition [Y]:** The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in **condition [X]** at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street. Sun Inn Hotel, 1 North Street, Gainsborough.

Robert Barnes, Planning Prospects, addressed the meeting on the Listed Building proposals. Whilst supporting the preservation of listed buildings and heritage assets Mr Barnes agreed with the sentiments expressed by the Planning Committee that the public benefits of the proposed application outweighed any reasons to preserve the building.

It was then moved, seconded and voted upon and **AGREED** to notify the Secretary of State of the intention to grant listed building consent, subject to conditions.

**Note** Councillor Smith returned to the meeting.

#### **10e 135790 DUNHOLME**

Planning application to erect 64 dwellings with roads, garages and residential parking, including community parking and public open spaces on land North of Honeyholes Lane, Dunholme.

The Principal Development Management Officer informed the meeting that a letter had been received from the Chairman of Governors of Dunholme St Chads CoE Primary School, stating that the school had recently had to increase its capacity to accommodate additional children, and requested that any s106 contribution monies be directed to the school to update the existing facilities to make them fit for purpose.

Councillor Cotton sought clarification as to whether the school was voluntary or church aided, as this information was not available, Councillor Cotton took the decision to declare a personal interest and not take part in the determination of the application, as a minister of the church.

Anjum Sawhney spoke as the Chairman of the Parish Council, noting that the report did not address the loss of open space that could occur if the application was granted. The primary path to the school would be reduced and there would be a loss of amenity. Mr Sawhney

also commented on the lack of communication and consultation with the applicant, even though invitations had been issued to attend meetings. The original application had been well laid out and supported, however the proposed additional housing had been wedged in to a previously good application. It was feared that a further application would be submitted for a greater increase in the future. This application was now sited within a green area which had been used to defend against other applications and been supported by the Inspector.

Councillor Steve England, present as Ward Member, noted that the Neighbourhood Plan had encouraged the development of the site of the previous application, but that the current application represented a 30% increase. The Housing Needs Survey recommended a mix of all types of housing, however the proposal appeared to be mainly for larger dwellings, and the layout concentrated the affordable homes in one area rather than them being integrated across the development. The surface water drainage scheme was not acceptable to Anglian Water, and there were concerns that no responses had been received from the NHS or LEA. It was felt that if the application was for Outline Permission the outstanding issues could be addressed.

The Principal Development Management Officer indicated that the provision of open space was not significantly different to the previous application, although the sports and recreation facility was not now included. The density of 25 dwellings per ha. should not be considered as high. The Anglian Water objections to the drainage strategy could be addressed by conditions. Whilst the green wedge had been defended at appeal on other sites, this site was now allocated for housing within the Central Lincolnshire Local Plan and Dunholme Neighbourhood Plan.

Members of the Committee debated the housing mix and felt that the bias was in favour of four bedroomed homes, and that the affordable housing should be 'pepper potted' across the development. Concerns were expressed regarding the lack of dialogue with the developer, as there were benefits to all parties through proper consultation. Further reservations were expressed regarding school capacity and the inability of local children to gain places at their local school.

The Committee was reminded that valid Planning Policy reasons would need to be provided to refuse the application. Councillor Smith proposed that the proposals were contrary to Policies LP52, LP24, LP22, LP11 and LP10, and therefore proposed refusal on these grounds.

The proposal to refuse permission was seconded and on being voted upon it was **AGREED** that permission be **REFUSED** for the reasons as set out below.

Contrary to policy LP52 – Overdevelopment of the site above the level identified in LP52 and the Dunholme Neighbourhood Plan

Contrary to policy LP24 – insufficient new open space provided, contrary to policy

Contrary to policy LP22 – adverse impact on the adjacent open space allocated in the local and neighbourhood plan

Contrary to policy LP11 – a lack of integration of affordable housing across the site, resulting in a layout contrary to the integration required by the policy

Contrary to policy LP10 – development would fail to provide a mix of housing types needed to deliver a balanced site meeting different local needs

**11 DETERMINATION OF APPEALS**

**RESOLVED** that the determination of appeals be noted.

The meeting concluded at 8.33 pm.

Chairman

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**Planning Committee**

**Date 28 June 2017**

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

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

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

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

**Risk Assessment :** None arising from this report.

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

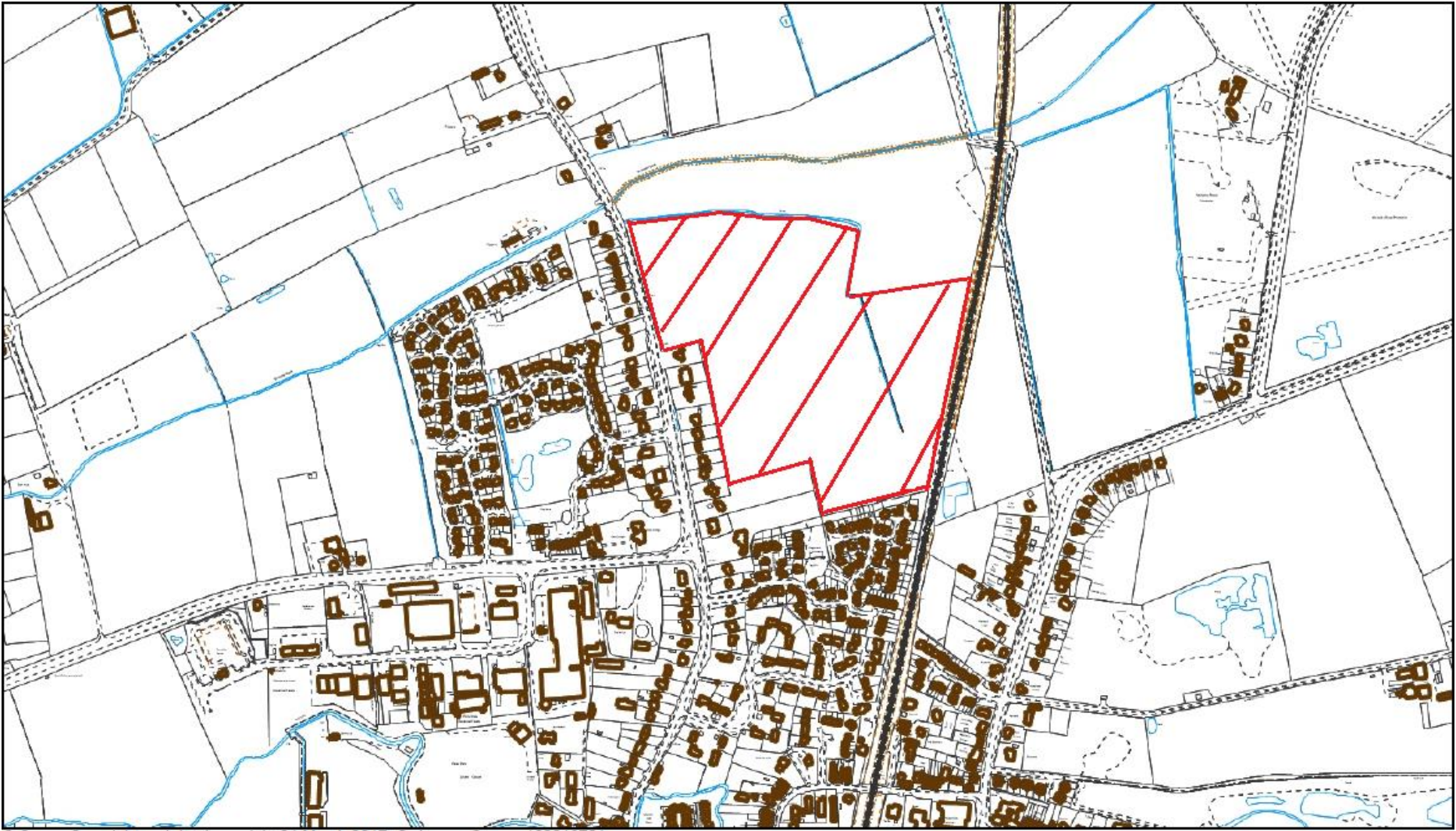
**Key Decision:**

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

**Yes**

**No**





## **Officers Report**

### **Planning Application No: 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 – Extension to 30<sup>th</sup> June 2017

**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 20% 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

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**Description:**

This application was deferred at the April 2017 Planning Committee meeting to provide additional clarification on the impact of the scheme on the highway system, the reclassification of the Environment Agency flood zone category, the adequacy of the drainage system proposed, sewerage capacity, Local Plan allocation and position in hierarchy of settlements.

Since the earlier meeting, the Central Lincolnshire Local Plan has been formally adopted. This now forms the Development Plan against which this application must be determined.

The application site is allocated for residential development in the Development Plan. Site CL1364 (policy LP51) is given an indicative capacity of 300 dwellings.

The recommendation remains to approve the application subject to the signing of an s106 planning legal agreement but as a result of the adoption of the Central Lincolnshire Local Plan (CLLP) there are a number of changes to the detail of the assessment including slight reduction in the affordable housing requirement from 25% to 20% (as per policy LP11).

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 2017:**

The development has been the subject of a screening opinion (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 objections with respect to the principle of developing in this location, the scale of development, the impact on the highway and drainage systems, the reclassification to lower vulnerability of the flood zone, and level and nature of publicity and consultation undertaken. A number of appeal reference has also been provided.

**Sir Edward Leigh MP:** Summary: The site is not allocated for housing under the West Lindsey 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 Councillor 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 [parish] 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 nonsensical.
- 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 an 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 excessive 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.

**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.

**Further comments received: May/ June 2017.**

**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 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 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.

### **Additional comments received 12<sup>th</sup> and 18<sup>th</sup> May 2017**

#### Flood Zone Classification

*'The flood zones in the Caistor Road area of Market Rasen represent the risk of flooding from the rivers and watercourses in Market Rasen only and do not consider any other sources such as groundwater or surface water. They were changed following a thorough and careful review of the evidence. The most recent flood risk modelling used updated Lidar data, which gives a more accurate representation of the ground levels compared to what was available when the area was designated as Flood Zone 3. This influences where on the site flood water could possibly flow. The new modelling showed that floodwater would not flow onto the site from the adjacent watercourse so the Agency were able to re-classify it as Flood Zone 1.'*

#### Foul Sewerage

The agency continue to request that development does not commence until a satisfactory foul drainage solution has been detailed and occupation does not begin until this infrastructure is in place. Information provided by Anglian water to the Environment Agency indicates that there is negative headroom (capacity) at the water treatment works for up to 3700 dwellings. Although Anglian Water has indicated to the applicant that due to a new desk top assessment that the system has capacity to accommodate the flows generated by the development it is not clear whether this includes the water treatment works.

Additional flows from new developments could overwhelm the sewerage network, or cause environmental limits to be exceeded, resulting in pollution of watercourses - with unacceptable consequences for the environment and local people. It is crucial that the planning system seeks to avoid such situations.

The effects of sewerage and waste water from a proposed development on the environment or an amenity are capable of being material considerations in determining an application or appeal. National Planning Practice Guidance recognises that the timescales for works to be carried out by a sewerage company do not always fit with development needs, and that local planning authorities should consider how new development can be phased. PPG confirms that planning conditions can be used to ensure that new development and infrastructure provision is aligned, and to ensure new development is phased and not occupied until the necessary works relating to sewerage treatment have been carried out.

A revised conditions is therefore requested to ensure capacity within the system is properly considered and in place before occupation:

*Condition*

*No building works which comprise the erection of a building requiring to be served by water services shall be undertaken (in connection with any phase of the development hereby permitted) until full details of a scheme (including phasing) for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.*

*Reason: To prevent flooding and detriment to public amenity through provision of suitable water infrastructure.*

**Anglian Water:** No response

**Lead Local Flood Authority & Highway Authority (LCC):** In Summary:

The application is supported by a Transport Assessment (the assessment). The assessment has been validated and accepted by the highway authority. Prior to production of the assessment, the highway authority had agreed the scoping details with the developer. The outcome of the scoping discussions identified that 4no junctions would require a detailed assessment in relation to traffic capacity, one of which was the Queen Street/Oxford Street junction.

Common practice is to undertake a future year assessment of the impact of the development. This is to reflect the estimated year in which the development is likely to be complete, and to take account of both background traffic growth and any other known committed developments.

As has already been reported in our consultation response to the local planning authority, of the four junctions that were assessed, only the Queen Street/Oxford Street junction required further consideration. When undertaking detailed assessments of junctions, specifically those that are controlled by traffic lights, a number of different factors and assumptions have to be made in order to give the assessment a reasonable sensitivity check. The conclusion of the detailed assessment, after taking all relevant matters and data into consideration, was that the development should not be prevented or refused on transport grounds as the residual cumulative impacts of development are not severe.

The modelling data used predicts that in 2026 the average vehicle queue lengths at the junction in the peak hour (pm) will increase by no more than 2 vehicles.

**HGV and Bus Access on George Street**

A 7.5T weight restriction (except for loading) exists along George Street. Other than implement and consider new requests for Traffic Regulation Orders, the highway

authority is not responsible for enforcement. Therefore, any enforcement issues relating to the order should be directed to the Police, as they are the responsible authority.

#### Footway Provision across the Town

As part of our consideration of the application issues such as sustainable movement were also considered. These considerations take into account of how the development will connect with the existing local attractors such as retail, leisure, education and employment centres. Generally, opportunities exist throughout Market Rasen for foot traffic to utilise existing infrastructure. Although not ideal due to width restrictions, opportunities to improve the existing footway infrastructure are limited, due to existing constraints of the historic town centre buildings. However, no recorded evidence suggests that the existing infrastructure is either inappropriate or unsafe. The highway authority has requested a number of planning conditions which would seek to provide identified improvements. These include a full footpath across the site frontage connecting to the existing network, and the alteration of the existing pathway approximately from the site to George Street bridge to create a joint cycle/ footway.

#### Surface water

The proposal includes an indicative drainage strategy. Such a strategy identifies the topography of the site, the ground conditions and makes an assessment of run off rates from the site currently based on known ground conditions. These conclusions have been validated by the LLFA.

The draft drainage management scheme proposes, a series of permeable paved areas linked to, swales and then attenuation ponds. The attenuation pond/ swales would be linked to the field ditch and then onward to Brimmer Beck. The link to the Beck would be regulated, limiting the level of water entering the beck even at periods of high rainfall to current greenfield rates. The scheme has been designed to accommodate a 1 in 100 year event plus climate change. Current rainfall falling to the site is unregulated.

The detail of actual scheme can be controlled through conditions which are requested to be imposed on any permission granted.

#### **Relevant Planning Policies:**

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017). The first strand of the NPPF's presumption in favour of sustainable development is to *"approve development proposals that accord with the development plan without delay"*.

#### **Central Lincolnshire Local Plan (CLLP)**



The CLLP was formally adopted on 24<sup>th</sup> April 2017, and now forms part of the Development Plan.

The plan is available to view here:

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

The application site is allocated for residential development in the CLLP. Policy LP51 indicates that site CL1364 has an indicative capacity for 300 dwellings. The following policies are considered to be particularly relevant:

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP9: Health and wellbeing
- LP10: Meeting 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

#### National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practise Guidance (NPPG)

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

#### **Main issues**

- *Principle of housing in this location and policy issues*
- *Sustainability*
- *Drainage & Flooding*
- *Highways safety and congestion*
- *Sustainability and impact on services and facilities*
- *Design and character*
- *Residential amenity (existing and future occupiers)*

#### **Assessment:**

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

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

The NPPF presumption in favour of sustainable development for decision taking means - approving development proposals that accord with the development plan without delay.

The applicable development plan against which this application must be determined (unless material considerations indicate otherwise) is the Central Lincolnshire Local Plan. The CLLP was adopted in April having incorporated all modifications required by the Planning inspectors to ensure it is found 'sound'.

Fundamentally, the application site is allocated for residential development in the CLLP. Site CL1364 is given an indicative capacity of 300 dwellings.

Development of the site is therefore in principle acceptable and in accordance with the development plan. Planning permission should be granted (unless there are any known material considerations to indicate otherwise).

It is important to recognise that the allocation was considered<sup>1</sup> in detail by the Planning Inspectors at the examination into the CLLP. Having considered all representations on the site, the Inspectors stipulated that the site indicative capacity should be increased to 300 dwellings (from 200), in order to make the Development Plan sound. The Inspectors set out a Main Modification to the Plan (MM/69) in order to achieve this and *"to ensure that Policy LP51 is effective"*.

It should also be recognised that, when considering Market Rasen as a whole, the Local Plan Inspectors concluded:

*"In total around 640 new dwellings are allocated in Market Rasen. Although this is a significant number of new houses, Market Rasen is a Tier 3 settlement. Given the size of the town, which has roughly 2,085 existing houses, the level of residential development proposed is proportionate to its size, role and function."*

The level of development proposed for Market Rasen has been determined to be proportionate to its size after thorough examination by the Government's Planning Inspectors, and the allocations for this Market Town are essential towards the Local Plan's housing strategy and maintaining Central Lincolnshire's five year housing land supply.

Policy LP2 allocates Market Rasen as a 'Market Town'. Such a settlement is the third tier of hierarchy. The policy indicates that to *maintain and enhance their roles* as market towns Caistor and Market Rasen 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.

<sup>1</sup> Paragraph 210 onwards, Report on the Examination of the Central Lincolnshire Local Plan (<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-examination/>)

Although located within the Parish of Middle Rasen the Central Lincolnshire Local Plan identifies the site as part of Market Rasen. Administrative Parish Boundaries and strategic planning allocations can be differentiated. This is not an unusual arrangement (as examples, consider that Gainsborough's Northern SUE will cross into Corringham Parish, and the Lincoln North East Quadrant would take place within Greetwell Parish).

In reality, whilst the site may well fall within the Parish of Middle Rasen, it is to all intents and purposes a physical extension of the settlement of Market Rasen for planning purposes.

This is not an error but a strategic planning decision on the most appropriate locations to enhance the role of Market Rasen as a growth settlement. Policy LP51, residential allocations – market towns, therefore identifies the application as allocation CL1364 as an appropriate location for around 300 dwellings.

The adoption of the CLLP is a crucial tool in directing growth with greater certainty within West Lindsey. Having been through an extended period of planning without an up to date local plan (and by association a 5 year housing land supply), the planning authority has at times struggled to defend its decisions on sites which are considered to be less than appropriate. With the adoption of the CLLP the authority's decisions, where they accord with the local plan, will attract full weight when balanced with any competing material factors.

These decisions underline importance of supporting the policies of the CLLP to deliver the required housing development. The plan currently allocates sufficient sites (along with an assumption for a limited level windfall development) to meet the 5 year housing supply required by para. 49 of the NPPF. The current application site will contribute significantly towards the 5 year housing land supply – it is included within Central Lincolnshire's supply.

The site therefore plays an important role in the provision of new housing to meet the 5 year housing supply within Central Lincolnshire.

The application has been submitted by a local housing developer increasing the likelihood of development, at least in part, within the first 5 years of the Plan period. This is a significant material consideration; if allocated housing sites are not delivered Central Lincolnshire planning authorities will find it difficult to justify the spatial policies of the plan as the 5 year housing land supply will be eroded and potentially undermined. This in turn will make it more difficult to defend a decision to resist inappropriate development elsewhere.

It is important therefore to place full weight on policies LP2 and LP51 in assessing the merits of this development on this site. Planning permission must be granted in accordance with these policies, unless there are any significant material considerations that would indicate otherwise.

In addition to this, the applicant proposes to meet the policy considerations of LP11 affordable housing with a full 20% of housing approved being allocated for affordable

housing units. In addition to this, 30% will meet part M4(2) of the Building Regulations Standards which provides homes which will be easily convertible for those whom require alterations/ adaptations for wheel chair or mobility reasons. These are important policy considerations which add weight to a positive to the recommendation.

In accordance with Planning Law, the Council, as Local Planning Authority must determine the application against the provisions of the Central Lincolnshire Local Plan.

As set out, the application site is allocated (LP51) for residential development (indicative 300 dwelling capacity). The Local plan Inspectors have made clear that “*the level of residential development proposed [within Market Rasen] is proportionate to its size, role and function*”.

Accordingly, planning permission must be granted, unless there were any significant material considerations to indicate otherwise.

- *Sustainability*

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. The Local Plan Inspectors have already concluded that the levels and locations of growth for Market Rasen, including the application site, are proportionate and sustainable.

Similarly, the application site itself has been deemed sustainable through the CLLP allocation process.

Policy LP13 indicates that: ‘Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;
- d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.

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
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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 within 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 extent of the change to a shared footpath/ cycleway would run from the site, along Caistor Road to approximately the George Street bridge. The applicant has agreed to such measures and this would form part of a legal agreement.

Since the previously committee, the Highway Authority, at the request of the planning committee, has re-evaluated its response to the application. In particular the pedestrian environment around the town centre and connections to local facilities has been reassessed. In doing so, the Highway Authority notes that opportunities exist to access all facilities and attractors by foot using existing infrastructure. It is accepted

that some of these footways may not be ideal and opportunities to improve such pathways limited due to width restriction imposed by the historic environment of Market Rasen. Nevertheless, it has been stated that there is no recorded evidence that the existing infrastructure is either inappropriate or unsafe.

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 station 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.

The applicant has completed a Health Impact Assessment in accordance with policy LP9 and as a result it is note that health and education establishments would be impacted upon. 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.

The Education Authority have considered the schools which pupils could attend and consider that the most appropriate focus for expansion and hence funding will be Market Rasen Primary School. This is due to the ability to physically expand the school and access. It should also be noted that there are limited opportunities to expand Middle Rasen Primary School and it would also lead to an increase in unsustainable journeys. Any s106 will therefore be focused on this Market Rasen Primary School.

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, however, 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

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.

The Town & Parish Councils, Ward Member 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.

Firstly, it should be recognised that, having considered all representations made, the Local Plan Inspectors nonetheless found the level of growth for Market Rasen was proportionate and that the site is appropriate for the development of 300 dwellings (which they increased from 200).

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. At the planning committee noted these concerns, and as above requested the Highways Authority has reappraised its response.

In reassessing the application the Highway Authority has again considered the Transport Assessment (TA) and validated its content and accepted its conclusions. The scope of the TA was previously agreed with the Highways Authority with 4 specific junctions being assessed. It was also agreed to assess the impact of the development at a future date to take account of the full level traffic generated by the proposal but also any growth in background traffic levels and those additional vehicles from other known committee developments.

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 carriageway 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 hand 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 background 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 could be 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
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	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 Left Right Ahead	100.0%	14.4	76.8	4.4	100.0%	13.4	76.8%	4.4
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 re-assessing the travel data within the TA 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. This is not, however, as a direct result of this proposal but general growth in traffic generally in and around the town. It is estimated that on average within the evening peak queue lengths would increase, as a direct result of this development by two car lengths only. This increase cannot therefore be considered significant.

The Highway Authority also notes that the junction is modelled by the applicant without an all red pedestrian phase which is included in their own assessments. 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 MOVA<sup>2</sup> 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.

Concerns have also been raised with respect to the operation of the Queen Street/George Street junction, with HGV, bus and tractor traffic turning into and out of the street causing hold ups, due to their width and ability to turn causing delays. It is also seen as a danger to pedestrians. The applicants TA, which has been validated by the Highway Authority, indicates that despite its narrow width, and increased usage, the junction would continue to operate within capacity. The Highway's Authority also point out that the road has a 7.5 tonne restriction (except for loading) it, which should limit, the use of the road, by the largest vehicles. Should drivers continue to use this, the police have powers to enforce these restrictions. This should reduce its use by those vehicles most likely to cause hold ups.

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.

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.

<sup>2</sup> Microprocessor Optimised Vehicle Actuation (MOVA)

The Local Highways Authority has, as noted above, also re-appraised the impacts of the proposal on traffic levels but also the existing highway environment for all road users. In noting that in some areas the footpath network may not be ideal, there is no evidence that routes into the centre of the town are unsafe and remain acceptable for use. Similarly, given the historic and constrained nature of the historic town centre environment improving the infrastructure (i.e. widening) on George Street and other town centre would not be possible to any significant degree. Nevertheless it is again noted that no objections on highway safety grounds nor capacity grounds have been raised with respect to this application from the Highway Authority.

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.

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.

In conclusion, whilst it is accepted that the development will increase traffic levels within Market Rasen and reduce the capacity of certain junctions, the data 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. It is important to reiterate that the highway issues relating to town will occur whether this proposal proceeds or not due to the natural increase in traffic. The impact this proposal would have on these issues would be limited and fall somewhat short of the severe impact that the NPPF sets with respect to resisting development on highway grounds. Given such conclusions it is considered that the proposal would accord with policy LP13 of the CLLP and indeed the provisions of the NPPF.

The site is allocated for residential development within the Local Plan (policy LP51), where the Local Plan Inspectors have concluded Market Rasen's proposed growth to be proportionate. The quantifiable residual impacts upon the highway arising from the development are not considered to be severe or otherwise constitute a significant material consideration that would indicate a departure from the Local Plan.

- *Drainage & Flooding*

The application seeks permission for up to 300 dwellings which directly accords with the allocation within the adopted CLLP. It is recognised within the previous iterations of the CLLP the indicative number of houses has varied overtime. The Local Plan Inspectors considered all the submissions out to them with respect to the draft allocation including objections from local residents and ward members.

However, the Inspectors noted that capacity had been reduced to allow for mitigation and in order avoid the areas at risk of flooding. However, they found that it had been *“demonstrated that up to 300 dwellings could be achieved on the site without encroaching onto the northernmost field adjacent to Brimmer Beck. This is a reasonable position and was the only reason why the site was limited to around 200 dwellings in the Submission Local Plan.”*

In *“order to ensure that Policy LP51 is effective”* they required a main modification to increase the site capacity to 300 dwellings, noting *“In the event that further investigations by the EA indicate that dwelling numbers need to be limited, or certain parts of the site restricted from new development, then other policies in the plan would ensure that the effects of flooding would be mitigated.”*

This is now therefore the adopted policy position of the Central Lincolnshire Local Plan.

It is worth stating that the lower housing numbers a previous edition of the plan took account that flood risk could not be fully quantified at that point in time and a precautionary approach was outlined. In taking such a stance it was noted in the submission draft CLLP that flood risk could recede following the submission of additional data. This is what has occurred since.

The CLLP indicates at policy LP14 that in respect of flood risk all development proposals will 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 exception over riding 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. In this instance, it is important to note that a remodelling exercise has been carried out on the site, not as a result of information provided by the developer but following a more comprehensive assessment of the River Ancholme and its tributaries. The information ascertained by the Agency was identified through Lidar survey data, which gives a more accurate representation of ground levels compared to that which was available previously. This influences where on the site flood water could possibly flow. The new modelling showed that floodwater would not flow onto the site from the adjacent watercourse so we were able to re-classify it as Flood Zone 1. It should be noted that the flood zones seek to represent risk from rivers and watercourses. These revised maps are 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 considered therefore that the site is not at significant risk from flooding, and is located within flood zone 1 (< 1:1000 annual probability of river or sea flooding) in accordance with advice within the NPPF and National Planning Practice Guidance (NPPG).

On this basis, the development accords with the sequential approach, advocated by CLLP policy LP14 and the NPPF, to locate development to those areas at lowest risk of flooding. In any event, the site is allocated within the adopted Local Plan which has undertaken a sequential approach towards allocating land for residential development.

Flooding can still occur as a result of rainfall and poor drainage. Indeed 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 the 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.

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 assessment and statement for the development has been submitted to address these concerns. This has been assessed by the Local Lead Flood Authority (LLFA).

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. 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.

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 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 could 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 meeting with the Lead Local Flood Authority, and no formal objections to the scheme has been received from the LLFA nor the Environment Agency, although the LLFA do seek a significant betterment in the form of a reduced discharge rate. 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.

It is important to reiterate that it is not the responsibility of the developer to alleviate existing flood risk conditions but to ensure the proposal would not increase the risk from flooding either on site or elsewhere. In this instance, the draft scheme provided shows that current greenfield rates of water running from the site into Brimmer Beck will not be increased. At times of heavy rain such water would generally be retained on site and only released at existing greenfield rates into the beck. It should not therefore increase flood risk downstream.

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 to the applicant 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.

Whilst accepting Anglian Water is required to accept flows and can increase rates to fund enhanced facilities it is also recognised that such upgrades do not always coincide fully with the development of an area. As a result the Environment Agency requires a condition to ensure the development of the site corresponds with any required improvements to the system. National Planning Practice Guidance (NPPG) recognises that the timescales for works to be carried out by a sewerage company do not always fit with development needs, and that local planning authorities should consider how new development can be phased. The NPPG confirms that planning conditions can be used to ensure that new development and infrastructure provision is aligned, and to ensure new development is phased and not occupied until the

necessary works relating to sewerage treatment have been carried out. The applicant has indicated an acceptance of this condition.

In conclusion, development will accord with CLLP policy LP14 in this regard.

- *Design and character*

Matters of scale, appearance, layout and landscaping are all reserved for subsequent approval.

The CLLP includes 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 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.

It is concluded that, subject to reserved matters, development is achievable whilst complying with the parameters of policies LP17 and LP26.

- *Residential amenity (existing and future occupiers)*

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 when the layout is to be determined. 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.

Policy LP26 of the CLLP seeks 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.

It is concluded that development of the site should be achievable without having an unduly adverse effect upon neighbouring properties and land, and that the development should comply with policy LP26 in this regard, subject to reserved matters.

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 and vibration levels within houses would not be unacceptable. The Council's Environmental Protection team have not disagreed with such an assessment but note that a full 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. The previous West Lindsey Local Plan (First Review), now superseded by the CLLP, required that a development of this size provided 10% of the total site as open amenity space. 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.

Policy LP24 of the CLLP takes a slightly different tact to the West Lindsey Local Plan. In general the policy notes that authorities will seek to:

- Reduce public open space, sports and recreational facilities deficiency;
- Ensure development provides an appropriate amount of new open space, sports and recreational facilities;
- Improve the quality of, and access to, existing open spaces, sports and recreational facilities.

The proposal puts forward significant areas of open space which can be utilised for amenity purposes. It is noted that access to certain facilities falls just above the threshold criteria required by the policy. The applicant is reviewing this element with respect to facilities and an update will be provided to the Planning Committee.

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 policy LP21 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. 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 be 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**

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

The statutory Development Plan, against which this application must be determined against is the Central Lincolnshire Local Plan, adopted 24<sup>th</sup> April 2017.

The site is allocated for residential development within the Central Lincolnshire Local Plan, for an indicative number of 300 dwellings.

In their examination into the Local Plan, the Government's Planning Inspectors, having considered all representations made on the site, nonetheless maintained the allocation and increased the capacity, through a main modification, from 200 to 300 dwellings.

The Inspectors are clear – they consider that the growth envisaged for Market Rasen, including the application site, *“is proportionate to its size, role and function”*.

The site contributes towards the Local Plan's housing growth strategy and will make an important contribution towards maintaining Central Lincolnshire's five year housing land supply.



The proposed development accords with the provisions of the Development Plan. As is required by planning law – planning permission must be granted, unless there are any material considerations which would indicate otherwise.

The NPPF is a significant material consideration. The first strand of the presumption in favour of sustainable development, the “golden thread” running through the NPPF, is to:

*“approve development proposals that accord with the development plan without delay”*

The proposed development accords with the development plan.

The loss of grade 3 agricultural land is accounted for in allocating the site for residential development in the Central Lincolnshire Local Plan. The site is part of Central Lincolnshire’s housing growth strategy.

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 300 houses. The Central Lincolnshire Local Plan is now adopted and full 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 20% affordable housing, some 60 units, compliant with CLLP policy LP11. 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.

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 actual 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 proportionate 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, the development is in principle acceptable as it is in direct accordance with the provisions of the Development Plan, namely policy LP51 of the Central Lincolnshire Local Plan. As per the presumption in favour of sustainable development, it should be approved without delay, unless there are any material considerations which would indicate otherwise.

The development would have some impacts on the highway network, foul drainage system and public services, but 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. They are not considered to be significant material considerations that would justify a departure from the Development Plan.

Overall, 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 adopted Central Lincolnshire Local Plan.

The proposal should be supported in accordance with the Development Plan, 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 20% 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 3 years 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 before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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 scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to the 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 building works which comprise the erection of a building requiring to be served by water services shall be undertaken (in connection with any phase of the development hereby permitted) until full details of a scheme (including phasing) for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, contamination and detriment to public amenity through provision of suitable water infrastructure.

6. 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.

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

8. 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.

9. 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 policies of the Central Lincolnshire Local Plan.

10. 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 policies of the Central Lincolnshire Local Plan.

11. 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 policies of the Central Lincolnshire Local Plan and the provisions of the NPPF.

12. Notwithstanding any indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include a minimum 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 policies of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

13. 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 policies of the Central Lincolnshire Local Plan and the provisions of the NPPF.

14. 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 policies Central Lincolnshire Local Plan.

15. No development shall commence until detailed plans are submitted to show that 30% of the houses approved can be built to Building Regulation Part M4(2) standard can be met. The development shall then proceed in accordance with the approved details.

Reason: To meet a specific housing need and in accordance with policy LP10 of the Central Lincolnshire Local Plan.

16. As part of the reserved matters applications required by condition 1 of this decision, details of the housing mix (size, bedroom numbers and nature of dwellings proposed) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the plans approved thereafter.

Reason: To ensure housing need is appropriately considered and in accordance with policy LP10 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

**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 Central Lincolnshire 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 policies of the Central Lincolnshire Local Plan 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 policies of the Central Lincolnshire 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 MI1028/002B) 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 the policies of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

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 policies of the Central Lincolnshire Local Plan.

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

None

**Advice Notes to developer**

In order to satisfy the condition 5 above, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity for the connection, conveyance, treatment and disposal of the quantity and quality of water arising from the proposed phase of development



## Officer's Report

### Planning Application No: 136188

**PROPOSAL:** Planning application to erect ground floor extension to the rear of the dwelling.

**LOCATION:** 1 Ulster Road Gainsborough Lincolnshire DN21 2QY

**WARD:** Gainsborough North

**WARD MEMBER(S):** Cllr Mrs S Bibb, Cllr G F Bardsley & Cllr M D Boles

**APPLICANT NAME:** Mr and Mrs Phillip Burrows

**TARGET DECISION DATE:** 30/06/2017

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

#### Description:

The application site comprises a semi-detached house within the built foot print of Gainsborough. The dwelling is set back from the highway with a short driveway leading to a detached single garage to the side (south) of the property. There is a small front garden and a fairly large rear garden. Ulster Road in this location is characterised by similar style semi-detached and detached dwellings. This is also the case with the northern side of Connaught Road to the south.

The planning application seeks permission to erect a single storey rear and side extension. The existing garage will be kept, but this proposal will replace an existing single storey (rear) lean-to structure that is currently attached to the west elevation of the property.

This application is a re-submission of application 133450 and is for a smaller extension than the one proposed under this previous application (which proposed a rear extension and a full length side extension which would have replaced the existing garage with an integral garage provided as part of the proposal). It is presented to the planning committee because the applicant is an employee of West Lindsey District Council in a team which liaises with development management officers.

#### Relevant history:

133450 - Planning application to erect single storey rear and side extension granted 19/11/2015.

#### Representations:

Chairman/Ward member(s):	No representations received to date.
Town Council:	No representations received to date.
Local residents:	<u>3 Ulster Road, Gainsborough:</u> Happy to support this proposal.
LCC Highways and	Having given due regard to the appropriate local and national

Lead Local Flood Authority:	planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.
Archaeology:	No objections or comments to make regarding this proposal.
IDOX:	Checked 05/06/2017.

<b>Relevant Planning Policies:</b>	
National guidance	National Planning Policy Framework (2012):  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>  National Planning Practice Guidance: <a href="http://planningguidance.planningportal.gov.uk/blog/guidance">http://planningguidance.planningportal.gov.uk/blog/guidance</a>
Local Guidance	Central Lincolnshire Local Plan ( 2012 -2036):  LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity  <a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a>
Neighbourhood Plan:	n/a

<b>POLICY LP26 – Design and Amenity</b>	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	
Yes. The proposed single storey rear and side extension would be built with materials to match the host dwelling and surrounding properties. It is considered subordinate to the existing property.	
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	
Yes. The proposed single storey rear and side extension would be built with materials to match the host dwelling and surrounding properties. It is considered subordinate to the existing property and would not detract from the character of the area with built or natural.	
Does the proposal harm any important local views into, out of or through the site?	
No.	
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	
Materials will match the host dwelling and surrounding properties.	
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?	
No. The proposed side and rear extension would be single storey and would not appear over dominant.	
A window and a roof light is proposed in the southern elevation of the extension which would cause no amenity concerns with the neighbouring properties (No.16 & No.18 Connaught Road) owing to boundary treatments and the fact that the above properties	

have long rear gardens that adjoin the boundary with 1 Ulster Road. Similarly, the single storey nature of the proposal would ensure that the scale would not be detrimental to these neighbours. There are no amenity concerns with this elevation.

A set of French Doors and a window is proposed in the rear (west) elevation of the property which will look out over the rear garden of the host property, beyond which lies another long rear garden belonging to a neighbouring property. Similarly, the single storey nature of the proposal would ensure that the scale would not be detrimental to these neighbours. There are no amenity concerns with this elevation.

There are no proposed openings in the northern elevation of the rear extension, just a rooflight window which would not affect the amenity of the neighbouring property.

The impact the extension would have on light and sunlight levels at the adjoining dwelling to the north (3 Ulster Road) would be limited by a 3.2m gap between the proposed extension and the boundary to that property, which incidentally is formed of a 1.8m timber fence. There are no amenity concerns with this elevation.

**Does the proposal adversely impact any existing natural or historic features?**

No.

**Other considerations:**

Does the proposal enable an adequate amount of private garden space to remain?

The front garden will not be affected and only a small amount of the private rear garden will be lost to this proposal.

Does the proposal enable an adequate level of off street parking to remain?

The proposal does not affect the current parking provision provided at the property (including off street parking on the driveway and detached single garage).

Reason for a committee determination

This application is to be determined at committee as one of the applicant's works for West Lindsey District Council in a position which has close links to the planning department. For probity the application is therefore brought to the Planning Committee for determination.

**Conclusion and reasons for decision:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy framework 2012 and National Planning Practice Guidance. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

**Recommendation: Grant Permission subject to the following conditions:**

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 16122016 Rev B dated 02/05/2017. 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.

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

**Reason:** To ensure the use of the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

**Reason for Approval:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy framework 2012 and National Planning Practice Guidance. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

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**Planning Committee**

**Date 28 June 2017**

**Subject: Determination of Planning Appeals**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

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

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

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

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

**Risk Assessment :** None arising from this report.

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

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

**Call in and Urgency:**

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

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)      **Yes**       **No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications      **Yes**       **No**

## Appendix A - Summary

- i) Appeal by Mr Graham Johnson against the decision of West Lindsey District Council to refuse planning permission to demolish existing outbuilding and erect new outbuilding comprising garage and external store 19 East Street, Nettleham.

**Appeal Dismissed** - See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr and Mrs A. Parkinson against the decision of West Lindsey District Council to refuse planning permission for erection of 7 no. dwellings with ancillary garages and formation of access at Waltham House, 116 Lincoln Road, Dunholme.

**Appeal Dismissed** - See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse permission

- iii) Appeal by Mr Colin Janney against the decision of West Lindsey District Council to refuse planning permission for Loft conversion to create two further bedrooms at Flat A, The Granary, John Street, Market Rasen.

**Appeal Dismissed** - See copy letter attached as Appendix Biii.

**Officer Decision** – Refuse permission.

- iv) Appeal by Mrs Picken against the decision of West Lindsey District Council to refuse planning permission for a dwelling and detached garage on land at The Spinney, Main Drive, Sudbrooke.

**Appeal Dismissed** - See copy letter attached as Appendix Biv.

**Officer Decision** – Refuse permission.

- v) Appeal by Allison Homes Ltd c/o Robert Doughty Consultancy Ltd against the decision of West Lindsey District Council to refuse planning permission for residential development of 38 dwellings on land at Nettleham Road, Scothern.

**Appeal Dismissed** - See copy letter attached as Appendix Bv.

**Officer Decision** – Refuse permission.

- vi) Appeal by Mr Charles Pickering (Zodiak Construction Limited) against the decision of West Lindsey District Council to refuse outline planning permission for the erection of up to 47 dwellings together with public open space and associated access arrangements on land North of Old Gallamore Lane, Middle Rasen.

**Appeal Dismissed** - See copy letter attached as Appendix Bvi.

**Officer Recommendation** – Grant permission.

**Committee Decision** – Refuse Permission

- vii) Appeal by Mr & Mrs K Laing against the decision of West Lindsey District Council to refuse permission for new dwelling adjacent to 94 Lincoln Road, Dunholme.

**Appeal Allowed** - See copy letter attached as Appendix Bvii.

**Officer Decision** – Refuse Permission

and

Appeal by Mr & Mrs K Laing against the decision of West Lindsey District Council to refuse permission for new dwelling adjacent to 94 Lincoln Road, Dunholme.

**Appeal Dismissed** - See copy letter attached as Appendix Bvii.

**Officer Decision** – Refuse Permission

- viii) Appeal by Mr Mark Robinson for MTR Planning against the decision of West Lindsey District Council to refuse permission for the development of 4 new houses on land rear of Sudbrooke House, Church Lane, Sudbrooke.

**Appeal Dismissed** - See copy letter attached as Appendix Bviii.

**Officer Decision** – Refuse Permission

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## Appeal Decision

Site visit made on 25 April 2017

**by Jason Whitfield BA (Hons) DipTP MRTPI**

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

**Decision date: 25<sup>th</sup> May 2017**

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**Appeal Ref: APP/N2535/D/16/3164907**  
**19 East Street, Nettleham, Lincoln LN2 2SL**

- 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 Graham Johnson against the decision of West Lindsey District Council.
  - The application Ref 134839, dated 10 August 2016, was refused by notice dated 19 October 2016.
  - The development proposed is demolish existing outbuilding and erect new outbuilding comprising garage and external store.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the decision was issued and this appeal submitted, the Council has adopted the Central Lincolnshire Local Plan 2017 (CLLP). The Council has confirmed that this replaces the adopted West Lindsey Local Plan First Review 2006. The appellant takes the view that the CLLP has no material bearing on the appeal and it should be determined on the policies applicable at the time of the original application. However, the Courts have confirmed that the appeal must be determined on the basis of the development plan as it exists at the time of my decision. I have therefore considered the appeal against the relevant development policies contained within the CLLP.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Nettleham Conservation Area.

### Reasons

4. The appeal site lies within the Nettleham Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (*the Framework*).
5. The CA is centred on the historic village green of Nettleham and the route of Church Street which leads from the village green to the Parish Church of All Saints which was originally built between the 13<sup>th</sup> and 15<sup>th</sup> centuries. The CA is

characterised mostly by 16<sup>th</sup> to early 19<sup>th</sup> century stone buildings focussed around the village green and the streets leading from it.

6. The appeal site lies within a group of old stone cottages and houses which provide an attractive and archetypal introduction to the CA, the significance of which derives largely from the history associated with the village green and the distinctive, vernacular architecture.
7. The appeal relates to a single storey detached outbuilding to the rear of 17-19 East Street which are mid-late 18<sup>th</sup> century in date. The building is also mid-late 18<sup>th</sup> century in date and was likely in agricultural use originally in connection with No 17-19 which would have been farm cottages. Whilst there are later additions, the building is constructed from a similar local stone and lime mortar to surrounding buildings.
8. Paragraph 132 of *the Framework* emphasises that great weight should be given to the conservation of heritage assets, with the level of weight to be guided by the importance of the asset. The appellant states that the building itself is not a designated heritage asset and therefore paragraph 132 has no bearing on the appeal. However, the *Framework* is clear that Conservation Areas are designated heritage assets and the appeal site lies within the CA. As such, paragraph 132 is applicable in this instance.
9. It is proposed to demolish the existing building and construct a replacement garage and domestic store in a similar position. It would include re-use of all existing stone, roof tiles, doors, frames and timbers where possible. Rainwater goods would be in the same style and form as the existing.
10. The proposal would result in the total loss of the existing building. Despite the building's condition and need for restoration, it nevertheless appears as a good example of a vernacular pre-industrial agricultural structure and indicative of the settlements agrarian origins. Moreover, whilst visibility of the building is partially restricted by surrounding properties, it largely survives in its original form and as such, makes a positive contribution towards the significance of the CA.
11. I have had regard to the Structural Survey which concludes that the defects to the building are severe to very severe and that the building is beyond the point of economical repair. The survey states that the walls, roof and lintels are in such condition that they can no longer be relied upon to provide long term structural stability without extensive repair works. However, there is no suggestion that such extensive repair works would not be technically feasible.
12. Furthermore, whilst I have been provided with comparative costs for the repair of the building and for the rebuild which suggest that repair would be more expensive, there is no compelling evidence to demonstrate that such repair would be economically unviable.
13. It has not therefore been demonstrated that the barn would be incapable of practical repair. As a consequence, it has not been established that the demolition of the building is justified on the grounds that it is not capable of retention and I find the loss of the building would result in harm to the heritage asset. To that end, great weight is to be given to that harm in line with paragraph 132 of *the Framework*.

14. I conclude, therefore, that the proposal would not preserve or enhance the character or appearance of the Nettleham Conservation Area. As a consequence, it would conflict with Policies LP1, LP17, LP25 and LP26 of the CLLP which set out a presumption in favour of development, seek to protect and enhance the value of the townscape, seek to protect, conserve and seek opportunities to enhance the historic environment and state that all development should seek a high quality of design.
15. It would also conflict with Policy D-6 and Policy E-4 of the Nettleham Neighbourhood Plan 2015 which state that new development should recognise and reinforce the distinctive local character and that within the conservation area development proposals will be expected to preserve or enhance the character of the area
16. In finding harm in respect of the significance of heritage assets, paragraph 134 of *the Framework* sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, that harm would be less than substantial and in accordance with paragraph 134 of *the Framework*, it should be weighed against any public benefits of the proposal. I have, however, no evidence to suggest that the proposal would result in any public benefit that would outweigh the harm identified.

### **Other Matters**

17. I note that the application attracted no objections or comments from neighbours or the parish council. However, the lack of objection would not outweigh the great weight afforded to the harm to the heritage asset identified above.

The proposals would have similar proportions to the existing building and would be set in a similar proximity to the Grade II Listed Building of 25 East Street. It would not appear as a dominant or incongruous feature. The proposal would therefore preserve the setting of the listed building.

### **Conclusion**

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

*Jason Whitfield*

**INSPECTOR**

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## Appeal Decision

Site visit made on 25 April 2017

**by Jason Whitfield BA (Hons) DipTP MRTPI**

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

**Decision date: 25<sup>th</sup> May 2017**

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**Appeal Ref: APP/N2535/W/17/3167823**

**Waltham House, 116 Lincoln Road, Dunholme, Lincoln LN2 3QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs A. Parkinson against the decision of West Lindsey District Council.
  - The application Ref 134685, dated 11 July 2016, was refused by notice dated 5 October 2016.
  - The development proposed is erection of 7 no. dwellings with ancillary garages and formation of access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. A 1:500 site plan and a 1:200 site plan were submitted with the application. The plans show a site layout for indicative purposes only. I have determined the appeal on that basis.
3. Following the refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (LP) on 24 April 2017. In their decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted LP. The appellant is aware of the change and therefore no party would be prejudiced by my determining of the appeal against the policies of the LP as the adopted development plan, as well as the National Planning Policy Framework (*the Framework*).

### Main Issues

4. The main issues are:
  - whether the proposal would be acceptable having regard to development plan policies in relation to the location of new housing; and,
  - the effect of the proposal on the character and appearance of the area.



## Reasons

### Location

5. LP Policy LP1 sets out that the overall strategy of the plan is to deliver sustainable growth, in line with *the Framework*. LP Policy LP2 sets out the spatial strategy and provides a settlement hierarchy to direct that sustainable growth. Dunholme is identified as a 'large village' which will be a focus for accommodating an appropriate level of growth. Most of the growth will be through allocated sites. The appeal site is not an allocated site for new housing. Nevertheless, the growth will also be accommodated through appropriate infill, intensification or renewal within the existing 'developed footprint'.
6. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes, inter-alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement.
7. The appeal site comprises an area of domestic garden on the west side of the detached property of Waltham House. It is adjoined on three sides by a flat and open expanse of agricultural land. To the east of Waltham House is an area of agricultural land which separates it from the continuous built form either side of Lincoln Road. Whilst I recognise the intervening area of agricultural land is an allocated housing site with an extant planning permission and would form the future developed footprint of the settlement, no development exists on that land at present. The appeal site is distinctly disparate from the existing built form of the settlement and relates more to the surrounding countryside. As a result, the appeal site would not constitute appropriate infill, intensification or renewal within the existing developed footprint of Dunholme.
8. LP Policy LP2 does allow for, in 'exceptional circumstances', additional growth on non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the developed footprint of large villages. The policy defines 'exceptional circumstances' as a matter for the decision maker but gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
9. I recognise that the appeal site would be immediately adjacent to the developed footprint of the village once the adjoining land has been built upon. However, whether the site is an appropriate location outside of, but immediately adjacent to the developed footprint is only to be considered if there are exceptional circumstances. In this instance, there is no evidence before me that the proposal would deliver a community facility for which there is an identified need. Nor indeed is there any evidence before me to demonstrate that any exceptional circumstances exist in this case.
10. The proposal would, therefore, fall to be considered as a countryside location. LP Policy LP2 allows for proposals in countryside locations which fall under Policy LP55. Policy LP55 states that new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. Those operations are restricted to development which is essential

for agriculture and other rural activities, minerals and waste, and renewable energy. Such operations are not relevant here.

11. LP Policy LP3 sets out the level and distribution of the LP's sustainable growth aims. Dunholme forms part of the Lincoln Strategy Area which is to accommodate around 64% of the total growth with priority for urban regeneration and sustainable urban extensions to Lincoln before growth at settlements which serve and are serviced by Lincoln. As set out above, the appeal site would not be within the existing developed footprint of Dunholme and would not therefore assist with the settlement's contribution towards the growth of the Lincoln Strategy Area – a contribution which includes two allocations for new housing sites in the LP as well as extant permissions for a further 8 houses within the village. Moreover, beyond the Lincoln Strategy Area, Gainsborough and Sleaford, the remainder of growth will be delivered in other areas only in accordance with Policy SP2. Therefore, the proposal would conflict with Policy SP2.
12. The Dunholme Parish Neighbourhood Development Plan December 2016 (NP) was made on 23 January 2017 and now forms part of the development plan. NP Policy 1 seeks to enable the delivery of around 329 new homes within the parish over the plan period, with Dunholme the main focus. The policy reflects the aforementioned LP housing allocations but also permits additional, small scale windfall developments within the existing built form of Dunholme. NP Policy 3 states that planning permission will be supported for small scale infill residential development within the existing built up form of Dunholme village provided it is located within the defined 'built up area' for Dunholme.
13. As with LP Policy LP2, the 'built up area' is defined as the continuous built form of the settlement and excludes, inter alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement. As set out above, the appeal site is distinctly disparate from the existing, continuous built form of the settlement and relates more to the surrounding countryside. As a result, I find that the proposal would not lie within the existing built form or 'built up area' of Dunholme. It would not therefore accord with NP Policy 3 in that regard.
14. I conclude, therefore, that the proposal would not be acceptable having regard to development plan policies in relation to the location of new housing. It would conflict with LP Policies LP1, LP2, LP3 and LP55. It would also conflict with Policies 1 and 3 of the NP. The Council has made reference to Policy 2 of the NP which relates to housing type and mix and is not relevant in respect of this main issue.

#### *Character and Appearance*

15. The appeal site comprises a relatively flat area of grassland associated with the garden area of the detached property, Waltham House. The land is devoid of any notable variations in gradient or topographical features. The boundaries of the site are delineated by hedgerows and trees.
16. The surrounding landscape is characterised by lowland agricultural fields which encompass the village of Dunholme and other settlements in the wider area. The openness and lack of built form is an important feature of the landscape, particularly in sensitive locations on the fringes of urban areas. As the site is

free of built development, its openness positively contributes to the character and appearance of the landscape.

17. I recognise that the visual impact of the proposal would be limited to an extent by the established vegetation around its boundaries, though the built form would nevertheless be readily apparent in medium and long range views in the wider landscape. Such views would materially change to be urban in appearance and the development would, given the location of the site, appear notably detached from the built-up area of the settlement. Although I recognise that the consented development on the adjacent would land would reduce that sense of separation, that development has yet to begin and, at around 275 dwellings, would take a significant time to complete. Thus, there would be adverse visual impacts in the short-medium term.
18. Moreover, whilst low density with the potential for generous gardens and landscaping, the development of 7 detached houses along with associated garages, hard surfacing and domestic paraphernalia would inevitably result in the loss of countryside and urbanise the site. As a result, the proposal would have a harmful effect on the prevailing character of the wider landscape.
19. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area, in conflict with LP Policy LP17 which seeks to protect and enhance the intrinsic value of the landscape as well as Policies 4 and 10 of the NP which state that development should preserve or enhance the village of Dunholme and should take into account the setting of the built up area. In addition, the proposal would conflict with paragraph 56 of *the Framework* which attaches great importance to the design of the built environment.

### **Other Matters**

20. Paragraph 12 of *the Framework* is clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. I have found that the proposal would conflict with the development plan in this instance. Nevertheless, *the Framework* is an important material consideration
21. The appeal site is within reasonable proximity of shops, services and facilities and I have no reason to disagree with the parties that the proposal would be a suitable location for new housing in terms of providing a choice of sustainable transport modes, in line with paragraph 29 of *the Framework*. I also recognise the proposal would make a modest, but nevertheless important, contribution towards boosting the supply of housing, in line with paragraph 47 of *the Framework*.
22. However, such benefits would be outweighed by the harm in respect of the location of new housing and the effect on the character and appearance of the area, in conflict with paragraph 56 of *the Framework*. The proposal would not fulfil the environmental role of sustainability and would not therefore constitute sustainable development in line with paragraph 7 of *the Framework*.
23. I note that the proposal would not have a harmful effect on highway safety in the area nor would it affect any heritage assets or trees in the area. I also

note the proposal would achieve good levels of natural surveillance, that there is sufficient capacity in existing infrastructure to accommodate the development and that it would not harm the living conditions of nearby residents. However, the lack of harm in those respects would not outweigh the conflict with the development plan and the subsequent harm which I have identified above.

**Conclusion**

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

*Jason Whitfield*

**INSPECTOR**

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## Appeal Decision

Site visit made on 10 May 2017

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

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

Decision date: 31<sup>st</sup> May 2017

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**Appeal Ref: APP/N2535/W/16/3162742**

**Flat A, The Granary, John Street, Market Rasen LN8 3HH**

- 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 Colin Janney against the decision of West Lindsey District Council.
  - The application Ref 134517, dated 23 May 2016, was refused by notice dated 18 August 2016.
  - The development proposed was originally described as "re-submission of planning application 133575 Loft conversion to create two further bedrooms".
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Following the determination of the planning application, the Central Lincolnshire Local Plan (2017)(LP) was adopted. This replaced the West Lindsey Local Plan (2006). I gave both parties the opportunity to comment on this and have had regard to these comments in my decision. As required by planning law<sup>1</sup>, I have considered the appeal on the basis of the policies set out in the LP.

### Main Issue

3. The main issue is the effect of the development on the character or appearance of the Market Rasen Conservation Area (MRCA) and the setting of nearby listed buildings.

### Reasons

4. The appeal site is a two storey building known as The Granary which has been converted into three flats. The Granary is part of a collection of buildings in a small courtyard that is accessed from John Street. To the opposite side is a public car park. The building faces Hannover House and there is a small enclosed garden area between these two buildings.
5. The proposed dormer would extend to almost the full width and height of the roof slope, resulting in a large and bulky addition, which would almost give the appearance of a full third floor to the original property. The overall scale of the dormer and its shallow roof slope would result in an ungainly and unduly

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

dominant alteration to the building. As a result of both the overall scale of the dormer and the number and position of the proposed windows, the roof slope would also appear overly cluttered. The placing of windows would also add an additional degree of asymmetry and imbalance to the principal elevation. Taken together, these factors would significantly detract from the host building's existing simple and traditional form.

6. Contrary to the appellant's assertion, the dormer would be a prominent feature from the edge of the public car park, particularly at the point where there is a pay machine and a pedestrian link to the high street. It would be reasonable to assume that there is significant footfall in this location. There are also a number of other properties around this end of the car park from which the dormer would be visible. The incongruous and unsympathetic nature of the alterations would therefore be readily visible to a large number of people from these vantage points. Whilst the car park itself may not contribute to the character of the MRCA to any significant degree, the buildings around it, including the appeal site and others in its immediate vicinity, contribute positively to the traditional market town feel of the area. The prominence of the development would serve only to highlight the harm caused to the host building and detract from the wider character and appearance of the area.
7. The Council has raised concerns over the effect of the development on the setting of the listed Advocate Arms. While I noted there would be glimpsed views of the roof from the pub car park, generally the two buildings would not be viewed in the same context and thus I am not concerned that the development would cause material harm to the setting of the pub. No other listed buildings have been specifically identified by the Council. Nonetheless, this does not alter my view that the development would cause harm to the MRCA by virtue of the unacceptable impact on the host building's appearance and the adverse effect its prominent position would have on the wider area.
8. I find therefore that the development would have an unacceptable adverse impact on the character and appearance of the MRCA. Accordingly, there would conflict with LP policies LP17, LP25 and LP26 which seek, amongst other things, to protect the intrinsic value of local townscape, protect and conserve the historic environment and to achieve high quality design that contributes positively to local character. There would also be conflict with paragraph 131 of the National Planning Policy Framework (the Framework) in terms of the desirability of sustaining and enhancing heritage assets.
9. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In my view, the extent of the harm caused by the development to the significance of the MRCA would be less than substantial. Paragraph 134 of the Framework states in such circumstances the harm should be weighed against the public benefits of the proposal. This is reflected in LP Policy LP25.
10. In this case, the development would facilitate an increase in the habitable space of the flat. This would result in only private benefits for the occupants. This does not carry significant weight in balancing the harm to the MRCA. No other benefits have been identified by the appellant. As such, the public benefits of the proposal would not outweigh the harm to the heritage asset.

### **Other Matters**

11. The appellant has drawn my attention to other examples of dormer windows in the vicinity of the site. The ones visible from the car park and in the courtyard are on the front and rear of the same building. These are far smaller examples of dormer than that proposed here and are not at the same height. Moreover, they do not dominate the roof slope in the same way as the appeal proposal. Therefore, they are not directly comparable to the proposal before me. Neither these nor other examples highlighted would lead me to conclude that such alterations are sympathetic additions or appropriate features within the MRCA and thus they do not alter my overall conclusion. In any event, I have considered the appeal on its own merits.

### **Conclusion**

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

*S J Lee*

INSPECTOR

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## Appeal Decision

Site visit made on 28 March 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: 31 May 2017**

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**Appeal Ref: APP/N2535/W/16/3164389**

**Land at The Spinney, Main Drive, Sudbrooke, Lincoln LN2 2QY**

- 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 Mrs Picken against the decision of West Lindsey District Council.
  - The application Ref: 134775, dated 27 July 2016, was refused by notice dated 5 October 2016.
  - The development proposed is a dwelling and detached garage.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - (a) The effect of the proposed development on the character and appearance of the surrounding area;
  - (b) The effect of the proposed development on trees protected by the Tree Preservation (Sudbrooke Park) Order 1950; and,
  - (c) Whether or not the site is acceptable in principle for the development proposed, including having regard to the site's accessibility.

### Reasons

#### ***Preliminary Matter – recent planning permission***

3. The appeal site currently forms part of the garden of The Spinney and has some cattery buildings on the rear part of the land. Planning permission has recently been granted for the reinstatement of a cattery business, including the erection of 2no. wooden structures (8 February 2017 Ref: 135650) on the appeal site.
4. The appeal proposal application details explain the intention is for a relative (the daughter) of the appellant to move to the site to live in the proposed dwelling and to run the cattery business. I have therefore considered the proposed dwelling and garage in light of the cattery permission on part of the appeal site. I will return to this matter later.
5. On 24 April 2017, during the appeal process the Council adopted a new policy document titled the Central Lincolnshire Local Plan (CLLP). In so doing the policies of the West Lindsey Local Plan First Review (2006) were superseded



and they no longer carry weight as policy. As a consequence, the Council has confirmed which policies of the new Local CLLP they rely upon. The appellant has been given an opportunity to comment upon that correspondence. I note that I have to determine the appeal upon the policies which are in force at the time of my Decision.

### ***Character and Appearance***

6. The Spinney and a number of other houses are located on the west side of Main Drive, a private access road. Those properties vary in size, height and design. However, a key feature of those properties is that they are situated in spacious grounds with a good degree of either on-site or backdrop planting including mature trees.
7. In the case of the appeal site, much of the area is open with substantial trees at both the rear and northern side of the plot (i.e. away from the host property The Spinney). A conifer hedge transects the site separating the cattery use from a front lawn area. This hedge would be removed as part of the proposals.
8. It is accepted by the Council that the proposed development would not harm the host or neighbouring properties in terms of privacy and light. Moreover reasonable space would exist, even with the cattery business, for day to day needs of the future occupiers. However, the width of the proposed bungalow and the position of the garage would be such that the building development would appear to fill the whole plot width. This combined with the siting and footprint of the existing bungalow and its detached garage would result in a significantly more urban appearance, which would be exacerbated by the closer proximity of the proposed house and garage buildings to Main Drive than the existing bungalow and its garage. In all, this scheme, despite the simple and elegant architectural approach, would have an unacceptable urbanising effect which would be out of keeping with the low density and more rural setting to this parkland area.
9. As such, I find conflict with policy LP26 of the CLLP which requires that new development must achieve high quality design that contributes positively to local character and creates a sense of place. It sets out a series of criteria against which development proposals will be assessed. These include that development relates well to the site and surroundings, particularly in relation to siting, scale, massing and plot widths. The proposal fails in this respect. For these reasons, I also find conflict with the National Planning Policy Framework (the Framework), which requires good design.

### ***Trees***

10. The appellant confirms that the trees shown on the application plan have their root protection areas (RPA) accurately identified. On this basis, and having in mind the Tree and Landscape Officer's comments that if the circles on the plans are the RPAs they would not object to the scheme, the trees on the boundaries of the site would be sufficiently distant that the proposed dwelling and the access to it would not harm them. Given the size of the remaining garden area and the position of the boundary trees to the north of the garden, it seems to me that there would be little pressure to have the trees removed due to issues of light. Thus, I am satisfied that the appeal scheme would not result in harm to the TPO trees subject to a condition to ensure that working practices during construction would be suitably controlled.

11. As such, I do not find conflict with CLLP policy LP17 which seeks to maintain natural site features, including trees, which make a valued contribution to the character of the area.

### **Principle of Development and Accessibility**

12. The Council relies on the CLLP allocations to explain that there is a 5 year housing land supply available. There is no substantiated evidence before me to counter that view. I shall, therefore, not consider this matter further given the recent date of the CLLP which makes provision for its housing requirement.
13. The CLLP for this area allocates Sudbrooke as a medium village (category 5) under Policy LP2 with scope for limited development (classed by the policy as typically up to 9 dwellings or 0.25 ha) to support its facilities. Policy LP4 explains it will permit growth of up to 10% during the plan period for this type of settlement. However, in Sudbrooke there is a planning permission for up to 130 dwellings and 25 apartments for retired living which was allowed on appeal<sup>1</sup>. These 155 dwellings exceed the 68 dwellings that the Council considers would amount to the 10% growth addition permitted in the CLLP.
14. Policy LP4 sets out that for proposals within or on the edge of a village in categories 5-6 of the settlement hierarchy where any development combined with extant permissions, amongst other things, exceeds that 10% figure, the proposal should be accompanied by demonstrable evidence of clear local community support for the scheme. The policy provides a definition which explains that this evidence should be provided at the application stage and explains how it is to be gathered and considered. Should the evidence not be clear, Parish or Town Council support will be required.
15. The appeal scheme has resulted in a letter of support from the West Lindsey Ward Member for Sudbrooke, no objection from the Parish Council and two further letters of support and a letter of objection. On balance, and bearing in mind the date of this application in respect of the date of adoption of the CLLP with its community support requirement in settlements where the 10% addition has been exceeded by an extant permission, it seems to me likely that this proposal could satisfy the requirements of policy LP4. However, in this case the principle of the proposed development is not the determinative matter for reasons set out above and noting my conclusions below. Thus, in respect of this proposal I have not attached material weight against the scheme on the basis of policy LP4, rather it seems likely that the scheme might well be able to comply in this respect, with the issue being one of timing in seeking the necessary support.
16. Turning to the specific matter of accessibility raised by the Council, the settlement has a modest range of facilities including a village hall and café (the shop has recently closed) and the appeal site is reasonably close to a bus stop providing access to Lincoln which is a few miles away. I agree with the Council that there is a likelihood that future occupiers would have some reliance on a private vehicle because of the limited facilities. However, bearing in mind the settlement's status and the facilities which are available along with the proximity to the bus stop, on balance, I consider this to be of limited weight in the planning balance. This is particularly the case given the CLLP development

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<sup>1</sup> APP/N2535/W/16/3144855

hierarchy policies and particularly LP2 and LP4 which indicate the acceptability (or otherwise) in principle for development.

### **Other Material Considerations**

17. The appeal site is accessed via a private drive through gates which are Listed Buildings and past a Lodge House, also a listed building. I am satisfied that the proposed development would be sufficiently separate from those Listed Buildings that the appeal scheme would not adversely affect their significance. Additional access by vehicles to the property would not alter the gateway's sense of arrival or diminish the function of those Listed Buildings. Thus, as the setting and significance of those buildings would be preserved I do not consider that the relationship to those Listed Buildings counts against this scheme.
18. The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.160 adjoining the site and forming the principal access to the proposed development. The Rights of Way Officer sets out that there are no recorded public vehicular rights to access the site. Therefore the appellant would need to satisfy herself of the existence of an equivalent private right of way and, in the event of reliance being placed on the applicant's ownership of Main Drive, then a private vehicular right should be conveyed before the intended property is sold. This is therefore a civil law matter and has not been a material consideration in my determination of this appeal.
19. In terms of the reinstatement of the cattery business, the relationship between the proposal and that permission would require further consideration were I to allow the appeal scheme. However, this has not weighed in the balance because I am satisfied that this could be resolved through conditions.
20. The appellant has explained that her daughter, and her family, is needed to run the cattery business. Although the cattery business could be run from the existing house on the site, such that this matter does not attract significant weight in terms of the needs of the business, those personal circumstances might gain the support required by policy LP4.

### **Planning Balance and Conclusions**

21. The size and positioning of the proposed development would harm the character and appearance of the area and conflict with development plan policies as well as policies of the Framework. Whilst it is possible that the development might gain the community support needed by policy LP4 because the development threshold has been exceeded for Sudbrooke, the harm to character and appearance is such that, for the reasons set out above, and having had regard to all other matters raised including the personal circumstances relating to the cattery business, the appeal fails.

*Zoë Hill*

Inspector

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## Appeal Decision

Hearing held on 22 March 2017

Site visit made on 22 March 2017

**by Amanda Blicq BSc (Hons) MA CMLI**

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

**Decision date: 31 May 2017**

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**Appeal Ref: APP/N2535/W/16/3160047**

**Land at Nettleham Road, Scothern, Lincoln, Lincolnshire LN2 2TY**

- 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 Allison Homes Ltd c/o Robert Doughty Consultancy Ltd against the decision of West Lindsey District Council.
  - The application Ref 134295, dated 8 April 2016, was refused by notice dated 22 June 2016.
  - The development proposed is planning application for residential development of 38 no. dwellings – resubmission of 133190.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. For clarity I have used the description of the development given on the appeal form.
3. I visited the village unaccompanied before the hearing, and made an accompanied site visit after the hearing.
4. The Council has advised that the Central Lincolnshire Local Plan was adopted on 24 April 2017. Consequently I give the policies within that plan and the Inspector's Report, full weight in my deliberations.
5. It was confirmed at the hearing that the Scothern Neighbourhood Plan (NP) was formally adopted on 23 January 2017. The appellant noted that the Written Ministerial Statement<sup>1</sup>, which outlines the weight to be given to NPs in situations where councils are unable to demonstrate sufficient five year housing land supply (HLS), is to be challenged later this year. However, I am obliged to determine this appeal in accordance with legislation and guidance relevant at the point of determination, and therefore I give this upcoming legal challenge little weight.
6. A letter forwarded from the appellant's solicitor which accompanied the Unilateral Undertaking submitted after the hearing<sup>2</sup>, states that a draft Section 106 agreement was shown to me at the hearing. This was not the case. I queried the status of the Section 106 agreement referred to in the evidence at

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<sup>1</sup> 12 December 2016

<sup>2</sup> Shakespeare Martineau, 30 March 2017

the start of the hearing and was advised it had been signed by the Council but remained incomplete.

### **Main Issues**

7. The main issues are:

- whether the Council can demonstrate a five year housing land supply; and,
- whether, in the context of local and national policies, the proposals would represent sustainable development with particular regard to location.

### **Reasons**

#### *Five year housing land supply*

8. The development plan policies relevant to this appeal comprise saved Policies STRAT3, 9 and 12 of the Local Plan<sup>3</sup> (LP), the NP, and Policies LP2, LP3 and LP4 of the emerging CLLP. These are policies which restrict housing supply.
9. The Inspector's Report states that the Inspectors are satisfied that there is a good prospect that there will be an up-to-date supply of specific deliverable sites sufficient enough to provide five years' worth of housing against the requirements of the plan upon adoption<sup>4</sup>. The appellant has provided further comment<sup>5</sup> suggesting that the Council's figures are flawed and it is argued that notwithstanding the adoption of the CLLP, the extant housing supply figure is less than that provided by the Council for the Local Plan. Nonetheless, the appellant concludes that even accounting for a diminished windfall supply, increased lapse rate and the application of the Liverpool method of adjustments to accommodate the shortfall, the existing housing supply as represented by the Local Plan, falls to 5.3 years. As such, this supports my reasoning that the Council can demonstrate a five year housing land supply (HLS) and that the policies cited by the Council should be given full weight.
10. The appellant has also drawn my attention to previous appeals in the district where Inspectors have concluded that the Council does not have sufficient HLS. However, these decisions predate the Inspector's Report and as such I give their conclusions in respect of HLS no weight.
11. As I give full weight to the Inspector's Report in respect of HLS, I conclude that the policies restricting the supply of housing in the saved LP and NP should be considered up to date and afforded full weight as set out in Paragraph 49 of the National Planning Policy Framework (the Framework). I also give full weight to the restrictive policies in the CLLP.

#### *Sustainable location*

12. The appeal site is a greenfield site, situated to the south-west of the small settlement of Scothern. Scothern is classified as a Medium Village<sup>6</sup> of 345 households in CLLP Policy LP2, which sets out the settlement strategy and hierarchy for the plan area. The village appears to have grown organically from its centre, and this is reflected in the diverse mix of housing styles and

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<sup>3</sup> West Lindsey Local Plan, June 2006

<sup>4</sup> Inspector's Report, Clause 251

<sup>5</sup> Robert Doughty Consultancy, 21 April 2017

<sup>6</sup> Figure given in Neighbourhood Plan

- associated variations in density and plot size. The evidence before me indicates its facilities comprise a village hall, garden centre, public house and primary school.
13. Saved LP Policies STRAT3, STRAT9 and STRAT12 taken together impose restrictions on development in the open countryside, (that is, outside designated settlements) and seek to encourage development of previously developed land. These policies are consistent with the core planning principles of Paragraph 17 of the Framework.
  14. The Council confirmed during the hearing that the categorisation of settlements in CLLP Policy LP2 was informed by their size and access to amenities. This policy states that Medium Villages will accommodate a limited amount of development in order to support their function and/or sustainability. There are to be no allocated housing sites except where they are already committed to development. Typically development proposals are expected to be on sites of up to 9 dwellings, or up to 25 dwellings in exceptional circumstances. The supporting text in the CLLP notes that this strategy will deliver growth to where it is most needed, and this approach is confirmed in the Inspector's Report. However, the scale of the development before me would considerably exceed that set out in the CLLP for a Medium Village, and represent an intensification of development well beyond that considered sustainable in relevant local policies.
  15. Furthermore, given the scale of extant permissions approved since the base date of the CLLP, the appeal before me would increase dwellings in Scothern by some 30 per cent. This figure does not take account of another development at Weir Farm<sup>7</sup> which is still being determined, and which would add a further 30 dwellings.
  16. The appellant argues that LP Policy STRAT3 identified Scothern as a primary rural settlement suitable for residential development. The supporting text to that policy states that in categorising settlements, their size, facilities, public transport provision and proximity to Lincoln were taken into account. However, it was confirmed during the hearing that CLLP Policy LP2 used similar criteria when determining the settlement hierarchy. I have no evidence before me to enable a direct comparison between the levels of public transport and facilities pertaining at the time of the respective LP and CLLP assessments, but the Council has now concluded that Scothern should have limited growth. Furthermore, the Inspector's Report recognises that services can vary over time, and that the number of dwellings in a settlement is a reasonable way to decide its position in the overall hierarchy<sup>8</sup>.
  17. Moreover, a comparison of the primary rural settlements listed in LP Policy STRAT3 and the Large Villages<sup>9</sup> listed in CLLP LP2 indicates that less than half of the settlements listed in LP Policy STRAT3 are now considered suitable for a higher level of growth. As such, whilst I appreciate that Scothern was previously identified as a rural growth point in the past, I conclude that the former level of public transport provision and amenities has diminished to a level where further growth is considered inappropriate.

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<sup>7</sup> APP/N2535/W/16/3152022

<sup>8</sup> Inspector's Report, Clause 78

<sup>9</sup> Villages listed as being key service centres

18. I appreciate that a previous appeal decision for Weir Farm<sup>10</sup> indicated that Scothern would be a suitable location for housing, having regard to the availability of local services, and it was this decision that prompted resubmission of this application. However, this decision was issued in February 2016 when the CLLP was at an earlier stage. Whilst I can appreciate that the Inspector gave CLLP Policy LP4 limited weight, the CLLP has now been adopted. As such, I give this decision limited weight in my reasoning.
19. Furthermore, the evidence before me indicates that subsequent to that decision a development of 130 dwellings and 25 apartments has been permitted at Sudbrooke<sup>11</sup>, which is some 0.8 miles from Scothern. This is a settlement whose residents share many of Scothern's limited amenities. I concur with the parish council that the appeal before me would put additional pressure on Scothern to an extent not taken into account by the Inspector for that Weir Farm decision.
20. The appellant argues that the 10 per cent growth figure set out in CLLP Policy LP4 is a random and arbitrary figure<sup>12</sup>. However, it is entirely reasonable that a Council should direct growth to particular settlements commensurate with their size and amenities. As noted above, the principle of this approach has been supported by the CLLP Inspectors. Whilst I appreciate that growth ceilings should not be overly prescriptive, the scale of the appeal before me is considerable in the context of the original settlement size and extant permissions. As such, I give this argument little weight.
21. The appellant carried out a community consultation exercise in respect of the development<sup>13</sup> and feedback suggested a local need for smaller and single storey homes suitable for older people. The consultation's report accepts this general preference and states that the development's design was subsequently informed by this feedback. Nonetheless, I note that out of the 38 proposed dwellings, only seven are bungalows and 30 dwellings would have four or more bedrooms. This suggests that the provision for locally identified housing need would be rather limited.
22. With regard to the socio-economic report<sup>14</sup>, I am not satisfied that the report demonstrates that there would be positive social or cultural effects for the residents of Scothern. In particular, the report highlights that residents have to travel by car to do their shopping and although there is a local aspiration for a community shop, and references to other infrastructure requirements<sup>15</sup> there is nothing to suggest that developer contributions would benefit the village other than through a commensurate capacity increase at the local primary school. In any case, addressing the increased demand for local school places would have a neutral effect on Scothern.
23. Furthermore, apart from the provision of 4 off-site affordable homes within a 5 mile radius of Scothern, and the primary school contribution, the identified social benefits for Scothern appear to comprise tree planting and the drainage pond associated with the site's landscape works, as well as reference to the site's location within 20 minutes walking distance of the village centre. Given

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<sup>10</sup> APP/N2535/W/15/3138200

<sup>11</sup> Representation from parish council

<sup>12</sup> Increased to 15 per cent in the Main Modifications

<sup>13</sup> Statement of Community Involvement, Robert Doughty Consultancy, June 2015

<sup>14</sup> Zeta Economics, 2016

<sup>15</sup> Sewage, medical facilities

that the areas of tree planting and open space shown on the layout plan are largely limited to narrow peripheral buffers and associated with a need to provide swales and a pond for sustainable drainage, I give references to the site's proposed green infrastructure and opportunities for physical activity, little weight.

24. Moreover, a large proportion of the proposed tree planting is sited on garden boundaries and notwithstanding that they are species unlikely to reach a considerable size, it is also likely they will be subject to pruning to prevent overshadowing. Consequently, I conclude that there is limited supporting evidence to suggest the development would have a positive effect on social cohesion, environmental or community benefits. Whilst this would not be sufficient on its own to warrant dismissal of the appeal, it supports my reasoning in respect of the cumulative effect of this development.
25. The parish council drew my attention to the provision of play facilities within the village. Having reviewed the plans, as noted above, although there are open spaces indicated on the layout<sup>16</sup> these appear to be largely associated with the drainage strategy or filling in awkwardly shaped spaces on the boundary. I am unable to identify any designated formal or informal play area and although this is not determinative in my reasoning, it reinforces my concern that the scale of the development would be disproportionate to the local community infrastructure, particularly given the number of large family homes proposed.
26. Concerns were also raised at the hearing with regard to highway safety and capacity, and drainage. The evidence before me indicates that neither the highways authority nor the drainage officers raised concerns in respect of the development that could not be addressed by mitigation and I see no reason to disagree with those conclusions. However, I noted that the approach road from the A46 is insufficiently wide to take two running lanes of vehicles, and Nettleham Road did not appear wide enough to allow two wide vehicles to pass without mounting the soft highway verge. Again, whilst not determinative to my reasoning, these observations reinforce my concern that the growth of Scothern should be limited in accordance with the guidelines set out in the emerging CLLP and other relevant local policies.
27. The socio-economic report outlines the district-wide employment and economic benefits from the construction phase of the development, and notes that expenditure from future occupiers could provide some limited additional revenue for the pub and the community hall. However, I am not satisfied that significant economic benefits of the development would necessarily be felt in Scothern, which is already undergoing significant expansion in the context of what appears to be a gradual diminution of local amenities and connectivity to services, since the adoption of the LP.
28. Given the scale of the appeal before me, together with the cumulative effect of recent developments of similar size, I conclude that future occupiers would be largely dependent on amenities and services in other settlements. I appreciate the appellant's argument that Paragraph 55 of the Framework states that development in one rural village may support services in another nearby. However, having concluded above that Scothern has the potential to exceed the level of growth set out in the CLLP by a considerable margin, I am not

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<sup>16</sup> SK-02



satisfied that the provisions of Paragraph 55 should be used to justify levels of growth that significantly exceed local growth strategies, particularly where local facilities are as limited as in this case.

29. I appreciate that the Council's policies identify Scothern as a sustainable location for growth, but it remains that together with other permissions, the village would exceed its growth ceiling by some considerable margin if this appeal was allowed. The appellant argues that developer contributions could address the Council's concerns in respect of affordable housing and education, but I have outlined above why I consider such a contribution would have limited benefit if the appeal was allowed. In any case, interested parties have raised other concerns, as outlined above.
30. As such, I conclude that the proposals would result in the excessive growth of Scothern and that this would not represent sustainable development with regards to location. Therefore, the development would be contrary to emerging CLLP Policies LP2, LP3 and LP4, the NP and saved LP Policies STRAT3, 9 and 12, which taken together, seek to direct growth to sustainable locations.

#### *Other matters*

31. At the hearing the appellant stated that the Council had signed a planning agreement. In the event, a Unilateral Undertaking (UU) was submitted after the hearing and a subsequent communication from the Council advised that the Council considered it no longer met the necessary tests for planning obligations. However, as I have found harm in relation to the main issue it is not necessary for me to consider the UU further, except in relation to its contribution to affordable housing which I have addressed in the planning balance below.
32. The appellant also argues that the delegated report states that the development would not prejudice the wider setting of the settlement. I agree that it would be seen in the context of other housing, and would not significantly intrude into views of, or from, the surrounding countryside. However, there is little evidence before me to indicate there have been objections on the grounds of character and appearance, and although I acknowledge that the appeal site's location has a degree of suitability for housing, this is not a determinative factor in my reasoning.
33. It is noted by the appellant that the Inspector's Report was placed on the Council's website without public notification. Nonetheless, the appellant was invited to comment when the Council advised it had been issued. The appellant also argues in a recent communication that this appeal should have been considered long ago. However, I have to determine the appeal before me in the context of legislation pertaining at the date of the decision.
34. The appellant argues that although there is an extant permission for Dunholme Road, the site is currently being marketed. Whilst I appreciate the appellant's point that there may be a delay in the implementation of building works on this site, there is nothing before me to indicate that the site will not be developed in accordance with that permission.

#### *Planning Balance*

35. Balanced against the harm I have identified above, the development would make a moderate contribution to the supply of housing as well as providing

four affordable homes in the wider area. However, the NP indicates that the immediate local need for affordable housing has been addressed.

Consequently, I am not satisfied that the benefits accrued from a limited number of affordable homes elsewhere, would outweigh the harm identified above with regard to the overall scale of residential development proposed in the context of this village.

36. In the light of the above, although I recognise that there would be benefit from the supply of housing, I am not satisfied that the three strands of sustainable development, as outlined in Paragraph 7 of the Framework, would be met if the appeal was allowed.

### **Conclusion**

37. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

Michael Braithwaite

Robert Doughty Consultancy Ltd

### FOR THE LOCAL PLANNING AUTHORITY

Rachel Woollass

West Lindsey District Council

Richard Green

West Lindsey District Council

### INTERESTED PARTIES

John Fotheringham

Catherine Nicoll

Scothern Parish Council

John Nicoll

Melanie Tointon

Scothern Parish Council

## **ANNEX 1**

### **Documents submitted at the Hearing (by agreement)**

1. Appeal decisions APP/N2535/W/16/3156035; APP/N2535/W/16/3142445; APP/N2535/W/16/3154773
2. Five Year Land Supply Local Plan Examination Note, 15 December 2016

### **Documents submitted after the Hearing**

1. Unilateral Undertaking

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## Appeal Decision

Hearing held on 4 May 2017

Site visit made on 4 May 2017

**by Beverley Doward BSc BTP MRTPI**

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

**Decision date: 31 May 2017**

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**Appeal Ref: APP/N2535/W/16/3162281**

**Land North of Old Gallamore Lane, Middle Rasen, 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 Mr Charles Pickering (Zodiak Construction Limited) against the decision of West Lindsey District Council.
  - The application Ref 134578, dated 13 June 2016, was refused by notice dated 21 October 2016.
  - The development proposed is the erection of up to 47 dwellings together with public open space and associated access arrangements. All other matters are reserved.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was submitted in outline form with all matters other than access reserved for future consideration. I have considered the appeal on this basis treating the submitted masterplan indicating a possible layout for 47 dwellings, the provision of public open space and grazing paddocks as being for indicative purposes only.
3. The Council's decision notice refers to policies of the West Lindsey Local Plan (First Review) 2006 (WLLP) and the submitted Central Lincolnshire Local Plan April 2016. The Central Lincolnshire Local Plan (CLLP) was adopted on 24 April 2017 and replaced the WLLP. The parties agree that the CLLP now forms the relevant development plan for the area and that the relevant policies should be given full weight. I have dealt with the appeal on this basis.
4. Following the issue of the Inspectors' Report on the examination of the CLLP dated 10 April 2017 the appellant indicated that he accepted that the matter of housing land supply had been robustly tested through the CLLP examination and that the Inspectors' Report had concluded that there is a good prospect that there will be an up-to-date supply of deliverable sites sufficient enough to provide five years' worth of housing against the requirements of the plan upon adoption. At the Hearing the appellant confirmed that he did not seek to contest the matter of housing land supply albeit my attention was drawn to the fact that the CLLP does not allocate sites to meet the full housing requirement and that there was therefore a reliance on windfall sites coming forward over the plan period to meet housing needs. It was agreed that the calculations for

the purposes of the five-year supply<sup>1</sup> include a windfall allowance of 748 dwellings which comprises 300 dwellings for the City of Lincoln and 448 dwellings for the rural area which includes Middle Rasen.

5. An application for costs by Mr Charles Pickering against West Lindsey District Council was submitted with the appeal documentation. However, this was subsequently withdrawn before the start of the Hearing.
6. My accompanied site visit included walking around the site, walking the public right of way across the site and some of those in the wider area. I also viewed the site from the rear garden of 6 Mayfield Crescent.
7. At the Hearing reference was made by an interested party to the number of housing sites with planning permission in Middle Rasen. The Council was unable to provide the detailed figures to substantiate the evidence provided at the Hearing therefore I gave the Council the opportunity to provide the details in writing after the Hearing session. The Council submitted the information within the timescales set and the appellant was provided the opportunity to comment upon it in writing.

### **Main Issues**

8. The main issues in this case are:
  - whether the proposal would be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development;
  - the effect of the proposed development on the character and appearance of the area, with particular regard to the Green Wedge; and
  - the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.

### **Reasons**

#### *Spatial strategy*

9. Policy LP2 of the CLLP indicates that the spatial strategy will focus on delivering growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities and supports necessary improvements to facilities, services and infrastructure. It also indicates that decisions on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.
10. The settlement hierarchy is set out in policy LP2 of the CLLP and Middle Rasen is identified as a large village. The policy indicates that to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area the identified settlements will be a focus for accommodating an appropriate level of growth. It indicates that most of this growth will be via sites allocated in the plan or appropriate infill, intensification or renewal within the existing developed footprint. However, it also indicates that in exceptional circumstances additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered

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<sup>1</sup> Central Lincolnshire Five year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)

favourably, though these are unlikely to be of a scale over 25 dwellings /1 ha per site (whichever is the smaller).

11. The appeal site is not allocated for residential development in the CLLP and the proposed development would not comprise infill, intensification or renewal within the existing developed footprint. Having regard to my findings below in relation to the second main issue, the site, if developed, could be considered to be in an 'appropriate location' immediately adjacent to the developed footprint of Middle Rasen as defined by the policy. However, the scale of the development being proposed is significantly more than 25 dwellings and whilst I appreciate that the policy wording provides some flexibility by the use of the word 'unlikely', a development of up to 47 dwellings, as is the case here, would be almost double the scale of development indicated in the policy as appropriate for a large village such as Middle Rasen.
12. In any event I am not persuaded that in this particular case any exceptional circumstances exist to justify approval of the proposed development given that the absence of any residential allocations in the CLLP within Middle Rasen and the reliance on windfall sites coming forward over the plan period to contribute towards meeting the overall housing requirement were clearly factors known to the Inspectors that examined the CLLP and found it to be sound on this basis as recently as 10 April 2017.
13. Accordingly, I consider that the appeal proposal would not be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development and would be contrary to policy LP2 of the CLLP.

#### *Character and Appearance/Green Wedge*

14. The appeal site forms part of an area defined as a 'Green Wedge' in the CLLP. Policy LP22 of the CLLP indicates that the Green Wedges have been identified to fulfil one or more functions and policy aims. It goes on to indicate that within Green Wedges planning permission will not be granted for any form of development including changes of use, unless it can be demonstrated that the development is not contrary or detrimental to their identified functions and aims or that it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.
15. It is no part of the appellant's case that it is essential for the proposed development to be located within the Green Wedge. The Council refers to the supporting text to policy CLLP and indicates that residential development is not included within the types of development that the supporting text indicates may be acceptable, so long as they are not detrimental to the character, role and function of the Green Wedge within which they are situated. Whilst this may be the case, from my reading of the supporting text it seems to me that the list of acceptable types of development is not exclusive but rather specifies some examples that may be included in this category. Accordingly, it is necessary to consider whether the proposed development would be contrary or detrimental to the relevant functions and aims of the Green Wedge which, having regard to the Central Lincolnshire Green Wedge and Settlement Breaks Review April 2016, in this case seem to me to be primarily to prevent the merging of Market Rasen and Middle Rasen and preserve their separate identity and character.

16. The appeal site comprises a number of fields, largely grazed by horses on the north-east edge of the built-up area of Middle Rasen. There is also a small garden centre/nursery on part of the site. The Inspector in a recent appeal decision<sup>2</sup> for residential development on the site described the site as not unattractive, being part of the open countryside setting of Middle Rasen, but also unremarkable in, and indistinct from, both its local and wider rural landscape context. From what I observed on my site visit I agree with this description.
17. The character of the appeal site is defined by the land use, largely grazed paddocks and a small garden centre/nursery, and its association with the settlement edge and the River Rase. The western half of the site has a semi-rural character with urban influence to the west and south from the adjacent properties. The urban influence gradually reduces towards the eastern end of the site giving it a more rural character with the river corridor being more evident and views being afforded towards the Lincolnshire Wolds.
18. In relation to this main issue, although the Council acknowledges the findings of the Inspector on the previous appeal proposal for residential development on the site it specifically contends that the proposed development would encroach into the countryside having an urbanising and harmful impact on the character of Old Gallamore Lane and on the footpath running through the site.
19. Whilst there would be some views of the development from Old Gallamore Lane, I saw from my site visit that there are already houses visible along the lane. Furthermore, having regard to the Landscape and Visual Assessment submitted with the planning application and the indicative masterplan, it would be possible to achieve a layout for the proposed development which, with the retention of much of the existing hedge along Old Gallamore Lane, would not lead to a stark change to its character.
20. In relation to the effect of the proposed development on the footpath running through the site I am particularly mindful of the findings of the previous Inspector on this matter. The footpath is relatively short, being a link between two lanes, rather than traversing the full width of the countryside within the Green Wedge between Middle Rasen and Market Rasen. The footpath would be retained on its original alignment and whilst there would inevitably be views of the development from the footpath it would run through the retained paddock at the western end and maintain an open and semi-rural outlook with views to the Lincolnshire Wolds Area of Outstanding Natural Beauty in the distance. Accordingly, I am not persuaded that the proposed development would unduly urbanise the footpath.
21. As with the previous Inspector who considered a similar, albeit slightly larger scale, residential development proposal on the site, I consider that, in so far as the proposed development would be situated in the Green Wedge it could not fail to reduce physically the gap between Middle Rasen and Market Rasen. However, its impact on the character and appearance of the Green Wedge would be limited and there would not be any actual or perceived sense of coalescence between the two settlements. Accordingly, the separate identity and character of the settlements would be preserved. The proposed development therefore would not be detrimental to the function and policy aims of this particular Green Wedge.

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<sup>2</sup> APP/N2535/W/15/3139041

22. To conclude on this main issue therefore, the proposed development would not materially harm the character and appearance of the area, with particular regard to the Green Wedge. Accordingly, it would comply with policy LP22 of the CLLP.

*Living conditions*

23. As indicated above the planning application subject to this appeal was accompanied by a masterplan indicating how 47 dwellings could be accommodated on the site. The appellant indicates that the masterplan seeks to address the concerns raised by the previous Inspector in relation to this main issue in his consideration of the earlier appeal proposal on the site which was for the erection of up to 53 dwellings.
24. A number of the existing dwellings in Mayfield Crescent and Meadowfield on the western/south western boundary of the site have open or sparse, low boundaries with the appeal site and the rear gardens to the dwellings are, in some cases, very short. In addition, in the case of No 6 Mayfield Crescent and Nos 4 and 5 Meadowfield, the dwellings are in close proximity to the site boundary. However, from the evidence I am satisfied that it would be possible at the reserved matters stage to achieve a layout for the proposed development that would provide a suitable separation distance between these existing dwellings on the site's western/south western boundary and the proposed dwellings to prevent overlooking and ensure that their outlook, both actual and perceived, was not significantly compromised or that there was no significant adverse loss of light. The appellant has indicated that he would be agreeable to a condition limiting the dwellings on the western/south western boundary of the site to a single storey in height and given that the dwellings on Mayfield Crescent and Meadowfield are bungalows the imposition of such a condition would further mitigate against the development having any adverse impact in these respects.
25. In relation to the other properties on the western boundary of the site, namely The Old Vicarage and Nintirri, I am satisfied from the evidence that it would be possible in the consideration of the reserved matters of layout and landscaping to achieve a scheme which was reflective of that indicated in the masterplan and that such a scheme would ensure that satisfactory living conditions would be provided for the occupiers of these neighbouring dwellings with particular regard to privacy, outlook and light. In this respect the masterplan indicates that the field adjacent to Nintirri and The Old Vicarage would be retained as a private paddock and that additional planting, albeit set away from the boundary, would provide screening from the public footpath across the paddock.
26. In the case of the existing dwellings, known as Bel Mar and The Cherries on the southern boundary of the site these properties are set well back from the boundary with the site and have lengthy rear gardens. Therefore, I am satisfied that given the intervening distance the proposed development would not compromise the living conditions of the occupiers of these properties with respect to privacy, outlook and light.
27. The daily activities of the occupiers of the proposed residential development would be likely to generate some noise. However, I see no reason why the noise levels associated with these activities should be such as to be so intrusive



so as to cause material harm to the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance.

28. To conclude on this main issue therefore, I am satisfied that the appeal proposal would not cause material harm to the living conditions of the occupiers of neighbouring dwellings. It would therefore comply with policy LP26 of the CLLP which sets out, amongst other things the amenity considerations which all development proposals should demonstrate. This policy is the most relevant of the CLLP policies indicated by the Council as having replaced the previous WLLP policies referred to on the decision notice in relation to this issue. Policy LP1 of the CLLP relates to the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

#### *Other matters*

29. There are three listed buildings in proximity to the site, the Grade II listed Watermill, Grade II listed Old Vicarage (formerly Laretto) and Grade II\* listed Church of St Peter and St Paul. The Council has not raised any objections to the effect of the proposed development on the designated heritage assets and from my observations on site I consider that the appeal proposal would preserve the setting of the listed buildings. Accordingly, it would comply with the principle of the Framework of conserving and enhancing the historic environment.
30. Interested parties raised a number of concerns in relation to highway safety, flooding and human rights. However, as I am dismissing the appeal for other reasons. It is not necessary for me to address these matters further.
31. A certified copy of a section 106 Agreement relating to the provision of open space and contributions towards the maintenance of the open space, affordable housing, education facilities, and health care facilities was submitted with the appeal documentation. Whilst the obligation in relation to affordable housing would have benefits the provisions of the section 106 Agreement would not overcome the harm that I have found arising from the proposal. Therefore, they have not had a significant bearing on my decision.

#### **Conclusion**

32. To conclude therefore, I have found that the appeal proposal would not materially harm the character and appearance of the area, with particular regard to the Green Wedge and would not cause material harm to the living conditions of the occupiers of neighbouring dwellings. In these respects therefore, it would comply with policies LP22 and LP26 of the CLLP. However, it would not be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development and would therefore be contrary to policy LP2 of the CLLP. Overall therefore, the appeal proposal would be contrary to the development plan as a whole.
33. I have found no material considerations which would warrant making a decision other than in accordance with the development plan. Therefore, for the reasons set out above and having regard to all other matters raised, the appeal should be dismissed.

*Beverley Doward* INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Thomas Smith MRTPI  
Brian Duckett MLA

Hankinson Duckett Associates

### FOR THE LOCAL PLANNING AUTHORITY:

Cllr Thomas Smith  
George Backovic

West Lindsey District Council  
West Lindsey District Council

### INTERESTED PERSONS:

Mrs Lesley Bailey  
Mrs Marie Feetham  
Mr John Williamson  
Mrs Christine Williamson  
Mrs Sharon Law  
Mrs Wendy Codd

## **DOCUMENTS SUBMITTED AT THE HEARING SESSION**

Email from West Lindsey District Council dated 3 May 2017 confirming that policies LP1 and LP26 of the CLLP have replaced policies STRAT1 and RES1 of the WLLP and detailing text of policies LP1 and LP26 of the CLLP.

List of suggested conditions

Additional statement of West Lindsey District Council in respect of CIL Regulation compliance of S106 agreement

Extracts from Policies Map for CLLP relating to Middle Rasen and Market Rasen

## **DOCUMENTS SUBMITTED AFTER THE HEARING SESSION**

Email from West Lindsey District Council dated 5 May 2017 attaching details of the housing sites referred to by an interested party.

Email from Appellant's Agent providing comments on details provided by West Lindsey District Council the housing sites referred to by an interested party.

Email from West Lindsey District Council dated 8 May 2017 confirming the number of dwelling units permitted on site 133601 in Middle Rasen.

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## Appeal Decisions

Site visit made on 22 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 2 June 2017

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### **Appeal A Ref: APP/N2535/W/17/3169001** **94 Lincoln Road, Dunholme, Lincoln LN2 3QY**

- 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 & Mrs K Laing against the decision of West Lindsey District Council.
  - The application Ref 134655, dated 2 July 2016, was refused by notice dated 25 August 2016.
  - The development proposed is new dwelling adjacent to 94 Lincoln Road, Dunholme, LN2 3QY.
- 

### **Appeal Ref B: APP/N2535/W/17/3169002** **94 Lincoln Road, Dunholme, Lincoln LN2 3QY**

- 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 & Mrs Keiran Laing against the decision of West Lindsey District Council.
  - The application Ref 135127, dated 17 October 2016, was refused by notice dated 12 December 2016.
  - The development proposed is new dwelling adjacent to 94, Lincoln Road, Dunholme, Lincoln LN2 3QY.
- 

## Decisions

### Appeal A

1. The appeal is allowed and planning permission is granted for a new dwelling adjacent to 94 Lincoln Road, at 94 Lincoln Road, Dunholme, Lincoln LN2 3QY, in accordance with the terms of the application Ref 134655, dated 2 July 2016, subject to the conditions in the attached schedule.

### Appeal B

2. The appeal is dismissed.

### Preliminary Matters

3. Since the determination of both applications, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) and Dunholme Neighbourhood Plan (NP) have been adopted. No comments have been submitted by the appellant in response and the appeals have been determined taking into account the LP and NP.

## **Main Issues**

4. The Council refused planning permission for Appeals A and B based on matters relating to the character and appearance of the surrounding area. Appeal B includes an additional reason for refusal relating to the living conditions of neighbours at 94 Lincoln Road. Accordingly, the main issues are:
  - The effect of the proposals on the character and appearance of the surrounding area; and,
  - The effect of the proposal on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to light, outlook and privacy.

## **Reasons**

### *Character and Appearance*

5. The appeal site forms part of the side and rear garden area of 94 Lincoln Road. No 94 forms a semi-detached dwelling with No 92 and is located in an area predominantly residential in use. Nos 92-94 sit amongst a line of six semi-detached properties similar in appearance that have frontages onto Lincoln Road. Dwellings in the wider area are mostly detached, varied in design and are sited closer together than the semi-detached group of properties. Surrounding properties are characterised by similar separation distances from their front elevation and Lincoln Road. This attribute gives the area a relatively ordered appearance. Outline planning permission has been granted for residential development at the field to the rear of the site.
6. A large side extension at No 92 has reduced the gap between Nos 90 and 92 and imbalanced the host semi-detached pair. Consequently the level of symmetry between the adjacent semi-detached properties has been reduced. In this respect, the appeal proposal A would not appear incongruous amongst the adjacent semi-detached properties. Furthermore, the backdrop of development to the rear of the site would reduce the gap as perceived between the semi-detached properties.
7. Moreover, having viewed the site from vantage points along Lincoln Road, appeal proposal A would be seen amongst detached properties in the wider area. Properties in the wider area are sited closer to one another than is the case with the semi-detached pairs. In this context, appeal proposal A would be an inconspicuous entity in the street scene, utilising a sympathetic scale, design and external construction materials. Therefore I conclude that Appeal A would not have a harmful effect on the character and appearance of the surrounding area.
8. Turning to Appeal B, I share the Council's concern regarding the extent of the front elevation setback from Lincoln Road. A common characteristic of properties in the surrounding area is a relatively consistent set back from Lincoln Road, evident from Nos 102 to 88. Appeal B proposes a dwelling with a front elevation close to the rear elevation of No 94. The extent of this setback would appear inconsistent in its immediate context and would unduly harm the ordered appearance of the surrounding area. The sympathetic scale and materials chosen would not mitigate the incongruous layout proposed. Consequently I conclude that Appeal B would have a harmful effect on the character and appearance of the surrounding area.

9. The policies of most relevance to this matter are saved West Lindsey Local Plan (WLLP) policies STRAT 1, 6, and RES 1, LP policies LP17 and LP 26, and NP policies 3 and 4. Appeal A would meet the requirement of these policies and Appeal B would not. Combined these policies require development to achieve a high quality sustainable design, layout and external appearance that contributes positively to the surrounding street scene and the local character of Dunholme village.

#### *Living Conditions*

10. The Council's concern in this respect relates to Appeal B only. Two first floor windows are at the rear elevation of No 94; one serving a bedroom, and the other (the closest to the proposed dwelling) serving a bathroom/a non-habitable room. Taking into account the first floor height, the siting of the bedroom window, and the remaining open aspect to the north, neighbours would retain a sufficient outlook and receive adequate levels of light at the bedroom.
11. The ground floor rear elevation window at No 94 serves a non-habitable room which is already enclosed by a single storey outbuilding, wooden panel fence and garden shed. Consequently the proposal would not harm the outlook or the level of light for neighbours looking out of this window. However, the two storey height and depth of the proposed dwelling would be in close proximity to the rear garden at No 94. Consequently, views from a large proportion of the adjacent garden area would be dominated by a two storey side elevation. This particularly oppressive outlook would unacceptably harm the living conditions of neighbours when spending time in the garden area.
12. The openness to the rear of No 92 would ensure sufficient levels of light reach the garden at No 94. However, this factor would not reduce the visual dominance of the proposal when viewed from the garden at No 94. As a greater separation distance is involved, neighbours at No 92 would retain adequate levels of light and outlook, and thus no harm to their living conditions in these respects. In addition, as the proposed side elevation does not contain any first floor habitable room windows, neighbouring privacy would also be preserved. However the harmful impact to the outlook of neighbours at No 94 described above would remain.
13. Therefore the proposal (Appeal B) would have a harmful effect on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to outlook. Consequently the proposal would be contrary to the requirements of WLLP policies STRAT 1, 6, and RES 1 and NP policy 3 which are of most relevance to this matter. Combined these policies seek to ensure development does not result in an unacceptable impact on the amenities of neighbouring uses.

#### *Other Matters*

14. Whilst raised as a consideration in the Council's Officer Report, I have not been provided with any up to date information or evidence regarding the Council's ability to demonstrate a five year supply of housing land.
15. However, even if I were to conclude that there is a shortfall in 5 year supply and that the relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission for Appeal B

identified above would significantly and demonstrably outweigh its modest benefits, which include its contribution to housing supply and access to public transport and facilities within the village.

16. Concern is raised by neighbours at No 92 regarding the effect of Appeal A on their living conditions, with reference to privacy and light. However, as appeal proposal A would be mostly tucked away to the side of No 94 with a sufficient separation distance from No 92, no harm would occur in these respects.

#### *Conditions*

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of them in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
18. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is necessary to protect the character and appearance of the area.
19. To limit disturbance to occupiers of surrounding dwellings, the Council's suggested condition relating to construction times is included. A condition relating to hardstanding details is necessary to ensure that the site is adequately drained.
20. As foul and surface water matters are dealt with by other regulatory regimes, this condition is not necessary.

#### **Conclusion**

21. For the reasons given above, and having taken all matters raised into account, I conclude that appeal B should be dismissed, and that appeal A should be allowed subject to the attached schedule of conditions.

*B Bowker*

INSPECTOR

### **Appeal A: Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 763-A3-001, 763-A3-002B, 763-A3-003A, 763-A3-004, 763-A3-005, 763-A3-006, 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A, 763-A3-011.
- 3) The materials used in the development shall match those stated on the application form and drawings: 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A dated June 2016.
- 4) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Any new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.
- 6) Before the dwelling is occupied, the access and turning space shall be completed in accordance with Drawing No. 763-A3-011 and retained for that use thereafter.

**- End of Schedule -**

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## Appeal Decision

Site visit made on 22 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 5 June 2017

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**Appeal Ref: APP/N2535/W/17/3169586**

**Land rear of Sudbrooke House, Church Lane, Sudbrooke, Lincoln LN2 2QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Mark Robinson for MTR Planning against the decision of West Lindsey District Council.
  - The application Ref 135044, dated 22 September 2016, was refused by notice dated 29 November 2016.
  - The development proposed is the development of 4 new houses.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. As the red site line in the submitted drawings was inaccurate, amended drawings were submitted by the appellant. As the amended drawings are for clarification purposes, I do not believe that any party would be unfairly prejudiced by my determining of the appeal with regard to them and I have done so on this basis.
4. Since the determination of the application, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) has been adopted. I also note that the Council's comments on the appellant's grounds of appeal in their Statement of Case refer to LP policies only. An opportunity to comment on the adoption of the LP was available to the appellant at the final comments stage. Accordingly, the appeal has been determined based on policies of the LP.

### Main Issues

5. The main issues are:
  - whether the proposal would accord with development plan policy regarding housing delivery; and
  - the effect of the proposal on the character and appearance of the surrounding area.



## Reasons

### *Local Housing Delivery Policies*

6. The appeal site is located on the western edge of the village of Sudbrooke and forms part of a rear garden that serves Sudbrooke House. In May 2014, the Council granted planning permission for five dwellings on land to the immediate east of the site.
7. The appellant asserts that the Council cannot demonstrate a five year deliverable supply of housing land. However, no substantive evidence is before me to underpin this assertion. The Council in its Officer Report state it can demonstrate a five year housing land supply as of September 2016, but accepted that the LP examination was ongoing at the time. As the Council have since adopted the LP, it is reasonable to assume that that the Examining Inspector considered the matter of housing land supply and concluded that the LP was sound.
8. Whilst the LP does not include any housing allocations beyond existing commitments, it prescribes growth levels for villages. Consequently, in the absence of any substantive evidence to the contrary and taking into account the recent adoption date of the LP, I have no reason to doubt the Council's ability to demonstrate a five year supply of housing land. Therefore, LP policies relevant to housing supply are considered up to date and thus full weight is afforded to them.
9. LP Policy LP2 identifies Sudbrooke as a 'medium village' that will accommodate a limited amount of development in order to support its function and sustainability. It goes on to state that typical development proposals will be on sites of up to 9 dwellings. In this respect, the proposal is in accordance with LP Policy LP2. LP Policy LP3 outlines the level and distribution of growth over the plan period and anticipates that development will be mostly focussed within the Lincoln Strategy Area. Of relevance, at part d) it refers development elsewhere to the requirements of LP Policy LP4.
10. LP Policy LP4 states that the number of dwellings within settlements such as medium villages will be permitted to grow by 10% unless an alternative growth level is identified. No alternative growth level is identified for Sudbrooke. Appendix B of the LP provides further guidance on this matter and the Council calculate (uncontested) that the 10% growth level for Sudbrooke equates to 68 dwellings over the plan period. Taking into account recent development at Sudbrooke Park, this figure has been exceeded. The appellant asserts that the permission at Sudbrooke Park could be unviable based on its large scale. However, no substantive evidence is before me to doubt its delivery.
11. Should the relevant growth level be exceeded, LP Policy LP4 states that proposals on the edge of a medium village should be accompanied by demonstrable evidence of clear community support generated by a thorough and proportionate pre-application consultation exercise. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, the site has not been allocated for development by a Neighbourhood Plan.
12. LP Policy LP4 also requires a sequential assessment to be applied to new development, with an initial priority given to suitable brownfield land or infill

sites within the development footprint of a settlement, then secondly to brownfield sites at the edge of the settlement, and thirdly to greenfield sites at the edge of the settlement. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, despite its vegetated boundaries, the site relates more to the countryside when viewed from the west. Consequently, the site is not within the development footprint of the village. Therefore the proposal would be contrary to LP Policy LP4.

13. In summary, I have identified that the scale of the proposal would be below the 9 dwellings threshold suggested by LP Policy LP2. However, this matter would be outweighed by the proposal's conflict with LP Policies LP3 and LP4.
14. Therefore the proposal would not accord with development plan policy regarding housing delivery, the requirements of which are outlined above.

#### *Character and Appearance*

15. During my site visit I observed the site from Scothern Lane and from Church Lane to the immediate west of the site. I also saw that the site is enclosed by extensive vegetation on its east, south and western boundaries.
16. The site is not an undeveloped gap between settlements. However, the adjoining section of Church Lane has an attractive verdant and rural character. Sudbrooke House and the property 'Two Corners' mark the visual transition from this pleasant verdant and rural character to the built form and development footprint of the village.
17. The parties disagree on whether the trees along part of the western side of the site are subject to a Tree Preservation Order. Nonetheless, the access would create an opening at the site's vegetated western boundary with Church Lane. The proposal would also require the removal of a number of large trees, which irrespective of their status, are visible from this vantage point and contribute to the verdant and rural character along this section of Church Lane.
18. Despite the right turn design of the access and the use of additional planting, I have concerns that it would take a significant period of time for vegetation to be of a sufficient height and extent to fully screen views of the proposal from Church Lane. I note that the appellant's Landscape and Arboricultural Statement acknowledges there will be a short term loss of tree coverage and amenity value at the site. Moreover, future occupants are highly likely to reduce or remove vegetation along the western boundary to ensure adequate levels of light and open views.
19. Whilst design is a reserved matter, the submitted plans illustrate four detached houses of similar footprint, layout and plot size to that permitted on the adjoining site. However, in contrast to the adjacent development, the proposal would be located directly opposite Church Lane and involve an access point off it. In this respect, unlike the adjoining development, the proposal would be a visually intrusive form of development when viewed from Church Lane.
20. It is put to me that irrespective of the outcome of the appeal, owing to their high density, the trees at the site will require removal in order to preserve neighbouring specimens and the levels of light reaching the garden. However, such works would not lead to views of residential properties directly opposite this section of Church Lane.

21. Vegetation along the southern boundary of the site gives the village a pleasant verdant edge when viewed from Scothern Lane. However, the proposal would be mostly screened by the adjoining development when constructed. Even if reduced in height by future occupants, the southern boundary of the site would be read as part of the development permitted at the adjoining site. I also agree with the appellant that the proposal would have a negligible to minor effect when viewed from the wider landscape.
22. However, the absence of visual harm when viewed from vantage points to the east and wider area would not remove the harm of the proposal identified to the verdant and rural character along this section of Church Lane. In my view, based on the evidence before me, this is not a matter that could be satisfactorily dealt with at the reserved matters stage.
23. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to LP policies LP17 and LP26 and paragraph 17 bullet point 5 of the Framework. Combined these policies require development to protect and enhance local character, natural features, the setting of settlements and the intrinsic character and beauty of the countryside.

#### *Other Matters*

24. A number of benefits are associated with the proposal which includes its provision of energy efficient family dwellings, its support to local services and construction employment, generation of CIL revenue and its ability to be delivered quickly. Public transport services and local facilities are also available in the surrounding area. However, these modest benefits combined would be outweighed by the harm identified in relation to the two main issues above.
25. I have also considered the larger scale development granted permission at Sudbrooke Park. However, the proposal before me is located in an area with a different character and involves different policy requirements owing to the recent adoption of the LP. Consequently, I afford this matter limited weight only.
26. As stated above, based on the evidence before me, I have no reason to question the Council's ability to demonstrate a five year supply of housing land. However, even if I were to conclude that there is a shortfall in 5 year supply as suggested by the appellant and that policies relevant for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified in the second main issue above would significantly and demonstrably outweigh the modest benefits arising from the proposal.

#### **Conclusion**

27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*B Bowker*

INSPECTOR

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